



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of  
Discrimination against Women**

**Consideration of reports submitted by States parties  
under article 18 of the Convention on the Elimination  
of All Forms of Discrimination against Women**

**Fourth periodic report of States parties**

**Estonia\***

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\* For the combined initial, second and third periodic report submitted by the Government of Estonia, see CEDAW/C/EST/1-3 which was considered by the Committee at its twenty-sixth session.

**Fourth Periodic Report on the implementation of the Convention on the  
Elimination of All Forms of Discrimination against Women submitted by the  
Republic of Estonia under Article 18 of the Convention**

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## Article 1

**For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.**

### Gender equality in legal acts

On 1 May 2004 the Gender Equality Act entered into force. The Gender Equality Act is the first of its kind in Estonia and clarifies terms such as gender equality, equal treatment for men and women, direct and indirect discrimination based on sex and it also stipulates grounds for the promotion of equal treatment for men and women.

The Gender Equality Act defines the term “discrimination against women”, which had so far been absent in the existing laws of Estonia and concerning which the Committee had earlier expressed concern.

Discrimination against women is defined through the requirement of equal treatment, according to which equal treatment of men and women means that there is no direct or indirect discrimination.

Direct discrimination based on sex occurs where one person is treated less favourably on grounds of sex than another person is treated, has been or would be treated in a comparable situation. Direct discrimination based on sex also means less favourable treatment of a person in connection with pregnancy and child-birth, parenting, performance of family obligations or other circumstances related to gender, and sexual harassment.

Indirect discrimination based on sex occurs where a seemingly neutral provision, criterion or practice would put persons of one sex at particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary. The definition of indirect discrimination based on sex also covers those activities which might appear neutral, but are discriminatory by nature.

Sexual harassment is a form of discrimination based on sex. Sexual harassment occurs where, in any subordinate or dependent relationship, any form of unwanted verbal, non-verbal or physical activity or conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating disturbing, intimidating, hostile, degrading, humiliating or offensive environment and when the person rejects or submits to such conduct because it is a direct or indirect prerequisite for getting hired, maintaining the employment relationship, participating in training, receiving remuneration, or other advantages or benefits.

## Article 2

**State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:**

**(a) to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;**

Gender equality is guaranteed when both men and women can equally acquire rights, fulfil obligations and take responsibility.

Equal opportunities must be created for men and women in professional life, acquisition of education and participation in other areas of social life. To achieve such a situation, it is necessary to prohibit both direct and indirect discrimination, to eliminate any existing gender inequality, create equal opportunities for men and women and implement different strategies to promote gender equality. Necessary legal grounds and responsible institutions are provided for in the Gender Equality Act.

### Gender Equality Act

The Gender Equality Act sets out the prohibition of discrimination based on sex and the obligation to promote equal treatment for men and women. Two new institutions will be created according to the Act – Gender Equality Commissioner and Gender Equality Council. The Gender Equality Commissioner is an independent and impartial expert who monitors compliance with the requirements set out in the Gender Equality Act and gives opinions regarding complaints submitted by persons. The Council advises the Government of the Republic in matters related to the promotion of gender equality.

### Obligation to promote equal treatment of men and women

State and local government agencies are required to promote gender equality systematically and purposefully. If necessary, they are required to change the conditions and circumstances which hinder the achievement of gender equality. Upon planning, implementing and assessing national, regional and institutional strategies, policies and action plans, the agencies have to take into account different needs and social status of men and women and consider how the measures applied and to be applied will affect the situation of men and women in society.

The law also provides for the duties of employers, educational and research institutions and institutions engaged in organising training (see also Article 2e).

The Minister of Social Affairs has the right to issue recommendations to execute the duties mentioned and also to implement the gender mainstreaming strategy.

### Promotion of the principle of gender equality as a member state of the European Union

Since 1 May 2004 Estonia is a member of the European Union. According to the Treaty Establishing the European Community, it is a shared goal of the EU member states to reduce unequal treatment of men and women and to promote gender equality.

The EU Council Regulation (EC) No 1260/1999; OJ L 161, 26/06/1999 laying down general provision on the Structural Funds also includes norms about the creation of equal opportunities for men and women in preparing and implementing projects.

In order to promote equality between men and women the authorities responsible for preparing the projects to be financed from Structural Funds are obliged to analyse and estimate the expected impact of the strategy and assistance, particularly on the integration of women and men into the labour market, on education and vocational training, on the establishment of women in business and on the reconciliation of family and working life.

#### **(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;**

As a general provision, the Gender Equality Act provides that direct and indirect discrimination based on sex is prohibited in all areas of social life. Specifically, discrimination in professional life is prohibited (see also Article 11).

The act sets out exceptions which might have an indication of gender discrimination but are justified for certain reasons. Provisions concerning the special protection of women in connection with pregnancy and child-birth, establishment of compulsory military service only for men or acceptance of only women or only men into the membership of a non-profit association if this arises from the statute of the association are not deemed to be direct or indirect discrimination based on sex.

It is also not considered discriminatory to afford a different treatment of a person based on sex in hiring or enabling the person training necessary to be hired, if the person's sex is a genuine and determining requirement due to the nature of the particular occupational activities concerned or due to the context in which they are carried out, provided that the objective of discrimination is legitimate and the requirement is proportionate.

Application of special measures which promote gender equality and grant advantages for the less-represented gender or reduce gender inequality are not considered discrimination (see also Article 4).

### Resolution of disputes concerning discrimination based on sex

The Gender Equality Act sets out the right of a person to protect his or her constitutional right not to be discriminated based on sex.

Disputes concerning discrimination shall be resolved in a court of law. In addition, every person has the right of recourse to the Labour Dispute Committee and the Chancellor of Justice. Employees and persons applying for employment, whom the employer has discriminated against, have the right to demand compensation for pecuniary and non-

pecuniary damage. A person has the right to demand compensation for discrimination as regards job offers.

### Burden of proof

It is difficult for an individual to establish that discrimination based on sex has occurred, since it is often complicated to prove that a person has been placed in a less favourable position because of gender.

According to the Gender Equality Act burden of proof has been partially placed upon a person against whom the application, complaint or petition about discrimination based on sex is submitted. The person who believes that he or she has been discriminated against must first submit facts, on the basis of which it can be presumed that direct or indirect discrimination based on sex has occurred. The person against whom the application, complaint or petition is submitted then has to explain that his or her behaviour has been motivated by some other acceptable reasons than gender identity. Once a person has established an allegation of discrimination the burden of proof shifts to the person who is suspected of discriminatory activities. If the person fails to explain the reasons and motives of his or her behaviour or decision, such behaviour will be deemed to equal to acknowledgement of discrimination by the person.

The shared burden of proof is not applied in administrative and criminal court proceedings.

### Compensation for damage

The Committee expressed concern that women lacked access to remedies to claim compensation for damages upon violation of the rights set out in the Convention. Disputes concerning discrimination are resolved in court and the court sets redress.

According to the Gender Equality Act an injured party may demand compensation for damage and termination of the harmful activity. An injured party may demand a reasonable amount of money to be paid as compensation for non-pecuniary damage caused by the violation. Upon determination of the amount of compensation, a court takes into account, *inter alia*, the scope, duration and nature of the discrimination. A court will also take into account whether the violator has eliminated the discriminating circumstances or not. A person has the right to submit a claim for compensation for damage within one year as of the date when the injured party became aware or should have become aware of the damage caused.

Estonian Women's Studies and Resource Centre and the Roundtable of Women's Associations have noted that the Act does not set out a minimum amount of compensation. Considering that it is possible to file a claim for damages only in court proceedings and that before initiating the court proceedings it is necessary to pay the state fee, the NGOs are of the opinion that in reality the possibility to claim damages has not been guaranteed to all women living in Estonia.



In cases of discrimination based on sex it is possible to base the complaint on the provisions of the Employment Contracts Act, the Wages Act and the Working and Rest Time Act. According to the Gender Equality Act a person can claim damages for discrimination in cases when his or her right not to be discriminated against has been violated. Under other laws a person may claim for other kinds of damages, for instance an employee can claim damages when the principle of equal remuneration was not respected by the employer or the employer otherwise violated the principle of gender equality stipulated in other legal acts. In such cases the court may award compensation based not only on the Gender Equality Act but also on other acts.

**(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;**

The competence of the court and the labour dispute committee will be further discussed under article 15.

There is no information that the provisions of the Convention have been directly applied by courts.

The Gender Equality Commissioner

The Gender Equality Act provides for the creation of a new institution – the Gender Equality Commissioner. The Commissioner is appointed to office by the Minister of Social Affairs for a term of five years and his or her activities are financed from the state budget.

The Commissioner monitors compliance with the requirements of the Act, accepts applications from persons and provides opinions concerning possible cases of discrimination.

The Commissioner is an independent and impartial expert to whom persons who have suffered due to discrimination and also persons who have a justified interest in monitoring compliance with the requirement of equal treatment may submit complaints concerning the questions of discrimination based on sex.

The Commissioner gives opinions concerning possible cases of discrimination. The aim of this is to give an assessment which, in conjunction with the Gender Equality Act, international agreements binding on the Republic of Estonia and other legislation, allows for an assessment of whether the principle of equal treatment was violated in a particular legal relationship.

Therefore it is stated that in providing his or her opinion the Commissioner has to take into account the norms of the Convention.

In addition, the Commissioner analyses the effect of legal acts on the situation of men and women in society, makes proposals to the Government of the Republic, government agencies, local governments and their agencies for amendments to legal acts, advises and informs the Government, government agencies and local government agencies on issues

relating to the implementation of the Gender Equality Act and takes measures to promote gender equality.

In order for an applicant to receive the opinion of the Commissioner, he or she has to submit to the Commissioner an application which sets out circumstances which indicate that discrimination based on sex has occurred. In order to provide an opinion, the Commissioner has the right to obtain information from all persons who may possess information which is necessary to ascertain the facts relating to a case of discrimination, and demand written explanations concerning facts relating to alleged discrimination based on sex, and submission of documents or copies thereof within the term designated by the Commissioner.

At the time of the submission of this report the statute regulating the activities of the Commissioner has been presented to various government agencies for consultations, and therefore it is presently not possible to give more information or to assess the activities of the Commissioner. The NGO Estonian Women's Studies and Resource Centre and the Roundtable of Estonian Women's Association have expressed concern that the statute of the Commissioner has not been adopted and the Commissioner has not started to fulfil his or her functions within eight months from entering into force of the Act. The NGOs have also criticised the Government that the Commissioner is not genuinely an impartial expert, since he or she is appointed to office by a political minister and that the Commissioner works under the Ministry of Social Affairs.

#### The Chancellor of Justice

Since 1 January 2004 the scope of jurisdiction of the Chancellor of Justice has been expanded. Everyone has the right of recourse to the Chancellor of Justice for a conduct of conciliation procedure if he or she finds that a natural or a legal person in private law has discriminated against him or her on the basis of sex, race, nationality (ethnic origin), colour, language, origin, religion or religious beliefs, political or other opinion, property or social status, age, disability, sexual orientation or other attributes specified by law.

In order to be able to submit a petition to the Chancellor of Justice, no court judgment may have entered into force in the same matter and there may not be a court proceeding or a compulsory pre-trial complaint proceeding pending in the matter.

The Chancellor of Justice verifies the activities of the natural or legal person in private law and conducts conciliation procedure based on the application of the person who finds that he or she has been discriminated against on the above-mentioned grounds. It should be stressed, though, that in order to conduct conciliation procedure both parties have to agree to take part in it. Since the conciliation procedure is not mandatory, the party against whom the complaint is submitted does not have an obligation to take part in the procedure. In addition, he or she may stop to participate at any stage of the conciliation procedure. If both parties have taken part in the proceedings and the Chancellor of Justice has approved the agreement, it is final and both parties are required to comply with it.

In practice, the Chancellor of Justice has not yet commenced a conciliation procedure concerning discrimination based on sex. The reasons for it could be that people are not yet

well aware of such an opportunity or that they do not want to disclose their problems, or it is also possible that people are unable to recognise when they have been discriminated on grounds of sex.

So far only one petition has been submitted to the Chancellor or Justice where the petitioner complained that the requirements for applying for Estonian citizenship were discriminating. As participation in the conciliation proceedings is voluntary and as the respondent refused to take part in the proceedings, the case was dropped and hence there was no decision on the merits.

**(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;**

Starting from 1 January 2004 everyone has the right of recourse to the Chancellor of Justice in order to have his or her rights protected by way of filing a petition to request verification whether a state agency, local government agency or body, legal person in public law, natural person or legal persons in private law performing public duties adheres to the principle of observance of the fundamental rights and freedoms and to the principles of good governance.

Earlier it was only possible to request the Chancellor of Justice to verify whether the activities of government agencies were in accordance with fundamental rights and freedoms.

The Administrative Procedure Act sets out the principles of ensuring the protection of fundamental rights and freedoms of persons and good governance. For example, the following principles are provided: fundamental rights and freedoms or other subjective rights of a person may be restricted in administrative procedure only pursuant to law; administrative acts and measures have to be appropriate, necessary and proportionate to the stated objectives, administrative procedure has to be purposeful, efficient and straightforward and conducted without undue delay, avoiding unnecessary costs and inconvenience to persons, and procedural acts have to be performed promptly, but not later than within the term provided by law or a regulation.

The State Liability Act, which entered into force on 1 January 2002, provides for the bases of and procedure for the protection and restoration of rights violated in the course of exercise of powers of public authority and performance of other public duties and compensation for the damage caused (state liability).

**(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;**

According to the Gender Equality Act an official of the structural unit of the Ministry of Social Affairs which deals with gender equality provides consultation to all persons on matters related to implementation of the principle of equal treatment for men and women. If necessary, the consultant will explain to a person which institution is competent to resolve a possible case of discrimination and, at the request of the person, assistance will be provided with preparing a written application and submitting it to a competent body, except if the competent body is a court or a labour dispute committee.

Measures have been adopted to change the existing patriarchal gender system in Estonia and to reduce indirect discrimination against women in work life.

The Gender Equality Act stipulates an obligation of employers actively to promote gender equality. This obligation extends to all employers, both in private and public sectors. In order to facilitate this, the legislator has given the following recommendations to the employers in the law:

- 1) To employ persons of both sexes to fill vacant positions;
- 2) Ensure that the number of men and women hired to different positions is as equal as possible and ensure equal treatment for them in promotion;
- 3) Create working conditions which are suitable for both women and men and support the reconciliation of work and family life, taking into account the needs of employees.

Employers have an obligation regularly to provide relevant information to employees and their representatives concerning equal treatment for men and women in their organization and measures taken in order to promote equality. Employers also have to inform employees of the rights ensured by the Act.

The Gender Equality Act provides that an employer has to collect gender-based statistical data concerning employment. If necessary, the data should enable the relevant institutions to monitor and assess whether the principle of equal treatment is complied with in employment relations. This can be used as a means to highlight problems of gender equality. The procedure for the collection of data and the list of data is established with a regulation of the Government of Republic; currently the consultation procedures concerning the regulation are pending between different government agencies.

The Chancellor of Justice has the duty to promote gender equality and the principle of equal treatment. The Chancellor of Justice has deemed it important to engage in cooperation with non-governmental organisations. In 2004 a Roundtable for Gender Equality was organised together with representatives from non-governmental organisations. One of the aims of the roundtable was to discuss problems of equal treatment in Estonian society and also to explain the competence of the Chancellor of Justice in dealing with those problems.

**(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;**

The Gender Equality Act establishes the duty of the employer to ensure that employees do not become victims of sexual harassment.

The person who harasses can be a subordinate of the employee, co-worker, immediate supervisor or the employer himself or herself. People working in the field of services can also become victims of harassment by customers. These situations also call for the employer to take measures to ensure the elimination of harassment. An employer is responsible for failure to perform the duty of care if the employer is aware or should reasonably be aware that

sexual harassment has occurred and fails to apply the necessary measures to terminate such harassment.

The Committee advised the Government to ensure that such violence constitutes a crime punishable under criminal law, that it is prosecuted and punished with the required severity and speed, and that women victims of violence have immediate means of redress and protection. The Committee also suggested that the Government undertakes awareness-raising measures, including a campaign of zero tolerance, to make such violence socially and morally unacceptable. It recommends the introduction of a specific law prohibiting domestic violence against women, which would provide for protection and exclusion orders and access to legal aid.

There is no specific definition of violence against women or violence in a couple-relationship in the Estonian law. Acts of violence can be prosecuted as offences against the person as of 1 September 2002 when the new Penal Code entered into force.

According to § 118 of the Penal Code, causing serious damage to health, which results in a danger to life, a severe physical illness, a severe mental disorder, miscarriage, a permanent mutilating facial injury or the loss or cessation of functioning of an organ is punishable by 4 to 12 years' imprisonment.

Threat (§ 120), physical abuse (§ 121) and torture (§ 122) are qualified as acts of violence.

A threat to kill, causing health damage or causing significant damage to or destroying property, if there is reason to fear the realisation of such a threat, is punishable by a pecuniary punishment or up to one year of imprisonment.

Causing damage to the health of another person, or beating, battery or other physical abuse which causes pain, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

Continuous physical abuse or abuse which causes great pain is punishable by a pecuniary punishment or up to 5 years' imprisonment.

Acts of violence, such as beating or recurrent beating, are qualified as physical abuse.

The greater seriousness of offences against a family member is due to aggravating circumstances laid down in the general part of the Penal Code. An aggravating circumstance is the commission of the offence against a person who is in a service related, financial or family-related dependent relationship with the offender; self interest or other base motives, commission of the offence with particular cruelty or by causing degradation of the victim, commission of the offence knowingly against a person who is less than 18 years of age, pregnant, in an advanced age, in need of assistance or has a severe mental disorder (§ 58).

According to the Code of Criminal Procedure, an investigative body or a Prosecutor's Office commences criminal proceedings if there is reason and grounds for it. The reason for the commencement of criminal proceedings is a report of a criminal offence or other information indicating that a criminal offence has taken place. A report of a criminal offence shall be submitted to an investigative body or a Prosecutor's Office orally or in writing. An oral

report of a criminal offence which is submitted directly on site of the commission of the offence shall be recorded in a report, and a report of a criminal offence communicated by telephone shall be recorded in writing or audio-recorded (§§ 193-195).

In 2001 the Estonian Open Society Institute conducted a survey commissioned by the Ministry of Social Affairs. According to the survey, 16% of women had suffered direct physical and sexual violence in the past year and overall 21% of women had suffered violence in general (this also includes psychological violence).

In 2003 another survey on violence and women's health was conducted (with 1008 respondents, incl. 544 women and 464 men). The survey showed that 68% of victims of domestic violence were women under the age of 40. The biggest risk group were women aged 21-30 and living in non-registered marriage. They accounted for every third case of domestic violence. 54% of medical workers have in their everyday work been in contact with women who regularly suffer from domestic violence. 80% of medical workers claimed that they lacked specific training to counsel victims of violence and they also did not know where to refer the victims for help. Training courses were started in 2004 with the support of the Estonian Health Insurance Fund.

Even though 75% of the respondents condemn violence against women, there is still widespread support for accepting direct or indirect violence. One in three men and one in five women are to a larger or smaller extent of the opinion that a husband has the right to demand sexual intercourse also against the will of the wife. 21% of women and 27% of men do not have a definite opinion whether rape in marriage should be considered a criminal offence. 76% of women and 70% of men are convinced that the use of physical force against the wife should be considered are violence.

One third of the victims turn to doctors for help, 2-3% of women suffering from domestic violence seek help from social workers. 10% of women who have become victims of violence inform the police. 2-3% of the reported result in bringing of the charges or a conviction by the court.

The development plan for 2004-2007 approved by the Ministry of Justice on 5 March 2004 provides for the fight against crime as one of the target areas, and one of its sub-objectives is also the reduction of family violence. To achieve this objective, specific parameters have been set for the Prosecutor's Office for each year, which should also ensure effective work of investigative authorities in detecting, registering and investigating cases of family violence. To ensure better supervision, in 2004 in all prosecutor's offices special prosecutors were assigned to dealing with cases of family violence and appropriate training was provided to them. In the Northern District Prosecutor's Office, a special juvenile department was established which leads the proceedings related to family violence as well as offences committed by juveniles. Prosecutors specialising in cases of family violence have actively participated in roundtables of social welfare officials and family doctors in order to jointly identify the reasons why many victims do not wish to notify the police of the cases of family violence. In 2004, the Prosecutor's Office carried out proceedings of 292 criminal cases relating to family violence.

### The activities of the police

In 2004 the police declared domestic violence (incl. family violence against women) as one of its priorities. The relevant system of police statistics and guidelines for dealing with cases of family violence have been worked out and implemented, and cooperation with local social and medical workers is being developed.

Until 1 July 2004 cases of domestic violence were investigated based on the provisions of private charges. The investigation of cases was hampered by the fact that victims often withdrew their complaints and the investigation had to be terminated. On 1 July 2004, the new Code of Criminal Procedure entered into effect.

In the first six months of 2004 32 criminal cases were registered under the section of physical abuse. After the entry into effect of the new Code of Criminal Procedure the number of cases investigated under the section on physical abuse rose drastically: in nine months, 531 criminal cases were registered. In the first three months of the second half of the year approximately 1000 proceedings concerning physical abuse were registered. However, it is not possible to provide statistics as to how many of the cases were cases of domestic violence.

In the first half of 2004, 2036 calls from problematic families were registered (“problematic family” is a classifier used in the police database POLIS). Constables are required to collect and maintain information on problematic families in the database of their precinct, and regularly to verify such information and take measures to prevent offences. The database of precinct constables contains information about 699 violent persons.

Training on domestic violence is organised for law enforcement police officers (five training courses in the framework of regional police work training were planned, the duration of the courses was one week, and by now four courses have been implemented, by the end of 2004 100 constables will have received training).

### Shelters

The first women’s shelter was opened in Tartu in November 2002. Women who have become victims are provided with temporary shelter, counselling, medical assistance and information about services provided by various agencies.

In 2003, there were 1858 overnight stays in the shelter (42 women and 21 children). From January till September 2004 there were 2632 overnight stays (35 women and 22 children).

At the end of 2003 the first support group for women suffering violence was opened in Tallinn at the initiative of the non-governmental organisation Centre for Estonian Social Programmes. As a result of various training events, a network of women’s support groups is developing in Estonia. In 2004 such support groups were established in ten cities.

In Estonia there are currently support groups/shelters for women and children, soon there will also be support groups for men who wish to abandon violent behaviour. In 2004, the first

seminars were organised for specialists who will offer rehabilitation services to violent men. At the beginning of 2005, support groups for violent men will be opened in Tallinn.

The Committee recommended Estonia to fight violence against women. Estonia has studied the phenomenon, raised the awareness of the public and specific target groups – social workers, police, medical workers, the media and women’s organisations. Laws have become stricter and the actions of the police more forceful. There is no need for a separate law on domestic violence as the issue is regulated in the Penal Code which also provides for protection against domestic violence.

In Estonia it is possible to apply the exclusion order. In the case of violation of the restraining order the court can impose a fine on the person using violence, and the victim has the right to demand the compensation of the damage. The Code of Criminal Procedure provides for special regulation for collecting evidence. Thus, if during the search, examination or taking of comparative material a person’s body needs to be exposed, the official of the investigative authority, the prosecutor and the participants in the procedure, except the medical staff or forensic medical examiner, have to be of the same sex as the person.

**(g) To repeal all national penal provisions which constitute discrimination against women.**

The requirement of equal treatment and prohibition of discrimination also applies to the legislator. Therefore, the Penal Code is gender-neutral and does not distinguish the sex of the victim or of the offender.

### **Article 3**

**State Parties shall take in all fields, in particular in political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.**

#### Gender Equality Department in the Ministry of Social Affairs

The Committee expressed concern about the small impact of the Gender Equality Bureau. In response to this, we are happy to note that since 1 January 2004 the Gender Equality Bureau was reorganised into the Gender Equality Department. Since 2004 there are five staff positions in the department.

The activities of the Gender Equality Department are regulated by the Minister of Social Affairs Regulation of 4 May 2004, according to which the main duties of the department include preparation of legislation relating to gender equality, planning of measures to reduce inequality and coordinating of the implementation of the measures.

The duties of the department also include analysing of the status of women and men in different areas of society and preparing recommendations and guidelines aimed at reducing



gender inequality. The Gender Equality Department informs interest groups about various initiatives and participates in dialogue about expectations and impact.

The department is also required to inform the Government and government agencies, local government agencies and other interested persons about the implementation of the measures to reduce discrimination of women and social stratification.

In February 2005 Estonia submitted a report on the implementation of the Beijing Declaration to the UN that was drawn up by the Gender Equality Department of the Ministry of Social Affairs.

### Gender Equality Council

Based on the Gender Equality Act the Gender Equality Council will be established. The statute of the Council is currently waiting adoption by the Government.

The Council is a collegial consultative body under the Ministry of Social Affairs. The composition of the Council is approved by the Government. The Gender Equality Council approves the general guidelines of gender equality policy, consults the Government on issues of strategy for the promotion of gender equality and presents to the Government its position on the conformity with the Gender Equality Act of national programmes submitted by the ministries.

The Council exercises the latter task in cooperation with the Gender Equality Department of the Ministry of Social Affairs.

Based on national statistics, surveys and analyses (described in more detail under Article 5) it can be concluded that Estonian society is characterised by a traditional gender system, i.e. the existence of a traditional division of labour and the division of the labour market into the so-called men's and women's jobs, hiring and wage policies that discriminate women, small representation of women in decision-making in politics and economy, shorter life expectancy and risk behaviour of men and their smaller participation in performing family related duties, etc.

The reasons for the widespread inequality mostly lie in traditional gender roles and stereotypic belief that women and men have preconditions and skills that are inborn and not acquired. The gender-prejudiced environment favours the persistence of discriminating attitudes and primarily restricts women's participation in social, economic and political life.

It can be said that there is still resistance in society to improving the social representation of women through gender quotas, and such resistance can be seen among the political elite, as well as in the public opinion and among women's organisations themselves.

The Ministry of Social Affairs has initiated and coordinated programmes and projects for the promotion of gender equality and reduction of inequality, which have mostly been aimed at informing and training of the public and target groups, preparing and disseminating relevant materials, raising the administrative capacity of state agencies to be able to notice discrimination of women and to reduce gender inequality.

On the initiative of the Government, the use of time among women and men, the coverage of gender equality issues in the media and the problems of poverty and social exclusion have been studied.

In 2000, the ILO publication “ABC of women workers’ rights and gender equality” was translated into Estonian and published. In cooperation with the UN Population Fund, a survey “Different but Equal” was published in 2003, which provides a brief and clear overview of the main terms and problems concerning equality between women and men. The publication is used by various institutions for organising general training courses as well as courses on specific topics.

To increase participation of older women on the labour market, an expert of the ILO prepared a study aid for the reduction of age discrimination. The material can be used to train the staff of employment bureaus and representatives of employers.

In 2002, Estonia joined the European Union framework programme that is used to implement the European Community gender equality strategy (2001-2005). Based on the programme, the projects implemented in Estonia and coordinated by the Ministry of Social Affairs are aimed at drawing up and disseminating guidelines for the assessment of gender impacts, supporting of women’s careers in the private sector and reducing the stereotype depiction of women in the media.

The guidelines prepared by the Ministry of Social Affairs (“Impact assessment – gender aspect”) provide a list of legally binding documents that contain norms for the promotion of gender equality, first of all for integrating gender equality into various policies and measures. The guidelines can be used to analyse the situation of women and men on national as well as local level.

Based on the project “Women to the Top” which supports women’s careers, mentor programmes in five private companies in Estonia have been launched and a publication is being translated that deals with the issues of theory of organisation from the feminist point of view. The project is implemented in cooperation with the Swedish, Danish and Greek gender equality institutions.

In cooperation with Latvia, Denmark and Italy, the project “Mass Media in (Re)distribution of Power” was launched, on the basis of which the depiction of women politicians in the media and the self-image of women politicians is studied.

In July 2004 the Phare 2003 partnership project “Raising the performance of public administration to integrate gender equality” was launched. The project is aimed at integrating gender equality in the curricula of higher educational establishments and creating of a virtual competence centre – a database / web page of gender equality. In the framework of the project, training will be provided primarily to trainers and 300 civil servants, and training strategies will be drawn up.

Since the submission of the last report by Estonia, the number of institutions dealing with the promotion of equality between women and men has increased. In 2004, a gender equality

working group was formed that deals with the EU gender equality legislation on national level.

With the Government order of 27 November 2003 an inter-ministerial committee to promote gender equality was formed. The tasks of the committee include drawing up a strategic development plan to eliminate inequality between women and men and to integrate equality in the action plans, programmes and projects of state agencies. The committee also gives recommendations on the implementation of the prepared measures in various spheres.

At the time of drawing up of the report, women's organisations are being consulted about the basic document for gender equality policy, which contains activities in the following fields:

- equal representation of women and men in politics and decision-making;
- horizontal and vertical gender segregation of the labour market and equal remuneration for equal work;
- the position of women and men in the economy and business;
- gender segregation and gender stereotypes in education and science;
- violence against women and human trafficking;
- health and lifestyle of women and men;
- gender roles in the media and culture;
- the performance of public administration in implementing gender equality.

In 2003, Estonian women's organisations formed two umbrella organisations – the Roundtable of Estonian Women's Associations, which includes almost all regional roundtables of women's organisations, the Association of Rural Women in Estonia, the Union of Estonian Women and the Estonian Women's Cooperation Chain, which unites primarily women's associations of political parties and top politicians. The Roundtable of Estonian Women's Associations unites approximately 180 organisations. Among others also women's associations of three political parties belong to the Roundtable (the Pro Patria Union, Res Publica and the Social Democratic Party).

The Riigikogu Women's Association, the Roundtable of Women's Associations of Political Parties, the Women's Training Centre, the Civic Training Centre, women's research centres at the University of Tartu and Tallinn Pedagogical University and the Estonian Women's Studies and Research Centre have targeted their activities to developing women's self-consciousness and changing traditional attitudes prevalent in society. Such activities have proven to be successful. All the above-mentioned organisations were particularly active in the period when the Riigikogu was debating the Gender Equality Act, and they organised meetings with the members of the Riigikogu and sent joint statements to parliamentary groups and made appearances in the media.

To modernise the society, everybody must be aware of the causes and consequences of gender inequality. Women's awareness can be raised through training programmes and women's cooperation network which is supported financially by the state. This can also be

facilitated through international cooperation. However, it is also clear that changing of values and attitudes takes time.

#### Article 4

**1. Adoption by States Parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence of the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.**

Estonia has not drafted the law on temporary special measures recommended by the Committee. The Gender Equality Act already contains a number of special measures.

#### Quotas

Estonia has surveyed the attitude of the public in relation to the use of a quota system to increase the proportion of women in the Parliament and local government councils. According to the public opinion survey conducted in 2002, 37% of the Estonian population support the introduction of the quota system for this purpose. 41% of the people are against it. 63% of the supporters of the quota system are women. Among the opponents women make up 43% (Marti Taru, Rein Toomla, *Eesti elanikkonna valmiskäitumise motiivid ja mehhanismid. Avaliku arvamuse küsitluste sekundaaranalüüs* [Motives and mechanisms of voting behaviour of the Estonian population. Secondary analysis of public opinion surveys], Tartu 2002). No wide-ranging discussion about the introduction of quotas has been started.

Besides the establishment of the mechanism for the protection of people's rights, the Gender Equality Act also created a basis for two main strategies – the implementation of measures for giving special advantages to the underrepresented sex or measures helping to reduce inequality, and the implementation of gender equality as a horizontal policy inherent in all other policies.

The law does not provide for any quotas but in accordance with the Gender Equality Act, as much as possible, both sexes have to be represented in committees, councils and other collegial bodies formed by state and local government agencies.

The Gender Equality Commissioner has the duty to monitor the compliance with the norms established in the Act.

#### Allocations from the state budget

Since 2002 allocations have been made from the state budget to promote women's cooperation. With the Minister of Social Affairs Regulation of 28 February 2003, the procedure for applying for and granting of allocations to promote women's cooperation was established.

The financing allocated from the state budget to the Ministry of Social Affairs to promote women's cooperation is used to support the creation and sustainability of a cooperation

network of women's organisations in Estonia. This special measure is used to compensate shortcomings with regard to access to information, resources and decision-making which are due to different communication networks of women and men.

According to the Minister's regulation, representatives of women's organisations determine each year their priority areas and present them to the Ministry of Social Affairs. In the course of negotiations the Ministry of Social Affairs has the right to specify the proposals or add topics if necessary.

The objectives and activities of the project must be in conformity with the priority topics announced at the project competition of the Ministry of Social Affairs and should contribute to the reduction of gender inequality and promotion of equality. The objectives and activities of the projects should be oriented to promoting cooperation of women's organisations and increasing the role of women's organisations at the local and national level.

The Ministry of Social Affairs distributes the available state budget resources for the promotion of women's cooperation according to the project applications it has received and in doing so takes into account regional balance considerations. 35 applications were sent to the project competition for "Promoting women's cooperation" in 2004. The total financing granted to the projects was about 400 000 Estonian kroons.

The programme "More and better jobs for women", carried out with support from the ILO in 2001-2003, was aimed at increasing the proportion of women entrepreneurs and employment among women. As a result of the project, 100 new jobs were created and eight new women's organisations were established.

**2. Adoption by States Parties of special measures, including those measures contained in the present Convention aimed at protecting maternity shall not be considered discriminatory.**

Special measures to protect maternity

In Estonian legislation, provisions concerning the special protection of women in connection with pregnancy and childbirth are not considered as direct or indirect discrimination based on sex.

The protection of maternity in Estonia is guaranteed by the Employment Contracts Act, the Public Service Act, the Working and Rest Time Act, the Holidays Act, the Health Insurance Act, the Social Tax Act, the Child Benefits Act and the State Pension Insurance Act.

The Employment Contracts Act

It is not considered discriminatory to grant preferences on grounds of pregnancy, childbirth, providing care to minor or adult children who are incapacitated for work or to parents who are incapacitated for work.

Employers are required to assess the exposure of women workers to factors dangerous for health, the nature, level and duration of such work, including the possible effect on the pregnancy and breastfeeding. Women workers and their representatives should also be

informed of the results of any risk assessment and safety and health measures that have been taken.

Pregnant employees cannot be forced to perform any duties that may endanger their health nor work at night. Employers are required to ensure a leave from work for pregnant employees for pre-birth medical examination without reducing the employees' salary. Pregnant women cannot be required to go on business trips.

Based on a certificate of sick leave issued by a doctor pregnant women can request temporary relief of working conditions or temporary transfer to another work. In that case, the employee is compensated the difference in wages in accordance with the procedure established in the Health Insurance Act. If the labour inspector has ascertained that the employer cannot relieve the working conditions of a pregnant woman or transfer her to easier work, the pregnant woman is released from work for the period indicated in the sick leave certificate and she will be paid the compulsory health insurance benefit in accordance with the procedure provided for in the Health Insurance Act.

The employer is prohibited to terminate the employment contract with a pregnant woman or a person raising a child under three years old, except in the case of liquidation of a company, agency or other organisation, declaring of the bankruptcy of the employer, unsatisfactory work results during a probationary period, violation of work duties by the employee, loss of trust in the employee, indecent act of the employee, or hiring of a full-time employee. However, even on the above grounds the employment contract with a pregnant woman or a person raising a child under three years old can only be terminated with the consent of a labour inspector.

#### Public Service Act

During pregnancy, an official shall be entitled, based on a certificate for sick leave prepared by a doctor, to temporary easement of her conditions of service or to a temporary transfer to another position, except a position to be filled by way of competition. The difference in wages shall be compensated. If the easement of the conditions of service or the transfer provided is impossible, the official shall be released from the performance of her duties for the period prescribed in the certificate for sick leave and shall be paid a compulsory health insurance benefit. A pregnant woman or a person raising a disabled child, one who is disabled from childhood or child under three years of age shall not be permitted to be sent on official travel without the person's consent. An official during her pregnancy, or a person who raises a child under three years old, may not be released from service due to redundancy, long-term incapacity for work or health condition, or based on the results of evaluation.

#### The Labour Market Service Act

According to the Labour Market Service Act, employers are paid labour market service subsidy through the employment office if the employer employs an unemployed person with a lower competitive ability. Also unemployed pregnant women and persons raising a child under six years old are considered as unemployed persons with a lower competitive ability.

When employing full-time an unemployed pregnant woman or a person raising a child under six years old, the employer has the right to a labour market subsidy in the amount of the minimum monthly wage in the first six months, and half of the minimum monthly wage in the following six months.

#### The Holidays Act

Women have the right to pregnancy and maternity leave of 140 calendar days. In the case of multiple births or a delivery with complications, 154 calendar days of pregnancy and maternity leave is given.

Women have the right to pregnancy and maternity leave of 70 calendar days prior to the expected date of birth determined by the doctor. During the pregnancy and maternity leave, women are paid a compensation for temporary incapacity for work in the amount of 100% of average income per one calendar day.

#### The Working and Rest Time Act

The employer is required to grant a leave from work to the pregnant woman for pre-birth medical examination at the time indicated by the doctor, and such time is considered to be included in the working time.

#### The Occupational Health and Safety Act

The employer is required to create suitable working and rest conditions for pregnant women and women who are breastfeeding. The employer is required to comply with the restrictions provided for by laws to ensure the safety of pregnant and breastfeeding women. Pregnant and breastfeeding women should have the possibility to lie down in appropriate conditions in the rest area. The Government has issued a regulation on the “Occupational health and safety requirements for the work of pregnant and breastfeeding women”, which provides for the duties of the employer in creating a safe working environment for pregnant employees; the measures for ensuring safe work for female employees; the work that is prohibited for pregnant women; the work that is prohibited for breastfeeding women and the risk factors and work processes that should be taken into account in assessing the risks.

### **Article 5**

**States Parties shall take all appropriate measures:**

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either sexes or on stereotyped roles for men and women;**

It is prohibited for educational, research and training institutions to discriminate persons on the basis of sex in the provision of vocational counselling, acquiring of education, professional and vocational training and re-training. In addition, these institutions must

ensure that the curricula, the study material and the research carried out will contribute to the elimination of inequality between women and men and to the promotion of gender equality.

During the reporting period, the category of gender became one of the indicators used in regular statistical analysis as well as sociological surveys in order to enable the assessment of living conditions of men and women and changes in the social and cultural patterns of behaviour.

#### Attitudes towards gender roles

In 2003, the Open Society Institute conducted a gender equality monitoring survey commissioned by the Ministry of Social Affairs with the aim to find out the opinions and attitudes of society towards gender equality and the role of women and men.

According to the survey, on the one hand, strong gender prejudices are prevalent in Estonia, and, on the other hand, the population is ready to support equal treatment of men and women on the labour market.

Estonian population have become conscious about gender segregation. 83% of women and 73% of men believe that the position of men based on their income and employment status is higher than the position of women. 9% of the respondents considered the positions to be equal.

According to the survey, one in two women and one in four men believe that the position of women should be improved. 75% of men and 50% of women hold a neutral opinion in this issue. 2% are not in favour of supporting women. The public is most favourable towards the increase of the proportion of women in the Parliament.

At the same time, the survey also shows that often the attitude is more negative towards women in leading positions. The public opinion disapproves of female leaders and doubts about their leadership ability. Prevalent among both women and men was the belief that women are not good leaders and that they do not cope with this work because they are too modest and emotional (75% of the respondents). The majority of the respondents were also convinced that male leaders are definitely preferable to female leaders because men as leaders are more rational, self-confident and have more authority. Women do not have solidarity towards each other – they do not support women leaders and do not vote for female politicians.

The preparedness to reduce gender inequality on the labour market, however, is very high – 74-91% of the respondents were in favour of implementing various measures (in particular legal measures). The preparedness of women is significantly higher than that of men because the majority of the measures would ensure them equal treatment with men on the labour market.

Both Estonian men and women share the view that there is a clear distinction between the so-called “men’s and women’s jobs”. 72% of men believe that their present job is only suitable for men. Women are less conservative but also among women 43% believe that their present work is only suitable for women.



### Attitude towards the career of children

According to the relevant survey, both mothers and fathers consider the professional career of their children important. Men value the career of their children equally with their own career. Men consider the career of their daughters equally important with the career of their sons. Mothers attach significantly more importance to the career of their children than their own and, unlike men, women value the career of their sons somewhat more than the career of their daughters. Thus, it can be concluded that families in general value the professional career and the proportion of career women will increase in the future.

### The use of time

The results of the time-use survey carried out in 1999-2000 in Estonia demonstrated the segregation of paid and unpaid work of men and women in private and public life. The results showed that men were overburdened due to paid work and women had limited time for rest and for hobbies or self-education.

The average total working time per 24 hours among women (8 hours and 3 minutes) exceeded by almost one hour the average working time of men (7 hours and 8 minutes). Thus, although men did generally more paid labour, the total work contribution of women was considerably higher. The main aspect of gender inequality in daily life was expressed in the significantly larger amount of unpaid work among women, which, in turn, resulted in less free time for women – i.e. time that women could use for rest, entertainment, hobbies and self-education.

The inequality was greatest among the age group 20-34 when the amount of household work for women exceeded that of men by 2 hours and 45 minutes.

The results of the survey also demonstrated that among younger and more educated married couples routine household work was shared somewhat more equally between the sexes.

Certain changes in the strict gender role distribution can be noted as compared to 1990. Based on the all-European sociological survey “Survey of European Values” carried out in 1999, it can be concluded that in comparison with 1990 women in Estonia are less associated with the concept of family and children. For example, in reply to the question “Does a woman need to have children in order to achieve self-fulfilment?” 84% of the Estonian respondents in 1990 replied that women must have children, while ten years later 67% expressed the same opinion.

Mother’s employment is no longer seen as a hindrance to creating emotional bonds with the child. For example, the number of people who believe that preschool children suffer due to the fact that their mother is working has diminished. The number of those favouring the previous situation has in fact declined drastically. In 1990, 89% of women in Estonia considered that even though having a career was good, what most women really want is a home and children. 10 years later only 69% shared that same opinion. In 1990, 51% of the adult population believed that a job can help a woman be more independent whereas in 1999 that number was already 73%.

When it comes to making important decisions in the family, Estonian families are fairly democratic – spouses/partners make most of the decisions together. When the decision is made mostly by one partner, a distinction can be made between the so-called women’s areas of competence (growth of the family, spending free time, children’s education etc) and men’s areas of competence (making of major expenses).

Based on the survey “Woman, family and work” carried out in 2000 by the Institute of International and Social Studies of the Tallinn Pedagogical University it can be claimed that in the majority of families with small children in Tallinn most important decisions are made jointly by the spouses. Based on the responses by women, it can be concluded that men don’t have the final say in matters that are important for the family. In the centre of the family’s financial matters are the decisions concerning larger expenditure. A quarter of women claimed that they personally decide this issue, while one in seven women said that their husband is responsible for such decisions. The majority of women participating in the survey were of the opinion that sharing of household work should depend on the situation and not on traditions (80%). More than one in ten respondents (12%) said that household work should be distributed equally either based on time or the amount of work.

In favour of the traditional view – i.e. women should do women’s work and men should do men’s work – were 8% of the women. Supporters of the traditional view were somewhat more prevalent among women with lower level of education. Typically most of the mothers with pre-school aged children were of the opinion that the spouses (parents) should share the work equally both in terms of time and amount.

#### The importance of flexible working time

Based on the results of the survey “Woman, family and work”, it can be claimed that women with smaller children have a modern attitude – less than a quarter of them (23%) said they would be willing to remain housewives in the case of financial well-being. However, there were also relatively few of those (15%) who said that in the case of considerable improvement of their financial situation they would still wish to work full-time. The remaining women were willing to continue working but would prefer to work with reduced working time. Based on this survey, it can be concluded that the wish to remain at home or to continue working does not significantly depend on the age of women, or the age and number of children. However, there is a correlation between the wish to continue working and the women’s level of education, professional position and financial situation of the family. Among women with higher education, as compared to women with secondary education, there are more those who would continue working even when the financial situation of the family would allow them to remain at home. Apparently investments to education and the attitudes acquired through education allow women with higher education to see work in a wider context than being purely a possibility to earn a living.

During the year when the survey was conducted, mothers had the right to 56 days of maternity leave after giving birth, subsequent to which they could also use a parental leave until the child attained three years of age. Only slightly more than one third of the women participating in the survey (36%) had used the possibility to stay at home until their child

attained three years of age, and almost a fifth (18%) had gone back to work before the child was one year old. Young women under the age of thirty and mainly with higher education more frequently considered it necessary and also found the possibility to go back to work earlier than women over thirty or with secondary education. An important factor was also the professional position of women. Almost one fourth (24%) of women in executive positions and specialists had returned to work before the child was one year old, and among women employed in private business it was 33%, compared to only 11% in the service sector and among manual workers.

### Attitudes to parental roles

Estonian employers stereotypically tend to see women primarily as parents while the same attitude does not extend to men. This, however, has negative consequences for both gender groups. Gender discrimination on the labour market is often related to the more “vulnerable” status of women already during the job-seeking phase, as employers tend to overestimate aspects not related to job duties of the employee. The existence of a family and children is often associated with the woman’s traditional role at home and employers often fear problems that may arise when women try to reconcile their family life and work. Due to such attitudes, women with smaller children often feel that in competition for better jobs children have become an obstacle in access to employment as well as promotion. In this context, we can speak of a clear conflict of gender expectations in Estonia. The dilemmas that women face in reconciling their roles in the family and at work have been analysed in more detail, while similar problems among men have not been studied so thoroughly.

### The role of the media, state institutions and non-governmental organisations

The media plays an important role in recreating and reinforcing gender stereotypes as well as shaping new attitudes.

Although a large number of female journalists work in the media in Estonia, not so many of them hold executive positions. It’s mostly the women’s, health and family magazines that have a female editor rather than national dailies or other newspapers. Estonian society magazines and women’s magazines often present very stereotypical portraits of women and men, and consequently reinforce and recreate traditional gender roles.

The media monitoring survey carried out by the University of Tartu in 2000 showed that the proportion of women as subjects in all media channels in Estonia was 28%. In 2002-2004 the depiction of women on television was analysed and study materials for journalists were prepared which point out stereotypes and manipulations by which the media depicts women as representatives of the group rather than individuals.

In 2002 a survey of women on television was carried out. It appeared that women made up 33% and men 67% of the people who were given talking time on television during 55 hours. At the same time, women could only talk 20% of the television time, as their statements were shorter than men’s. Women were given the opportunity to speak mostly as ordinary citizens rather than as experts or opinion leaders.

During the reporting period, about a dozen Bachelor's and Master's theses have been written to analyse how the media creates a favourable environment for prejudiced and stereotypical opinions and attitudes. Gender roles imposed by the media, first and foremost through advertising, restrict the freedom of choice and lead young women to perceive themselves as sexual objects.

In order to acknowledge the problem and train the journalists, Estonia participates in an international project "The Role of Media in (Re)distribution of Power", financed by the EU gender equality framework programme. The project explores the portrayal of female politicians in the media and the role of female politicians in society, and also seminars for journalists, politicians and PR managers are organised.

Many of the activities of the state institutions (Ministry of Social Affairs, the Chancellor of Justice) as well as non-governmental organisations, such as the Estonian Women's Studies and Resource Centre, the Women's Training Centre and the Civic Training Centre have been directed to raising awareness of the problems of inequality and changing gender stereotypes and attitudes. Active participation of women's organisations on local level has also helped to raise awareness.

The Committee encouraged developing comprehensive educational programmes that would change traditional gender stereotypes in the family, at work, in politics and in the whole society. Estonia has yet to fully implement this recommendation but the problem has been acknowledged.

**(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.**

#### Financial support by the state

On 1 January 2004 the Parental Benefits Act entered into force which is aimed at compensating the loss of income due to raising of a small child and helping to reconcile work and family life. A parent on parental leave can receive parental benefit until the child is 11 months old, after that the parent will receive child care allowance until the child is 3 years old.

The amount of the parental benefit is calculated on the basis of income that was subject to social tax and was earned during the calendar year prior to the date on which the right to receive the benefit arose. Parents who were not working are paid the amount of the state's parental benefit (in 2004 it was 2200 Estonian kroons a month).

#### Reconciling work and family life

In 2001 a survey "Families with children and national family policy: problems of reconciling professional and family life and their connection with the demographic behaviour of the

population” was carried out that was commissioned by the Office of the Minister for Population Affairs. The survey was conducted by researchers at the Institute of International and Social Studies of the Tallinn Pedagogical University and it focused on the situation of women with under 10 year old children in Tallinn on the labour market and the most frequent obstacles of reconciling work and family life. For the first time on such a wide scale the survey raised the problem of irreconcilability of work and family life in Estonia.

The Committee was also concerned about the situation of young women who face difficulties on the labour market owing to the domestic and family responsibilities assigned to them.

### The role of parents

One of the most remarkable changes in the last decade has been the development of the possibility of a family birth and the changing of attitudes in connection with this. While in 1992, family births made up 12.6% of all births, in 2002 the proportion was already 60.3% (Estonian medical birth register).

### Time spent with children

In the period 1993-2003 mothers and fathers differently estimated the time spent with children. By 2003, the number of men who in their opinion had spent enough time with their children had doubled. In 1993 and 1998 only 10% of men found that they had spent enough time with their children, while in 2003 there were twice as many.

The same tendency can also be noted among mothers. According to the surveys in 1993 and 1998, 25% of women were satisfied with the time they spent with children, while in 2003 the proportion was already 42%.

However, there is still a great proportion of men (50%) who are concerned that they have spent less time with their children than necessary (Institute of International and Social Studies of Tallinn Pedagogical University, surveys “Estonia 93”, “Estonia 98”, “Estonia 2003”).

It can be claimed that the number of fathers in society who spend equal time with mothers on raising their children (and who are willing to take time for it) is increasing.

### The situation of single parents

Women constitute the majority of single parents, only 1% of single parents are single fathers.

The more difficult economic situation of single mothers is related to the fact that the support from the other parent is not sufficient. 11% of single and 40% of divorced or separated mothers received financial support from the other parent. 75% of single mothers received support from relatives.

After the divorce the living standard of a single mother deteriorates and her social network changes. Poor relations between the parents, the absence of a father or infrequent meetings with the father may distort the picture of the child about the role of the father in the family.

In 2003 the Estonian Children's Foundation organised a campaign "A child needs a father", which was aimed at informing the public about the importance of a father-figure, the role of a father and encouraging fathers to build a relationship with their children.

### The state family policy

The family based on traditional registered marriage is losing popularity in Estonia. Increasingly more couples do not officially register their partnership, even when children are born to the family.

According to the studies of the Institute of International and Social Studies of the Tallinn Pedagogical University the number of unregistered marriages is increasing. In 1993, unregistered cohabiting partnerships made up 24% of all cohabitations among 18-24 year olds, in 2003 their proportion had risen to 79%.

The traditional family model is more often observed by non-Estonians. Although people in rural areas have usually been considered to hold more traditional family values, the proportion of cohabiting partnerships among the rural population is higher than among urban inhabitants.

According to the Estonian child and family policy conception, family policy serves primarily the following aims: (a) improving the quality of life of children and families with children, (b) supporting the reconciling of family life and work, and (c) valuing of the raising of children.

### Financial well-being of the families

According the living standard surveys of 2002 the smallest income and expenditure per member of a household was among families with three and more children and single-parent families. This is due to the unfavourable ratio of income earners and the number of those being supported. The income of a single parent is approximately 84% of the average income of a member of a household in Estonia. The income per person among families with three and more children is 81% of the average income in Estonia.

According to the survey of subsistence benefits in 2003, apart from unemployed persons the families with children were those who had received subsistence benefits for the longest period. The families with children had made 39% of all subsistence benefit applications that were granted. The number of applications from single-parent families exceeded 25% the number of applications from all families with children. 17.4% of the applications were from families with three or more children. The proportion of families with many children as well as single-parent families among the recipients of subsistence benefits has increased throughout the years.

The Committee suggested implementing effective programmes to reduce poverty. A social involvement action plan has been developed in Estonia, which aims to reduce poverty. The problem of reduction of poverty has been dealt with, for example, by introducing a parental

wage, reducing the income tax, raising the minimum tax exempt income, indexing of pensions, etc.

## Article 6

**States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.**

### Legislative measures

Although Estonia does not have special legal acts against trafficking in human beings, such activity is covered as a criminal offence by several provisions in the Penal Code. The following provisions of the Penal Code are relevant in this respect.

Enslaving means placing of a human being, through violence or deceit, in a situation where he or she is forced to work or perform other duties against his or her will for the benefit of another person, or keeping a person in such situation. Enslaving is punishable by 1 to 5 years' imprisonment. The same act, if committed against two or more persons, or against a person of less than 18 years of age, is punishable by 3 to 12 years' imprisonment. (§ 133)

Such a criminal offence covers slavery in the classical sense (keeping a person under one's power to acquire the fruits of his or her work) as well as acts similar to slavery, such as debt bondage, profiting from forcing a person to prostitution, etc.

Taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on grounds of race or gender or for other reasons, and where he or she lacks legal protection against such treatment and does not have the possibility to leave the state, is punishable by a pecuniary punishment or up to 5 years' imprisonment. The same act, if committed against two or more persons, or against a person of less than 18 years of age, is punishable by 2 to 10 years' imprisonment. (§ 134)

Unlawful deprivation of the liberty of another person is punishable by a pecuniary punishment or up to 5 years' imprisonment. The same act, if committed against a person of less than 18 years of age, is punishable by 1 to 5 years' imprisonment. (§ 136)

All forms of inducing a person to prostitution and of pimping are punishable as a criminal offence in Estonia.

A person who by inducement, threat or any other act influences a person of less than 18 years of age in order to cause him or her to commence or continue prostitution, but the act does not have the necessary elements of an offence provided for in § 133 or 143 of this Code, shall be punished by a pecuniary punishment or up to 3 years' imprisonment. (§ 175)

Aiding prostitution involving a person of less than 18 years of age by mediation, provision of premises or in any other manner is punishable by a pecuniary punishment or up to 5 years' imprisonment. The same act, if committed by a legal person, is punishable by a pecuniary punishment. (§ 176) In addition, the court may impose a fine to the extent of assets as a supplementary punishment (§ 176). If a court convicts a person of a criminal offence and imposes imprisonment for a term of more than three years or life imprisonment, the court

may, in the cases provided by law, impose a supplementary punishment according to which the convicted offender is to pay an amount up to the extent of the total value of all the assets of the convicted offender. (§ 53)

Pimping, or providing premises for the purposes of illegal consumption of narcotic drugs or psychotropic substances, for organising illegal gambling, or for prostitution, is punishable by a pecuniary punishment or up to 5 years' imprisonment. The court may also impose a fine to the extent of assets as a supplementary punishment (§ 268).

At the time of the submission of this report the Riigikogu is discussing the Witness Protection Bill.

On 4 December 2002 Estonia ratified the UN Convention against Transnational Organised Crime (2000). On 10 March 2004 Estonia also ratified the additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the so-called Palermo Protocol), to the UN Convention against Transnational Organised Crime.

On 2 June 2004 Estonia ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000), which for the first time defines notions such as the "sale of children", "child prostitution" and "child pornography".

#### The actual situation

The main form of trafficking in women in Estonia is pimping.

Persons in charge of brothels often belong to well-organised permanent criminal organisations and in organising their activities they often use various forms of shadow businesses. Often they are the same persons who in cooperation with international criminal associations organise trafficking of women for prostitution from the former Soviet republics to Estonia and to other countries. As a rule, the target countries are the Nordic countries, although information about women originating from Estonia has also been received from Spain, Italy, Greece and even Japan. The number of prostitutes from other countries (mostly the former Soviet republics) illegally staying in Estonia has decreased.

The causes of prostitution mainly lie in financial and gender inequality which the criminal networks exploit in their interests. The spreading of trafficking in women is connected with violence, poverty, unemployment, spreading of HIV/AIDS and sexually transmitted diseases, public health, drug abuse, criminality and other factors. The business of prostitution conceals itself behind activities such as accommodation services, catering, striptease, massage, sauna, etc.

Since prostitution is a sphere of illegal economy in Estonia, the statistics concerning such firms, service providers, the number of customers and cash-flow are based to a large extent on estimations, not on survey data. Based on expert assessments, it can be claimed that most of prostitution is centred in Tallinn although it can also be found in smaller cities in Estonia.

Considering the small population of Estonia and social problems arising from prostitution, it is a serious problem for Estonia.



Prostitution has a favourable ground in Estonia in the form of women who are less educated, poor, unemployed, minors, stateless, or drug abusers. Often they have suffered physical or sexual violence in their childhood.

Thus, the spreading of prostitution is linked to unemployment among women, their lower status on the labour market and lower income as compared to potential income from prostitution, and traditional gender roles assigned to women.

#### Informing the public about the problem

Projects of the International Organisation for Migration:

In the framework of the pilot project “Research, information and legislation – trafficking in women in the Baltic states”, organised by the International Organisation for Migration from September 2000 until August 2001, a survey on the awareness of the population was carried out, social aspects of trafficking in women and of prostitution and legislation concerning human trafficking were analysed.

The results of the analysis were published in the book “Trafficking in women and prostitution in the Baltic states”. On the basis of the results of the survey, an information campaign was prepared that consisted of social advertising (outdoor advertising, short clips on TV and radio, indoor advertising, advertising in the printed press) and information materials (brochures, folders, posters etc with advice and information). In the course of the campaign, consultations were given to persons who wanted to go to work abroad, to victims of human trafficking, close ones of missing persons, and also training events were organised and the problem was covered in the mass media. Together with the state agencies and non-governmental organisations, the Legal Information Centre for Human Rights and the AIDS Support Centre also helped to organise the campaign.

In 2004, the International Organisation for Migration carried out a project “Research and Information on Trafficking in Women and Children”, aimed at mapping the situation of human trafficking in Estonia. The project was completed in December 2004.

#### The campaign in Nordic and Baltic countries

The Committee requested more information about the activities of the Nordic Council of Ministers in the sphere of trafficking in women.

In 2002-2003 a campaign against trafficking in women in the Nordic and Baltic countries was organised on the initiative of the Nordic Council of Ministers. The objective of the campaign in Estonia was to start a discussion about the issue of trafficking in women as a social problem and to start changing the existing attitudes. Another objective was to find out the readiness of Estonia to recognise human trafficking as a social problem and to fight against it and inform strategically important social groups about the causes and consequences of this phenomenon.

The campaign began in 2002 with a joint three-day seminar of the Nordic and Baltic countries “Trafficking in Women – the Modern Slave Trade”, which dealt with different aspects of the issue. Various surveys were conducted in Estonia which formed the basis for further activities.

1. A survey of awareness of human trafficking was carried out among young women finishing the secondary school in order to find out whether and to what extent they know how to avoid becoming victims of human trafficking (spring-summer 2002).
2. Assessment and opinions of prostitution and trafficking in women was surveyed among police officers in Tallinn (spring 2002).
3. A survey was carried out to assess the knowledge of private job mediation companies about human trafficking and to see what advice they give to women going to work abroad (autumn 2002).
4. It was clarified whether suspicious job offers actually may be a cover for persons and establishments mediating prostitution (autumn 2002).
5. Assessments of Estonian civil servants and employees of non-governmental organisations about the possibilities of fighting prostitution and trafficking in women helped to find out how serious the problem of prostitution and trafficking was in the opinion of civil servants and experts of non-governmental organisations; how they think it is possible to fight the problems; what should be the role and views of the state on these issues, etc. (autumn 2002).
6. A survey of the opinion of border guard and police specialists about prostitution and trafficking in women and their proposals for combating these phenomena was made (autumn 2002).
7. A survey of the opinion of people working with young persons – teachers, vocational counsellors and youth workers – on prostitution was made (autumn 2002).

Within the campaign, training courses “Community’s role in the prevention of trafficking” and “Preventing human trafficking” were organised. The first involved various educational meetings targeted at parents, the police, social workers, teachers, local government leaders, and other people who in their work can influence the awareness and attitude of young people. Altogether nine meetings were organised with a total attendance of 251 people. Teachers, youth workers and job counsellors were trained at the seminar “Preventing human trafficking”.

At the end of 2003 it was decided to extend the campaign and in 2004 the Nordic Council of Ministers in cooperation with the Ministry of Social Affairs carried out a follow-up campaign “Drugs, Prostitution, Trafficking from Gender Perspective”. In 2004 two-day and three-day training courses were held for secondary school teachers, school psychologists, youth

workers, teachers of hobby groups and job counsellors. Altogether five seminars were held in Tallinn, Pärnu and Jõhvi, with a total attendance of 100 people. In addition to trafficking in women, the training programmes covered topics such as gender stereotypes, media, prostitution, drugs, AIDS etc. As the training programme proved to be successful, it is intended to continue it in 2005.

In the course of the campaign, two essay competitions on the topic of human trafficking were held. The aim was to stimulate young people to think about human trafficking, thus preventing them from becoming victims themselves. The sub-topics of the competition were “Prostitution – the issue of demand and supply” and “How is it possible for me to fall victim to traffickers”.

There were also five international seminars on human trafficking and its relation to prostitution, drug abuse and gender inequality. The seminars were held in Russia, Estonia, Latvia and Lithuania. The aim was to bring together experts (police officials, social workers, representatives of NGOs) from different countries in order to exchange views on these issues.

The campaign fulfilled its objectives – the topic that was previously completely marginal now attracted the interest of the media as well as politicians. After the campaign the treatment of the topic of trafficking in the Estonian media changed. Nevertheless, there is still a lot of advertising where women are portrayed as sexual objects. The Ministry of Social Affairs has made proposals to ban such advertising.

Various non-governmental organisations have continued awareness raising activities, including training of journalists, informing them of the cases of prostitution and trafficking. For example, the AIDS Prevention Centre planned to carry out two training seminars on trafficking in human beings for journalists in 2004. The NGO Estonian Women’s Studies and Resource Centre plans to organise training seminars for the police.

In October 2004 a hotline was set up to prevent human trafficking, offering free legal consultation and information on safe travelling and employment opportunities. The one-year project “The hotline for women to prevent trafficking in human beings” is funded by the US Department of State. The project is implemented by the AIDS Prevention Centre, the NGO Living for Tomorrow and the Finnish Union organisation.

The NGO Legal Information Centre for Human Rights published a handbook “Prevention of trafficking in human beings and working abroad” in autumn 2004.

### Surveys

In 2003 the project “Prostitution – a social problem? Judgment of opinion leaders in Baltic countries and North-West Russia” was launched, which was coordinated in cooperation with the Estonian Women’s Studies and Resource Centre and the Ministry of Social Affairs. The information gathered should provide an overview of the views of opinion leaders on the causes and consequences of sexual exploitation of women, and the possibility to adopt legislative acts in the countries of this region.

In spring and summer 2004 the survey “Activities against trafficking in human beings in Estonia: expert opinions and possible solutions” was organised in cooperation of the Nordic Council of Ministers and the Estonian Women’s Studies and Resource Centre. The aim of the survey was to find out the problems that specialists who fight against trafficking in human beings have to deal with. It was also studied how to intensify the fight against trafficking in human beings in Estonia.

In 2003 a survey was conducted in Estonia on violence against women and women’s health, which was aimed at exploring the public opinion on prostitution, punishment of the use of a prostitute’s services and the clients of prostitution. Based on the study a report “Prostitution. Social risks and economic pressure” was compiled, which showed that 2/3 of the population support the current law that prohibits pimping. The number of respondents who supported punishing the users of the service of a prostitute was twice smaller. Estonians would rather punish the prostitute (39%) or abolish the current restrictions and make brothels legal (40%).

Based on the study of adult population in Estonia carried out by the Estonian Open Society Institute in summer 2004, it can be concluded that Estonian inhabitants do not have clear views on prostitution and that prostitution is not considered as a form of violence against women.

The campaign against trafficking in women in the Baltic and Nordic countries and other measures helped to launch a debate in spring 2004 about the criminalization of the purchasing of sexual services. At the same time, however, the Estonian society is not ready for such a legislative amendment – one in two persons in Estonia have a favourable opinion towards prostitution, among them 60% of men and 42% of women.

The analysis of the attitudes of women shows that women do not see social risks in the expansion of prostitution and the increasing network of brothels. Women do not understand that the rapid development of brothels and all forms of prostitution in Estonia is a serious threat to many young women whom the expanding sex market can involve.

Visiting of brothels is seen as a natural activity for men provided that they have enough money for it. 3/4 of the Estonian population see going to brothels as an understandable activity that has a stabilising effect on the family, and think that it is justified by the higher sexual needs of men and the cold and aversive attitude of their wives. This shows that awareness rising activities on this matter are needed among the public.

#### The activities of the police

Since 1 November 2003 there is a special working group under the division of crimes against persons of the Criminal Department the North Tallinn Police Prefecture whose aim is to fight against pimping. The working group gathers information about pimping, systematises the data, carries out surveillance proceedings and deals with pre-trial investigation of criminal cases. The group was formed in Tallinn because it is estimated that approximately 80% of all the cases of pimping take place in Tallinn and its vicinity. As a result of measures against brothel keepers, in the first eight months of 2004 illegal activities were closed down in nine

brothels where clients were served on the premises and in three “firms” operating as apartment-brothels where clients were served on the basis of call-waiting.

There are no similar special units in other police prefectures and the cases of pimping are handled by bureaus of organised crime. An important role in identifying foreigners staying illegally in Estonia is played by migration officials.

The Central Criminal Police deals with the criminal cases of pimping where prostitutes from Estonia are taken to other countries. The international criminal intelligence department of the Central Criminal Police receives about 40-50 enquiries from other countries every year concerning the detention of Estonian girls suspected of prostitution. The same people who are active in drugs business and, in particular, smuggling of drugs are often also involved in pimping.

In the first half of 2004 the Central Criminal Police commenced or sent to court four criminal cases in which the investigation had been started under section 268 of the Penal Code on pimping. In the first nine months of 2004 the investigation of 43 criminal cases was started under section 268 of the Penal Code. Since autumn 2003 only one case of enslavement has been brought to court (§ 133 of the Penal Code). Nine persons have been prosecuted in this case.

Regardless of various forms of illegal business and operating licences used to cover up the activities, the crimes are identified and investigated. This helps to reduce the profit earned by criminals through this form of activity.

#### National action plan to fight against trafficking in human beings

On 9 April 2003 at an informal meeting in Stockholm the Nordic and Baltic ministers for Gender Equality, Justice and Internal Affairs adopted a joint statement and recommendations, agreeing that by 2005 all the participating countries would draw up a national action plan to fight trafficking in human beings, in particular in women and children.

Estonia is currently drafting a national action plan against trafficking in human beings. On 13 January 2005 the Government decided that the Ministry of Justice would coordinate the activities against trafficking in human beings as a measure of national criminal policy and by 1 March 2005 would submit to the Government the draft of the national action plan.

#### Ongoing discussions

On 12 November 2003, the Ministry of Internal Affairs and the representation of the International Organisation for Migration in Estonia organised a roundtable to discuss the topic of trafficking in human beings. Attending the roundtable were a representative of the IOM, national institutions and foreign embassies.

The participants exchanged information on how different institutions combat trafficking in human beings. All the participants thought the meeting was a success and the activities of the roundtable should be continued. As a follow-up, the members of the roundtable have exchanged information mainly by e-mail.

The office of the International Organisation for Migration in Estonia invited the members of the roundtable and other agencies dealing with the issues of the fight against trafficking in human beings (ministries, NGOs) to meet again in November 2004. The participants of the roundtable introduced their previous and intended measures in the fight against this problem.

#### Estonia's participation in the activities to fight trafficking in human beings in the region

Estonia actively participates in the fight against trafficking in human beings in the Nordic and Baltic region. The Nordic-Baltic Task Force against Trafficking in Human Beings has been formed. Estonia is represented in the task force by the Ministry of Foreign Affairs.

The main objective of the task force is to coordinate and monitor the activities against trafficking in human beings in the region and to keep the topic high on the political agenda in the participating countries.

In 2005 the task force intends to launch a project aimed at ensuring the safe return of the victims to their countries of origin and assisting them in the country of destination.

#### **Article 7**

**States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:**

**(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;**

In addition to the information provided in the previous report about national legislative acts in this field, in connection with Estonia's accession to the European Union the new European Parliament Election Act was adopted which entered into force on 23 January 2003. The act provides that elections are free, general, uniform and direct. Each voter has one vote. Election results are based on the principle of proportionality.

An Estonian citizen who has attained 18 years of age by election day has the right to vote. In addition, a citizen of the European Union who is not an Estonian national has the right to vote if he or she has attained 18 years of age by election day, his or her permanent residence is in Estonia, i.e. the address details of his or her residence have been entered in the Estonian population register, and he or she has not been deprived of the right to vote in his or her home member state. A person who has been divested of his or her active legal capacity by a court or is convicted by a court and is serving a sentence in a custodial institution does not have the right to vote.

An Estonian citizen who has attained 21 years of age by election day has the right to stand as a candidate. Also a citizen of the European Union has the right to stand as a candidate if he or she has attained 21 years of age by election day; his or her permanent residence is in Estonia, i.e. the address details of his or her residence have been entered in the population register, and he or she has not been deprived of the right to vote in his or her home member state. Persons who have been divested of their active legal capacity by a court or have been

convicted of a criminal offence by a court and are serving a prison sentence or are regular members of the Defence Forces cannot stand as candidates in elections to the European Parliament.

Estonia has six members in the European Parliament, currently two of them are women.

#### Women in the parliament

The Estonian Parliament has 101 members and currently 18 of them are women. Thus, the proportion of women in the Parliament is 18.8%. Compared to the two previous elections, the proportion of women has not considerably changed. In Table 7.1 it can be seen that the proportion of women in the Parliament elected in 1999 was 17.8%. However, it is also important to note that in 2003 a woman (Ene Ergma) was elected as the Speaker of the Parliament.

#### Women in local government councils

The proportion of female candidates in elections of local government councils is higher than in the parliamentary elections. The proportion of women who have been elected is also higher as compared to the parliamentary elections. In the last two elections in 1999 and 2002, 28.3% of the women who stood as candidates were elected to local government councils (see Table 7.1).

However, there are not many women among the leaders of local government councils: 15.4% of the chairpersons of city councils and 12.4% of chairpersons of rural municipality councils are women (as at 15 January 2003). The chairperson of the city council of Tallinn, the capital of Estonia, is a woman. The mayor of Tartu, the second largest city in Estonia, is also a woman.

A positive trend is the growing number of female candidates in both parliamentary and local government council elections. Women are increasingly interested in politics although their voting efficiency is smaller than among men (Tiina Raitviir, *Eesti naised võimu juures 1992-2003* [Estonian Women at Power 1992-2003], *Riigikogu Toimetised*, 7/2003). It is more difficult for women to get elected. Women usually lack the social friendship and protective circle that men have, the financial situation of women is also worse and they normally do not have the support of other women.

One of the reasons why women are not often elected is also due to the Estonian election system, where they are not placed sufficiently on top of the lists of candidates. Even though women are present in political parties, not enough of them stand as candidates at elections.

Table 7.1. Women candidates and the proportion elected in the elections in Estonia in 1999-2004

Elections	Time	Candidates		%	Total number of mandates	No of women elected	%
		Total no.	No of women				
<b>Elections to the Parliament</b>							
Riigikogu	07.03.1999	1884	508	27.0	101	18	17.8
Riigikogu	02.03.2003	963	206	21.4	101	19	18.8
<b>Elections to the European Parliament</b>	13.06.2004	95	23	24.2	6	2	33.3
<b>Elections to Local Government Councils</b>							
Local Gov Councils	17.10.1999	12802	4562	35.6	3355	951	28.3
Local Gov Councils	20.10.2002	15181	5727	37.7	3273	923	28.3

Source: Election Committee of the Republic of Estonia. [www.e-riik/valimiskomisjon.ee/](http://www.e-riik/valimiskomisjon.ee/)

#### Women in the elections of the European Parliament

At the end of 2003 Estonian women's organisations issued a public appeal, calling political parties to place women on top of the lists of candidates to the European Parliament. 202 women from 98 women's organisations called upon the public to vote for women candidates at the elections.

Two women were elected to the European Parliament (Siiri Oviir, Marianne Mikko), one of them (Marianne Mikko) is currently the head of the Moldova delegation of the European Parliament.



### The proportion of women in larger political parties

A considerable difference exists in the gender proportion of ordinary party members and party leaders. On 1 January 2002, average 48% of members of the political parties that were elected to the Parliament were women. In conservative political parties there were fewer women than in liberal parties, and there were more women among young party members than among all members of political parties on average. The balance of men and women, however, is absent in the internal party hierarchy – average 16% of board members of political parties were women; four out of 19 boards of political parties did not include any women and five had only one woman (data of 4 March 2002, Tiina Raitviir, *Eesti naised poliitilise võimu juures* [Estonian women at political power], *Ariadne Lõng*, 1/2, 2002).

There are few women also among leaders of regional departments and associations of political parties. The leader of one political party in Estonia – the Estonian Left Party – is a woman. As the number of women among leaders of political parties is small, women also have limited possibilities to participate in making important decisions, such as drawing up of lists of candidates for elections. However, some parties have also specifically called on women to join the party (e.g. the Estonian Centre Party, the Social Democratic Party).

All the largest political parties (Pro Patria Union, the Reform Party, the United People's Party, the Social Democratic Party, the Centre Party) have women's associations.

Currently no political parties in Estonia have declared that equal treatment of women and men and ensuring of a gender-balanced society would be one of the key issues in their programme. Only some parties mention the necessity of gender equality in their programmes. However, the programmes and the actions of the parties are not always consistent: the need for gender equality is sometimes emphasised by those political parties that in their political activities demonstrate mostly male-dominated leadership teams (United People's Party, Res Publica). On the other hand, some other parties that have brought women to top-level politics (e.g. Centre Party) do not even mention the gender issue in their programme.

#### **(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government**

The proportion of women in the Government of Estonia has fluctuated, but on average women have made up 12.5% of the members of the Government (see Table 7.2). After the elections in 2003 there was initially one female minister (Foreign Minister) in the Government (making up 7.1% of the members), a year later there were two (Foreign Minister and Agriculture Minister) (14.2%). However, it should be noted that the female ministers are in charge of important portfolios.

Table 7.2. Women as members of the Government of Estonia in 1999-2004

Government	Time period	Members		% of women	Function of the female ministers*
		Total	No of women		
Mart Laar, 2 <sup>nd</sup> government	25.03.99 - 28.01.02	15	2	13.3	S; S
Siim Kallas	28.01.02 - 10.04.03	14	5	35.7	B; E/I; S; S; S
Juhan Parts	since 10.04.03	14	1	7.1	B
	since 05.04.04	14	2	14.3	B; E
Total/average		176	22	12.5	

Source: Estonian Government, [www.e-riik/valitsus.ee/](http://www.e-riik/valitsus.ee/)

\* BEIS typology is used, according to which:

B-function or basic functions, performed by: Ministers of Foreign Affairs, Internal Affairs, Defence and Justice, sometimes also Minister of Finance;

E-function or ministers in charge of economic activity: Ministers of Finance, Commerce, Industry and Agriculture;

I-function or ministers in charge of infrastructure: Ministers of Communication, Internal Affairs, Information and Environment;

S-function or the social-cultural function: Ministers of Social Affairs (or Labour Market, Health, Population, Family, Children and Pensioners), Culture and Education.

Among the leaders of local governments there are even fewer women than in the central government: 12.8% of city mayors are women (five out of 39 mayors are women) and 13.4% of rural municipality mayors (27 out of 202 rural municipality mayors are women) (in December 2004).

#### Women in the public sector

Most of the civil servants are women, which should also serve as a basis for the advancement of women into leadership positions. A large number of women work in sub-divisions that organise the technical work of the Parliament and Government (department of government sessions, department of information systems and document management, accounting

department). Although more than 1/3 of the senior officials and managers are women, less than 1/5 of the highest-level leadership positions are held by women. In order to advance to the top, women have to overcome the prejudices prevalent in society and they should also be willing to take responsibility, it is also important to have the support of the family.

Compared to older democracies of Europe, Estonia has a tradition of having a large number of female judges, including chairwomen of courts. At the same time, men still hold leadership positions in institutions involved in the review of constitutionality and legality, such as the Chancellor of Justice, the Auditor General, the Chief Public Prosecutor and the Chief Justice of the Supreme Court, the State Secretary, the Director of the State Chancellery, etc. Until 2003 a woman held the position of the State Secretary.

**(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country**

Women's organisations and women's associations of political parties have had a considerable influence on the policies of political parties. Women's associations of political parties organise training events and thereby provide an opportunity for self-development and self-fulfilment, help women politicians to find their identity, provide self-confidence, offer new contacts. In favourable circumstances these associations can also have an influence on the management board and the leader of the party, including in drawing up the lists of candidates for elections. The women's association of the Parliament has a great potential in protecting the interests of women. One of the main topics at the moment is to help facilitate the election of more women into representative bodies.

On 4 August 2003 the Estonian Women's Cooperation Chain was established which is an umbrella organisation for different women's political organisations. The founding members of the Cooperation Chain are the Estonian Women's Union, the Estonian Union of Disabled Women, the women's association of the Estonian United People's Party, *EPP* (women's association of the Estonian People's Union), women's association of the Pro Patria Union, women's association *KENA* of the Centre Party, the Civic Courage (roundtable of women's associations of the city of Pärnu) and the Women's Reform Club *NaiRe*.

The Cooperation Chain is based on the principle of democracy and it provides better possibilities to stand for the rights of women. The aim of the Cooperation Chain is to serve as a link for Estonian women in domestic and international cooperation, to support participation of women in society and politics, to improve the internal political climate in society, to ensure the implementation of the principle of equality of women and men in Estonian legislation, politics and daily life.

Although there is still almost a year until the next local government elections, women's associations of political parties already prepare their members to stand as candidates in elections. In November 2004 the forum of women's organisations approved the declaration of the Estonian Women's Cooperation Chain which called political parties to place competent and authoritative women on top of lists of candidates and voters to support women candidates.

In 14 out of 15 counties in Estonia, regional women's roundtables have been formed which unite a large number of women's organisations operating in counties and female representatives of other organisations. The aim of the roundtable is to shape the attitudes and ideas of women into proposals and forward them to policy-makers –local governments, the Government of the Republic, Parliament and political parties. Regional roundtables have regularly made proposals to regional local government unions, county governments, the Government and the Parliament in order to influence decisions and legislation in many different fields. When the Gender Equality Act was debated in the Parliament, a campaign was organised to send letters to the members of the Parliament, and a similar campaign was organised to implement measures to combat prostitution.

In July 2003 the Roundtable of Estonian Women's Associations was formed in cooperation between women's organisations and human rights organisations. The aim of the roundtable is to strengthen civil society, promote equality between women and men, and support the women's cooperation network. The Roundtable of Estonian Women's Associations is also the Estonian national coordinator in the European Women's Lobby. One of the challenges is to monitor that women would be represented in all national committees and councils.

In 2002 the non-profit association Civic Training organised a pre-election forum with 300 participants for women who were standing as candidates in elections of local government councils.

On 6 September 2003 the women's forum "Women deciding – 2003" was held before the referendum on the accession to the European Union. Participants were from all larger political and non-political women's organisations in Estonia. Altogether approximately 300 women participated in the work of the forum. The general assembly adopted the final statement of the forum in which it called Estonian women to come out and vote at the referendum on the European Union.

The forum "Women deciding – 2004" was organised with the aim to start preparations for next local government elections. The fact that the forum has become an annual event demonstrates the interest of women to participate in politics.

The Estonian Women's Studies and Resource Centre's conference of the organisations of women's associations has also become an annual event which deals with topics relevant for women in Estonia.

The NGO Estonian Institute of Human Rights implemented a project "Balanced participation of women and men in the Estonian political and public decision-making process" in the period December 2003 - March 2004. Within the project, an overview of the situation in Estonia was prepared which was used as a basis for organising roundtable events in Jõhvi and Tallinn in February 2004. Proposals of the roundtables were sent to all political factions of the Parliament, the Parliament's Constitutional, Social Affairs and Legal Affairs Committees, the Bureau of the Minister of Population Affairs, the Ministry of Justice, the Ministry of Social Affairs, a number local government councils and NGOs.

### Trade unions

According to the Trade Unions Act, persons have the right to form trade unions freely, without prior authorisation, and to join or not to join trade unions. Members of the armed forces who are in active service in the Defence Forces cannot form or join trade unions.

The number of organisations that are members of the Confederation of Estonian Trade Unions (EAKL) has diminished as compared to the situation at the end of the previous reporting period, but this is due to the merging of several member organisations. However, the overall number of members of the EAKL has also decreased – from 65 000 to 48 467. The number and percentage of female members, on the other hand, has increased – at the end of the previous reporting period there were 25 600 women members, who made up 42.7% of the total number of the members of the organisation, in October 2004 the number of female members was already 27 482, making up 56.7% of the total number of members. The Equality Commission with 10 members has been formed under the EAKL. The commission participates in the work of the ICFTU (International Confederation of Free Trade Unions) Women's Committee. The committee has organised trade union seminars for women belonging to member organisations; representatives of the EAKL have also attended the seminars.

Another larger organisation that unites trade unions is the Estonian Employees' Unions' Confederation (TALO). TALO has 13 member organisations but the number of individual members is 32 000. About 60% of the members are women. TALO also has a women's committee but it is currently not active. Employees belonging to TALO regularly participate in gender equality events (seminars, training courses etc).

The Committee expressed its concern about the low representation of women in decision-making bodies. Women's interest and number in trade unions has increased, and so has their participation in training events.

### **Article 8**

**States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their governments at the international level and to participate in the work of international organizations.**

As stated in the previous report, the requirements for the employment in foreign service are established by the Foreign Service Act. Everybody has the right to start a career in foreign service, regardless of gender.

If a diplomat is accompanied by his or her spouse during the time he or she is assigned to a foreign mission, the foreign service allowance of the diplomat is increased by 35 per cent and the time spent by the spouse in a foreign mission together with the diplomat is considered to be part of the length of employment of the spouse. If the spouse of a diplomat works in a foreign mission, the foreign service allowance of the diplomat is not increased. The spouse of the diplomat is guaranteed medical and health insurance.

The following tables below show the proportion of women in diplomatic posts and the proportion of women working in the Ministry of Foreign Affairs and embassies.

Table 8.1. Proportion of women in diplomatic positions

Proportion of women in diplomatic posts	2000	2001	2002	2003	2004
Total in diplomatic posts	254	292	309	329	349
Of them, women	128	156	171	179	193
% of women	50%	53%	55%	54%	55%
Married couples with both spouses in diplomatic posts	4	4	6	6	6

Source: Ministry of Foreign Affairs

The table shows the increase of the proportion of women in diplomatic posts during the period of 2000-2004. In 2000, 128 women worked in diplomatic posts, amounting to 50% of the total number. In 2002 the proportion of women was already 55%, and has remained the same until 2004. Since 2002, six married couples with both spouses in diplomatic posts work in the foreign service of Estonia.

As at October 2004 the Ministry of Foreign Affairs had 590 employees, 360 of them women and 230 men; and of 343 diplomats 188 were women. Women constitute 61% of the total number of employees of the Ministry of Foreign Affairs. And yet it has to be pointed out that the higher the post, the smaller the number of women employed. Alongside with female foreign minister and male permanent under-secretary there are 3 female deputy under-secretaries (of the total of 6), 5 female director generals of departments (of the total of 17), and 32 female directors of divisions (of the total of 47) in the leading positions of the Ministry of Foreign Affairs.

**Table 8.2. The proportion of female diplomats in the head office of the Ministry of Foreign Affairs in Tallinn**

Proportion of female diplomats in the head office of the Ministry of Foreign Affairs in Tallinn																				
	2000				2001				2002				2003				2004			
	Total	Men	Women	% of women	Total	Men	Women	% of women	Total	Men	Women	% of women	Total	Men	Women	% of women	Total	Men	Women	% of women
<b>By diplomatic rank and service rank</b>																				
Counsellor	7	4	3	42	12	10	2	16	17	14	3	18	16	14	2	13	21	16	5	24
First secretary	8	4	4	50	17	10	7	41	16	10	6	38	14	7	7	50	12	5	7	58
Second secretary	12	5	7	58	15	7	8	53	24	8	16	67	30	9	21	70	32	13	20	63
Third secretary	19	5	15	79	38	10	28	74	36	8	29	81	29	4	25	86	30	3	27	90
Attaché	41	12	29	70	57	14	43	75	58	12	46	79	59	16	43	73	68	23	46	68
<b>By official rank</b>																				
Permanent Under-Secretary	1	1	0	0	1	1	0	0	1	1	0	0	1	1	0	0	1	1	0	0
Deputy Under-Secretary	4	4	0	0	5	5	0	0	7	5	2	29	7	5	2	29	6	3	3	50
Director General of Department	15	9	6	40	18	10	8	80	22	13	9	41	23	14	9	39	19	13	6	32
Director of division	20	6	14	70	38	14	24	63	44	18	26	59	43	17	26	60	44	14	30	68

Source: Ministry of Foreign Affairs

**Table 8.3. The proportion of female diplomats in embassies by post**

Proportion of female diplomats in embassies by post																				
By diplomatic rank and service rank	2000				2001				2002				2003				2004			
	Total	Men	Women	% of women	Total	Men	Women	% of women	Total	Men	Women	% of women	Total	Men	Women	% of women	Total	Men	Women	% of women
Ambassador extraordinary and plenipotentiary	26	22	4	15	27	21	6	22	29	23	6	21	34	24	10	29	38	29	9	24
Minister-counsellor	2	1	1	50	2	1	1	50	3	2	1	33	2	2	0	0	2	2	0	0
Consul and consul general	5	5	0	0	8	6	2	25	11	6	5	45	10	4	6	60	11	4	7	64
Counsellor	23	18	5	22	18	15	3	17	21	18	3	14	21	14	7	33	25	14	11	44
First secretary	17	12	5	29	15	8	7	47	15	5	10	67	15	7	8	53	16	9	5	31
Second secretary	21	9	12	57	25	13	12	48	28	13	15	54	32	15	17	53	36	16	20	56
Third secretary	33	13	20	61	38	13	25	66	47	17	30	64	40	18	22	55	38	15	23	61

Source: Ministry of Foreign Affairs

The majority of women hold the posts of attachés, third and second secretaries, whereas the number of female counsellors increased in 2003 and 2004.

Estonia has 27 embassies, in 6 of which there are female ambassadors (United Kingdom, Austria (also accredited to international organisations), Russia, Czech Republic, Belgium and Portugal). It is characteristic to Estonia as a small country that ambassadors are accredited to several countries concurrently, e.g. a female ambassador residing in Austria is also accredited to Slovenia, Switzerland and Slovakia.

Estonia has 10 permanent missions to international organisations; two of them have a female ambassador (OSCE, IAEA + UN headquarters in Vienna).

Estonia has three non-residing ambassadors; one of them is a woman, accredited to Israel.

When the Ministry of Foreign Affairs sends representatives to participate in international forums, the delegation usually consists of a woman and a man, aspiring to set a good pattern for other state agencies and organisations.



In June 2004 the Minister of Foreign Affairs of Estonia stood as a candidate for the position of Secretary General of the Council of Europe. In September 2004 the Estonian Minister of Foreign Affairs together with the Swedish Minister of Foreign Affairs was elected the head of an informal group of female ministers of foreign affairs.

### Women in international organisations

Two Estonian women work for the United Nations Economic Commission for Europe.

The management body of the World Health Organisation (WHO) has a female Estonian representative. A total of 4 Estonians work for the system of the WHO, two of them are women. At the representing agency of the WHO in Estonia one of the two employees is a woman.

Two women work for the Council of Europe (and 3 men, including a judge), 2 women work in the Council of Europe information office in Tallinn.

### **Article 9**

**1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.**

The conditions of and procedure for the acquisition, resumption and loss of Estonian citizenship are regulated by the Citizenship Act. The acquisition or resumption of citizenship does not depend on gender; women and men have equal opportunities. Change of nationality by one spouse does not result in an automatic change of the nationality of the other spouse.

On 20 March 2004 the provisions amending the Citizenship Act entered into force, the aim of which was to expedite the process of applying for citizenship and to reduce the number of stateless persons. The time of processing applications for Estonian citizenship in the Citizenship and Migration Board was reduced from 6 months to 3 months.

149 251 persons have acquired Estonian citizenship by naturalisation, 65 418 of them are men and 83 833 are women.

**2. States Parties shall grant women equal rights with men with respect to the nationality of their children.**

Children who were born after 1992 and whose parents are not citizens of any state, acquire citizenship pursuant to a simplified procedure on the basis of an application of the parents.

In 2004 the time-limit of proceedings for applying for citizenship was reduced and as of May 2004 the time-limit of proceeding applications for citizenship for children is 3 months as opposed to the previous 6 months.

Beginning from 2002 every person has a travel document, and the personal data of a child is no longer entered into the document of a parent. This is primarily necessary to protect the interest of the child, and to reduce the possibilities of forging the entries in documents.

The number of children acquiring citizenship by naturalisation has increased. In 1996 the percentage of persons under the age of 15 was only 10, in 2004 already 50. During the first 9 months of 2004 the total of 2283 applications for citizenship for persons under 15 years of age were received, which was 60% more than during 2003.

4907 children who were born after 1992 to stateless parents have acquired citizenship by naturalisation, which is 18.5% of the total number of children.

### **Article 10**

**States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women;**

**(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;**

According to the Gender Equality Act, educational and research institutions and institutions engaged in the provision of education and training must ensure equal treatment of men and women in vocational guidance, acquisition of education, professional and vocational development and re-training. The curricula, study material used and research conducted shall facilitate the elimination of unequal treatment of men and women and promote equality.

Education and training offers directed at persons of one sex only are prohibited. Education and training offers are not considered as discriminatory in the cases where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such characteristic constitutes a genuine and decisive occupational requirement. Neither is it regarded as discrimination if the objective of differential treatment is legitimate and the requirement is proportionate, or if the training can be regarded as a special measure which promotes gender equality and grants advantages for the less-represented gender or reduces gender inequality.

In the academic year 2003/2004 there were 627 full-time educational institutions providing general education, 38 educational institutions providing evening courses or distance learning, and 71 educational institutions providing vocational, higher vocational or specialised secondary education.

The total number of students decreased from 305 795 in the academic year of 2000/2001 to 292 926 in 2003/2004.

The proportion of female students has been steady during many years (see also Table 10.1). The proportion of women is the highest among the graduates of upper secondary schools, but also in diploma, Bachelor's, and Master's studies. The proportion of female students in the Doctoral studies has started to decrease, still remaining above 50%.

Table 10.1. The percentage of women among the total number of students

Level of education	2000/01	2002/03	2003/04
1. General education	49.8	50.0	50.0
2. Vocational and secondary vocational studies	46.1	45,6	44.5
3. Higher education	60.4	61.5	61,8
4. Diploma studies	59.5	60.1	58,7
5. Bachelor's studies	56.7	59.2	60,7
6. Master's studies	60.4	63.3	64,7
7. Doctoral studies	56.1	55.0	53.5

Source: Education in 2003/2004. Tallinn, 2004

More and more students start acquiring general secondary education after completing 9 years of basic education – in the academic year 2002/2003 as much as 70.8% of the students who had completed 9 years of studies started acquiring general secondary education, 81.3% of them female. In 2003/2004 as many as 5798 female and 11 322 male students were acquiring secondary vocational education.

Even though differences still exist in the choices girls and boys make in vocational education, there are also young women who study the so-called “male professions”, except for those which are prohibited for women by the Occupational Health and Safety Act (underground mining, some maritime occupations, etc.). The criteria for the acceptance of students are that they must have acquired basic education and successfully passed the vocational suitability test.

The traditional segregation of educational choices is characterised by the higher percentage of female students in the fields of pedagogy, art and the humanities. The proportion of female students on the lower levels of higher education is higher in economics, law, environmental studies and journalism.

On the level of doctoral studies the so-called female fields are pedagogy (82%), medicine (77%), journalism (70%), social work (64%) and Estonian philology (64%). The doctoral studies in the majority of specialities are more gender balanced.

The number of women among academic staff was stable in 2001-2004, which is illustrated by Table 10.2.

**Table 10.2. The number of women among academic staff from the academic year 2001/02 until 2003/04**

Official rank	2001/02		2002/03		2003/04	
	Total	Women	Total	Women	Total	Women
Professor	480	78	486	76	467	76
Professor extraordinary	75	19	99	25	62	10
Docent	726	250	756	245	680	242
Lecturer	1000	520	1022	556	1046	579
Senior teacher	31	24	141	129	134	119
Teacher	242	179	514	373	434	337

Source: Education in 2003/2004. Tallinn, 2004; Education in 2001/2002. Tallinn, 2002; Education in 2002/2003. Tallinn, 2003.

**(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;**

According to the national curriculum of basic and upper secondary schools (the principles of drafting curricula, schooling and education goals, the competencies pursued, organisation of studies) and the procedure for admitting students into vocational education establishments, gender differences shall neither be pointed out nor taken into account.

For instance, on the basis of a complaint the Chancellor of Justice investigated the observance of the principle of equal treatment in Tallinn Technical Gymnasium (TTG). As a school promoting technical and economic education, TTG is a kind of base-school for the Tallinn Technical University (TTU). On the basis of tests and interviews the students are divided into three classes in TTG: one for girls and two for boys. The Chancellor of Justice examined during his investigation whether such practice of the school is in conformity with the prohibition of discrimination established in the Constitution, and with the Gender Equality Act. The Chancellor of Justice submitted a request to TTG to consider abandoning the practice that allows for violations of the principle of equal treatment upon composing gymnasium classes. Furthermore, the Chancellor of Justice pointed out that in terms of equal treatment and equality, it is not right that in the referred school only young men are given an opportunity to specialise in electrical engineering and national defence. The Chancellor of Justice pointed out that both genders should have an opportunity to study these topics.

**(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;**

In 2002 researchers at the University of Tartu studied gender roles reflected in school textbooks. As a result of the content-analysis of the textbooks of history, civics and family studies and reading books, it appeared that textbooks of different topics and of different levels construct and support stereotypical gender roles, do not reflect equally the experiences of men and women and do not teach contemporary ideology of human rights and the distribution of roles between men and women. The results of the study have been published and are also available electronically (<http://www.enut.ee/lisa/soorollid.pdf>).

Electronic on-line study environment “Miksike” ([www.miksike.ee](http://www.miksike.ee)) provides access to a human rights course for young people, which has a separate chapter on the rights of women and on gender segregation in society.

**(d) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap existing between men and women;**

In 2002-2004 the “Look@World” project was implemented, in the course of which 102 697 persons (10% of the adult population of Estonia) acquired basic computer skills. Women made up 71% of the participants in the programme.

In 2001 a survey of 1008 persons was conducted with the aim of obtaining information about the study needs and possibilities adults.

The results of the survey showed that the predominant reason for women to start studies was the desire of self-development (64%), whereas for men the main reason was to improve professional qualification (45%). When men quite frequently sacrifice their vacations for studies (20%), women mainly combine their study and working time (89%) and choose themselves the courses they want to participate in (50% of women, 34% of men).

The attitude of both men and women towards adult learning is positive – 40% of men and women planned to continue their studies the following year. 34% of men would like to pursue supplementary education in the fields of industry, power engineering and construction, whereas only 4% of women had the same preference. The training in service (19%), entrepreneurship, business (19%) and accounting (18%) were the top three choices for women.

The above information shows that training needs reflect the established gender segregation in the labour market.

The Committee expressed concern about continuing gender disparities regarding educational choices of boys and girls. This is to some extent conditioned by the still-prevailing understanding in society concerning “suitable” work for men and women.

**(e) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;**

The drop-out rate from general education schools has been fairly stable. Table 10.3. shows the increase in the number of drop-outs in 2002/2003, but this was due to specification of the definition of persons discontinuing their education. The drop-out rate of boys from basic schools and upper secondary schools is higher. (Table 10.3).

Table 10.3. Drop-out rates from basic schools and upper secondary schools from 2000/2001 until 2002/2003.

	Basic Schools			Upper secondary schools		
	Total	Girls	Boys	Total	Girls	Boys
2000/01	1025	263	762	610	176	434
2001/02	907	234	673	707	341	366
2002/03	1145	293	852	1038	528	510

Source: Ministry of Education and Research

The reasons of drop-out are various: leaving Estonia, reaching the age when school attendance is no longer compulsory, expulsion from school, financial reasons, death, family reasons and other reasons.

The educational statistics do not reflect how often the drop-outs have been caused by pregnancy. To continue their education young mothers have the possibility to choose between the daytime study as well as distance learning.

One of the main causes for the high drop-out rates for boys is believed to be their lack of motivation.

In order to improve the competency of teachers regarding gender issues the Ministry of Education and Research supported the translation and printing of handbook “Boys and Girls Study Differently” (by M. Guriani and A.C. Ballew). The book was published in Estonian in November 2004.

The Ministry of Education and Research has commissioned studies to clarify the reasons of learning difficulties and dropping out of students. A study launched by the Research Institute of Social Pedagogy in 2004 could be referred to here as an example. This is a comprehensive survey of the students of the 8<sup>th</sup> and 9<sup>th</sup> years, their parents and teachers, and the data obtained by the survey will be processed and analysed primarily from the gender aspect, so

as to implement measures to prevent learning difficulties of both boys and girls and to reduce the drop-out rate.

**(f) The same opportunities to participate actively in sports and physical education;**

The Ministry of Culture is responsible for physical fitness and sport.

The Ministry of Education and Research is responsible for the organisation of physical education lessons in schools, training of sport specialists and the development of the science of sport. The Ministry of Social Affairs is responsible for the creation of better possibilities for fitness sport and competitive sport for the disabled, and to solve other social issues related to sport movement.

The Sport Act establishes the general organisational and legal grounds for the organisation and promotion of sport, the relationships between sport organisations and state and local government bodies, the main tasks in developing sport, grounds for financing sport and the principles of participation in international sport movement.

The number of sports clubs has increased year by year, and so has the absolute number of people active in hobby sports, including women. For example, in 1998 women made up 25% of people active in hobby sports, in 1999 the figure was 24.4%, and in 2000 already 28.7%.

**(g) Access to specific educational information to help ensure the health and well-being of families, including information and advice on family planning;**

The Committee recommended to introduce programmes of sexual education to solve the problems of teenage pregnancy. For the years 2002-2006 the provision of counselling services to young people about reproductive health has been planned in all counties.

The Estonian Family Planning Union organises seminars on and publishes bulletins about reproductive and sexual health and family planning to social workers and persons working in healthcare and education. The Family Planning Union and various non-governmental organisations promote the use of modern high-quality methods of contraception and act with the aim of making contraceptives available for the public at large.

As a result of this active work the number of pregnancies and deliveries among young women aged 16 to 17 is declining. (See also Table 10.4).

**Table 10.4. The age of persons giving birth under the age of 18**

Age of persons giving birth	1999	2000	2001	2002
13	1	1	1	0
14	2	3	2	2
15	14	23	19	22
16	92	97	87	75
17	216	225	184	196

Source: Ministry of Social Affairs

## Article 11

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:**

**(a) The right to work as an inalienable right of all human beings;**

The provision of the following employment services to all persons has been regulated on the state level: informing about the situation in the labour market and about the possibilities of employment training, employment mediation; vocational training; vocational guidance; employment subsidy to start a business; community placements.

Under the Gender Equality Act, education and training offers directed at persons of one sex only are prohibited, unless where by reason of the nature of the particular occupational activities concerned or the context in which they are carried out such sex-related characteristic constitutes a genuine and decisive occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

In Estonia today, career is just as important to a woman as it is to a man, not only because of financial rewards, but also because of self-realisation. In 2003, 23 per cent of women said they would like to stop working completely and stay at home if the financial situation permitted; the percentage was even a bit higher among men.

The proportion of women in the labour force was 48% (in 2002), and about 52% of women are among active population.

The average rate of employment of Estonian population (15-64 years old) in 2003 was 62.6%, whereas the employment rate of men was 66.7% and that of women 58.8%.

Unemployment rate was 10%. Even though the employment rate of men is higher than that of women, the unemployment rate for men is higher (10.2%) than that of women (9.9%). The



unemployment rate of young men (aged 15-24) was 16.9% in 2003, and the figure for young women was 26%.

According to a survey conducted by the sociologists at the Tallinn Pedagogical University in 2003, 10% of women were voluntarily working part-time, 8% were working part-time because of the employer's will; the corresponding figures for men were 5% and 6%, respectively (Hansson, 2004).

In order to raise the awareness of employers and employees, the ILO publication "ABC of women workers' rights and gender equality" has been translated into Estonian.

**(b) The right to the same employment opportunities, including the application of the same criteria for selection in matter of employment;**

The right to equal conditions and selection criteria in employing men and women is established in the Gender Equality Act.

According to the Gender Equality Act, cases in which an employer selects for work or a position, hires or admits to practical training, promotes, selects for training or performance of a task or sends for training a person of one sex and overlooks a person with higher qualifications and of the opposite sex shall be deemed to be discriminating, unless there are strong reasons for the decision of the employer or such decision arises from circumstances not related to gender.

The Act specifies *expressis verbis* that the activities of the employer will be deemed to be discriminating also if the employer, upon hiring, establishes conditions which put persons of one sex at a particular disadvantage compared with persons of the other sex, or overlooks a person due to pregnancy, child-birth or other circumstances related to gender. In the case of the latter provision discrimination can be ascertained also through comparison to other female persons.

When a person suspects discriminating behaviour the employer is required, at the person's request, and within ten working days as of submission of a pertinent written application, to provide a written explanation to the person. In the explanation the employer must submit information concerning the person who was selected, such as his or her length of employment, education, work experience and other skills required for the work and other skills or reasons which give the person a clear advantage, or other reasons.

Direct and indirect discrimination based on gender is also prohibited by the Employment Contracts Act.

The Employment Contracts Act prohibits the employers, in hiring and entering into employment contracts, discriminate against persons applying for employment. Neither are the employers allowed to discriminate against employees in employment relations, e.g. regarding remuneration, promotion, giving instructions, termination of employment contracts, access to retraining or in-service training.

**(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;**

Under the Gender Equality Act a person can protect his or her rights also in the cases where the employer directs work, distributes work assignments or establishes working conditions such that persons of one sex are put at a particular disadvantage compared with persons of the other sex. The law prohibits the employer to limit the duration or extent of work due to pregnancy, child-birth or other circumstances related to gender.

The law requires employers to collect statistical data concerning employment which are based on gender and which allow, if necessary, the relevant institution and the employers themselves to monitor and assess whether the principle of equal treatment is complied with in employment relationships.

The employers have the obligation to inform employees of the rights guaranteed to them by the Gender Equality Act and regularly provide relevant information to employees and/or their representatives concerning equal treatment for men and women in the organisation and measures taken in order to promote equality.

The Gender Equality Act also protects against the use of counter-measures by the employer.

Horizontal and vertical segregation of the labour market

The horizontal and vertical gender segregation has not declined since the submission of the previous report. Segregation can be caused by conscious choices of people, which are based on their employment possibilities, as well as by their behaviour conditioned by gender roles determined by society.

The analysis of parameters of employment by fields of occupation and professions reveals the existence of both vertical and horizontal segregation. As compared to women, men are more often employed as skilled workers and artisans and as operators of technical devices and machinery. Almost half of men are employed in the referred professions (48.7%), whereas only 13% of women pursue these professions. Furthermore, more men work in a management capacity (as legislators, higher officials and managers). The majority of women are employed as top or medium level specialists. As compared to men a larger proportion of women are working as officials and as service or sales staff. As to branches of economy, men are more often employed in agriculture, construction and logistics, women in education, healthcare and commerce.

Engagement in enterprise

Engagement in enterprise is largely dependant on the self-belief and initiative of women, but also on the traditional gender stereotypes in society. Public opinion disapproves of female

leaders. The qualities attributed to a leader – authoritarian, rational, responsible, dignified, decisive, focused on the overall picture, capable of learning, etc. – are primarily considered to be masculine and unbecoming to a woman. Only 18% of men and women are of the opinion that the number of female managers should be higher than it is now, whereas 51% find that is not an important issue at all. A strong and independent female leader is a new phenomenon in the Estonian society, representing new values and breaking the established patterns of behaviour.

Compared to men there are still very few female executive managers engaged in enterprise. In the catalogue of most successful businesses of 2001 they make up only 4-6% of the total number of managers: in county-level businesses 5-10%, in small businesses about 11% and in various other businesses about 14% on average (the analysis is based on various TOP-lists published in the business newspaper “Äripäev” in 2002; Raitviir, 2003b). Female managers work more frequently in businesses with only female owners or where women belong to the group of owners. Usually the main female owner herself acts as the manager of the business. There are practically no female managers in businesses owned by men. Business sectors are deeply gender-segregated. Women are frequently managers of companies engaged in auditing, tourism, training, clothing business, catering, accommodation and publishing (21-54 %), at the same time, though, they are almost absent in businesses engaged in the production of lumber and construction materials, in the sales of automobiles, in motor transport and shipping (0-5%).

A survey from 2002 shows that about 1/3 of entrepreneurs are women. Women are very often either small entrepreneurs or sole proprietors. The average female manager is 30-45 years old, she is married and has two children.

**(d) To right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;**

The principle of equal remuneration of men and women for equal work is established in the Wages Act.

According to the Gender Equality Act, the employer must not establish conditions for remuneration or other conditions which are less favourable regarding an employee of one sex compared to an employee of the other sex doing the same or equivalent work. The Act provides a basis to compare the wages of men and women doing the same or equivalent work. The Act is applicable for abolishing discrimination triggered by different systems of remuneration, classification of posts or criteria of evaluating work.

The employee has the right to demand that the employer explain the bases for calculation of salaries, and to get a written explanation from the employer within 15 working days concerning the employer’s activities, if the employee is of the opinion that he or she has been discriminated against.

On the basis of information from the Labour Inspectorates, so far only two precepts have been issued in Estonia concerning unequal remuneration for the same or equivalent work. In 2002 a precept was issued to a company which paid different wages to its female and male workers for the same work: 25 EEK per hour plus bonus to the man and 15 EEK per hour plus bonus to the woman for the same work, irrespective of the fact that the job descriptions of the man and of the woman were the same. After the precept the employer started to pay the man 15 EEK per hour, nevertheless, the bonus for additional work duties guaranteed the man his previous income.

In 2003 another precept was issued to a company in another county, where the salespersons/counter-clerks – all of them women – were paid 100 EEK less per month than transport workers, all of whom were men. The employer's representative's claim that men would not work for a lower wage also indicated that this was a case of direct discrimination.

In the past few years, the society has acknowledged the problem of unequal remuneration of men and women and has started a discussion of the issue.

PRAXIS-Centre for Policy Studies conducted a survey of wage differences in 2004, based on the database of Estonian labour force in the years 1998-2000. During the period of 1998-2000 the wages of women constituted 72.7% of the wages of men.

The study showed that when taking into account the differences in personal qualities and choices of profession, the wages of men, on the average, were 23% higher than those of women. Thus, 4.3 percentage points of the initial average difference of 27.4% can be attributed to the differences in the human capital of men and women, and to other observable factors.

**(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;**

The Social Protection of the Unemployment Act regulates the registration of persons as unemployed and the payment of state unemployment benefits, single benefits and stipends for unemployed persons through employment offices.

Persons who have been employed or engaged in an activity equal to work for at least 180 days during the twelve months prior to registration as unemployed have the right to receive the state unemployment benefit. Exceptions are enumerated in the Social Protection of the Unemployment Act.

Benefits are generally paid for up to 270 days during the period a person is registered as unemployed, an unemployed woman has the right to continue receiving the state unemployment benefit after the referred period until giving birth, if her due date for delivery as calculated by a doctor is within seventy calendar days.

The Unemployment Insurance Act, which entered into force in 2001, provides for benefits upon unemployment, collective termination of employment contracts and insolvency of employers.

The average retirement pension has increased from 1551 EEK in 2000 to 2072 EEK in 2004.

Table 11.1 The number of pensioners by gender and age in 2003

Cause	Total	Age groups										
		under 18	18-24	25-39	40-54	55-59	60-62	63-64	65-69	70-74	75-79	80 and older
Recipients of old-age pension	294 063	-	-	-	1503	15447	31508	30883	70803	60227	45114	38578
Men	91 427	-	-	-	696	2531	6368	12454	27014	21104	12754	8508
Women	202 636	-	-	-	807	12916	25140	18429	43789	39123	32360	30072
Recipients of superannuated pension	2 820	-	-	7	1430	965	219	59	70	46	16	8
Men	2 183	-	-	4	1243	543	206	53	64	46	16	8
Women	627	-	-	3	187	422	13	6	6	0	0	0
Recipients of pension for incapacity for work	55 480	905	3724	9794	25700	11536	3821	-	-	-	-	-
Men	30 897	512	2162	5527	12703	6172	3821	-	-	-	-	-
Women	24 583	393	1562	4267	12997	5364	-	-	-	-	-	-
Family members receiving survivor's pension	11 613	7455	3584	265	170	4	5	3	5	7	15	100
Men	5 348	3854	1467	7	18	0	1	0	0	0	0	1
Women	6 265	3601	2117	258	152	4	4	3	5	7	15	99

Recipients of national pension - family members in the case of survivor's pension	13 367	5210	1778	1257	1284	304	162	247	605	568	665	1287
Men	6 083	2717	756	694	827	193	109	120	288	167	125	87
Women	7 284	2493	1022	563	457	111	53	127	317	401	540	1200

Source: Social Insurance Board, [www.ensib.ee](http://www.ensib.ee)

In addition to the State Pension Insurance Act, the Funded Pensions Act has been in force since 2004, with the purpose of creating the opportunity for persons who have made contributions to a funded pension to receive additional income besides the state pension insurance after reaching retirement age.

The Act provides for two types of funded pensions: mandatory funded pension and supplementary funded pension (I and II pillar). A mandatory funded pension is a periodic benefit which is guaranteed pursuant to law, for the receipt of which units of a mandatory pension fund are acquired according to the Funded Pensions Act and the Social Tax Act and which is paid from the pension fund or by an insurer.

In essence, this is a system of an individual saving schedule, where the size of the pension depends on the total contribution of payments and the productivity of the pension fund. Persons born in 1983 and after have an obligation to make contributions to a mandatory funded pension. Persons born before 1983 can join the scheme on a voluntary basis.

As at November 2003, 44.6% of persons who had joined the fund were men and 55.4% women. As compared to the total number of the population the majority of persons who joined the fund were aged 18-20 (over 90%). Among persons aged 42-46 as much as 65% of men and 50% of women have joined. In the age group of 21-41 almost half of the women and slightly more than 40% of men have joined the fund.

A supplementary funded pension is a benefit for the receipt of which units of a voluntary pension fund are acquired or an insurance contract for a supplementary funded pension is entered into. The proportion of women who have joined the supplementary funded pension is 54% (58 248 persons in the first 3 months of 2004).

The Holidays Act, which entered into force on 1 January 2002, provides for several amendments advantageous for families. The employer is required to grant a holiday at the time requested by a parent raising a child of up to 7 years old, and a parent raising a child between 7 and 10 years of age must be granted a holiday during the school holiday of a child,

if the parent so wishes. The Holidays Act also provides for the possibility to enjoy a so called paternity leave. A father has the right to be granted additional parental leave of fourteen calendar days during the pregnancy leave or maternity leave of the mother or within two months after the birth of the child.

**(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.**

The Occupational Health and Safety Act and the amendment act to the Product Safety Act provide for occupational health and safety requirements for work; the duties of employers and workers in creating and ensuring a working environment which is safe for health; the organisation of occupational health and safety in enterprises and at state level; the procedure for conduct of administrative challenge proceedings, and liability for violation of the occupational health and safety requirements.

State supervision over compliance with the requirements of health and safety at work is exercised by the Labour Inspectorate.

Under the Gender Equality Act the employers have a duty to create working conditions which are suitable for both women and men and support the reconciling of work and family life, taking into account the needs of employees.

**2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective rights to work, States Parties shall take appropriate measures:**

**(a) To prohibit, subject to the imposition of sanction, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissal on the basis of marital status;**

The legal norms referred to in the previous report are still in force.

It is considered discriminatory if the employer, either for economic reasons or reasons related to production, fires or sends on a mandatory holiday all those who in the recent past have been on a child care leave or have taken a holiday due to family reasons.

**(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;**

According to the Holidays Act, in force as of 2001, a mother or father shall be granted parental leave at his or her request for raising a child of up to 3 years of age. For the duration of parental leave, an employment contract or service relationship shall be suspended and the employee shall be paid a benefit pursuant to the Parental Benefit Act or a child care allowance pursuant to the State Family Benefits Act.

Beginning from 2002, pregnancy and maternity leave benefits and parental benefits are calculated on the basis of the income that was earned during the previous year and was subject to social tax.

**(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;**

Day-care of children is one of the most important services for families with young children, enabling both parents to participate in work life.

County and city governments have an obligation to provide, in their administrative territory, for all children up to 7 years old a possibility to attend a child care institution (within the service area of the institution).

Local governments have databases of children attending child care facilities and information about births. The number of births registered and the population registry data serve as a basis for prognosis of the number of places required in such facilities.

Table 11.2. Types of child care institutions as at 1 January 2002

Child care facility	No of child care institutions	No of places	No of children	Children per 100 places
Crèches	10	406	473	117
Nursery schools	533	45 412	45 956	101
Nursery schools for children with special needs	6	264	253	96
Centres for children	1	180	151	84
Nursery-primary schools	74	3 155	3 019	96
<b>TOTAL</b>	<b>624</b>	<b>49 417</b>	<b>49 852</b>	<b>101</b>

Source: Ministry of Social Affairs

In addition to municipal child care institutions there were 34 registered private child care institutions (which had education licences) in Estonia.



Children aged five to six are most numerous in pre-school child care institutions, they make up 83% of the children of the referred age. In Estonia 31.8% of children aged 1 to 2 and 74.6% of 3 year olds use child care institutions (according to the data of the Statistical Office of 2002). Although child care allowance is paid to a parent raising one or more children of up to 3 years of age, a large number of families place their children in a child care institution before they reach 3 years of age. This is due to the fact that mothers go back to work, either because the allowance is not sufficient to allow a mother to stay at home with the child or because a mother is afraid of losing her qualifications.

Table 11.3 The proportion of children in child care facilities by age groups (excluding pupils) as at 1 January 2002.

	1	2	3	4	5	6	7
Total No of children	12 932	12 044	11 752	12 082	12 674	12 816	13 292
No of children in child care institution	1 615	6 321	8 770	9 639	10 497	10 680	2 241
Proportion in %	12.5	52.5	74.6	79.8	82.8	83.3	16.9*

Source: The Ministry of Social Affairs

\* Including children who are already 7 years old but do not yet go to school

In the second half of the 1990s the number of children less than 3 years old placed in child care institutions rose and a number of crèches were re-opened. This has reduced the number of nursery school places available for 5-6 year old children. Local governments have started a discussion about creating and financing additional care institutions and forms of activities for children under the age of 3.

In establishing the daily opening hours of child care institutions the working hours of parents (ascertained through questionnaires) are taken into account. The needs of parents who work long hours on some days are also taken into consideration.

The strategy for the implementation of the Principles of Population Strategy for 2005-2008 include measures to promote the reconciling of work and family life. These include the following activities:

- Informing the public (including setting up a webpage) about the necessity and possibilities of combining work and family life, encouraging men to participate more actively in family life and take on more responsibilities;

- Developing proposals and conceptions concerning alternative child care possibilities (play-rooms, day care, *etc*), creating a registry of child-minders (babysitters) and housekeepers;
- Creating a study module for child-minding in the system of vocational education and developing pertinent professional standards;
- Offering possibilities of re-training through the Labour Market Service to acquire the profession of a child-minder (first aid courses, teaching skills, etc).

**(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them**

Regulation of the Minister of Social Affairs of 24 April 2003 established the procedure for medical examination of employees, to be conducted during work time and at the expense of the employer. The medical examination of employees begins with the initial health check within the first 3 months of employment and continues afterwards at intervals prescribed by an occupational health doctor, but not less frequently than once in every three years.

The occupational health and safety requirements for the work of pregnant women and women who are breastfeeding have been established by the Government Regulation of 7 February 2001, with the aim of guaranteeing them a safe working environment. An employer is obliged to fulfil the occupational health and safety requirements set out in the Regulation if a female worker submits to the employer a doctor's written certificate concerning her condition.

According to the Regulation, an employer has the duty to assess the risks inherent in all works which may prove dangerous and which are performed by or to which are exposed pregnant women or women who are breastfeeding (for the purposes of this regulation a 'female worker' is a woman who is breastfeeding). On the basis of the nature, degree and duration of risk factors the safety or health risks of a female worker are assessed, as well as possible harmful effects on her pregnancy or on the health of the breastfed child.

In assessing the risks the employers must also take into consideration the biological risk factors, which have been established by the Government Regulation of 5 May 2000, and the production processes causing carcinogenic and mutagenic risks, as established by the Government Regulation of 15 February 2000.

If the assessment shows the existence of a risk, an employer must take measures to guarantee safe working conditions, to consult the working environment council and, if necessary, a doctor; and inform the female worker and a working environment representative of the results of the assessment and of the measures to be taken. Furthermore, an employer must ensure to a pregnant woman the use of a rest room with the opportunity to lie down, and an employer is required to grant a pregnant woman free time for ante-natal examination. If such examination takes place during the working time, it must not be deducted from the wages.

In order to ensure a safe working environment for a female worker, the employer may temporarily facilitate the working conditions, change the organisation of work (including the shortening of the working day and enabling of suitable breaks) or temporarily transfer the female worker to daytime or evening job. If the referred measures do not ensure safe working conditions for the breastfeeding worker, the employer is obliged temporarily to transfer the female worker to an easier work or another work, taking into account her abilities and professional experience. One of the measures that an employer is allowed to use is temporary transfer to daytime or evening job. If the employer cannot temporarily offer the female worker an easier or another work, the employer must temporarily release the worker with the consent of the labour inspector. The doctor shall decide on the duration of such temporary release.

**3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.**

The occupational health and safety requirements for the work of pregnant women and women who are breastfeeding have been established by a Government Regulation of 2001.

The Regulation establishes the list of works that pregnant women are not allowed to perform and of the works that women who are breastfeeding are not allowed to perform. Pursuant to the regulation a pregnant woman must not be obliged to work in hyperbaric atmosphere; in the case of a risk to be infected with rubella virus and toxoplasmosis, unless it is proved that the pregnant woman is protected against such agent by immunization; with lead and its toxic compounds; underground; at night, and with manual handling of loads. Breastfeeding women must not be obliged to work with lead and its toxic compounds and underground. The regulation is based on the European norms on safe working environment (Directive 92/85/EEC of the Council of the European Union).

## **Article 12**

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.**

Persons who are maintained by their spouses have a right to apply for the state's health insurance protection if their spouse is an employee covered by health insurance, is working in public service, is a member of a management or controlling body of a legal person, is a person receiving remuneration or service fees on the basis of the law of obligations or is registered as a sole proprietor and if he or she is raising at least one child under 8 years of age or a child who is 8 years old until the end of the first grade at school or at least 3 children under 16 years old. The health insurance also extends to persons who on 1 January 2003 had up to five years left until attaining the pensionable age and are maintained by their spouses who are insured persons.

Based on the survey "Availability and usage of hospital care in Estonia" (conducted by the Health Institute of the University of Tartu) the main reason why women in the age group 15-

44 need hospital care is pregnancy and childbirth. More and more fathers are present at childbirth and also during the period after the birth in the hospital, where it is possible to stay in family rooms. Older children of the family are also allowed in those premises. Maternity hospitals and women's counselling services have special family-training schools, where the future parents are counselled and where they can go also after the child is born.

Starting from the age 45 the need of hospital care both among men and women is most often due to cardiovascular diseases and also tumours, diseases connected with the muscular-skeletal system and diseases of the connective tissue.

Prenatal mortality decreased considerably in 1992-2001, whereas most of it was due to the drop in neo-natal deaths. This shows that pre-natal care, especially intensive care for newly born babies, has improved drastically. Stillbirths also decreased, which is partly due to better pre-birth diagnostics: screening of congenital abnormalities, and the family's option to terminate pregnancy before birth in the case of foetal chromosomal anomaly.

The rise in the average age of women giving birth shows that women postpone pregnancy. The percentage of teenage mothers has decreased by a third – in 2001 one in ten persons giving birth was a teenager. The reasons for the decline in the number of young mothers care related to increased awareness of young girls and the availability of reliable contraceptives.

The aim of the project "Reproductive health counselling of young people and the prevention of sexually transmitted diseases 2002-2006" was to ensure good reproductive health of Estonian youth. One of the results of the project was the decrease of abortions by 25%, also the number of first-time pregnancies and sexually transmitted diseases (STD) among 15-19 year olds decreased by 10% (according to the Bureau of Estonian Medical Statistics there were 9606 first-time cases of STD in Estonia in 1999). The project coordinator is the Estonian Family Planning Union.

Within the youth reproductive health project youth counselling centres were established in almost all counties. In 2004 there were almost 24 000 visits to the centres. The centres provide testing of STD suspicions for young people and also provide general sexual health counselling. Most of the visits, however, are connected with the wish to obtain contraceptives. Young men have not visited the centres very often; they only make up 4% of the number of visitors. In 2003 the counselling service was advocated among Russian speaking youths, in 2004 efforts were directed to informing young men.

Young people are made aware of the work of the youth counselling centres also through other sexual education projects. A good opportunity to obtain anonymous advice is through the Internet page [www.amor.ee](http://www.amor.ee).

In 2003, 22 189 young people visited the youth counselling centres (including 82 young people without health insurance), 17% of the visits were by first-time visitors. 88% of the visitors of youth centres were pupils and university students, 78% were Estonians, and 22% other nationalities.

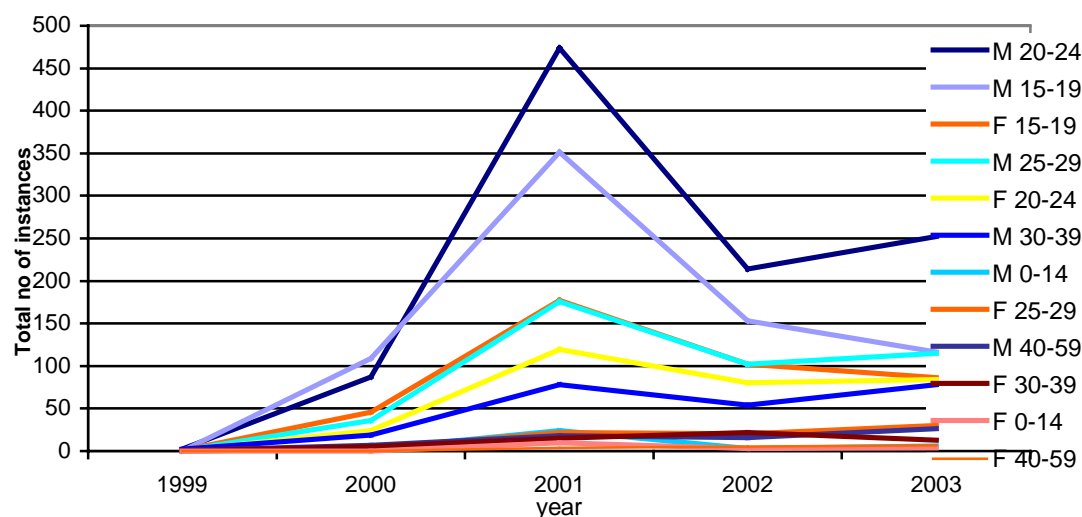
There are no precise and systematic data about the use of contraceptives in Estonia. According to the health statistics available to the Ministry of Social Affairs, 18.2% of fertile

women used hormonal contraception and 14.5% intrauterine spiral in 2001. Compared to 1992, the number of women using hormonal contraceptives increased more than four-fold whereas the number of users of the intrauterine spiral dropped – the respective numbers are 3.9% and 20.9%. The information only reflects the behaviour of women who visit gynaecologists.

The total number of abortions and legally induced abortions per 1000 women in fertile age has decreased by more than a half in the past 10 years. The number of repetitive abortions, however, has remained the same: 68% of abortion patients in 1996-2001 had already had one or more abortions previously.

All registered pregnant women are advised to take an HIV test. Over the years 140 pregnant women have tested HIV positive in Estonia. Some of those pregnancies did not come to giving birth, they either self-terminated or were terminated. In 1993 the first pregnant woman tested HIV positive. The first case of a woman to have given birth while being HIV positive was in 1999. According to available data, 63 HIV-positive women have given birth until today. Five children have received the infection from their mothers. The number of HIV-pregnancies has increased over the years – from 35 cases in 2001 to 55 in 2002 and 64 in 2003.

Figure 12.1. HIV-positive persons by age and sex, 1999-2003



### The spread of HIV/AIDS

Even though the majority of HIV positives are men, the proportion of women has increased in the recent years. In 2000 women constituted 20% of all the registered cases of HIV; in 2002 they already made up 30%. In 2003 women made up 28% of registered HIV-positive persons and, according to the data as at 19 August 2004, the proportion of women among the infected persons was 32%.

According to a survey conducted among the age group 15-24 by the Ministry of Social Affairs in 2003, 54% of the respondents had failed to practice safe sex within the last year. Only 53% knew the causes of HIV infection.

Due to expectations with regard to gender roles the behaviour of young men is more risky in sexual relationships and in consuming drugs. Men belonging to groups where traditional definitions of masculinity are prevalent consider the injection of drugs more manlike than the consumption of pills. Surveys have also shown that half of HIV positive young women have started to use drugs following the example of their male friends.

In addition to biological differences which make young women many times more receptive to infection, the socially developed view of gender roles is equally important, since it emphasises submission and agreement rather than the protection of one's self-respect and health.

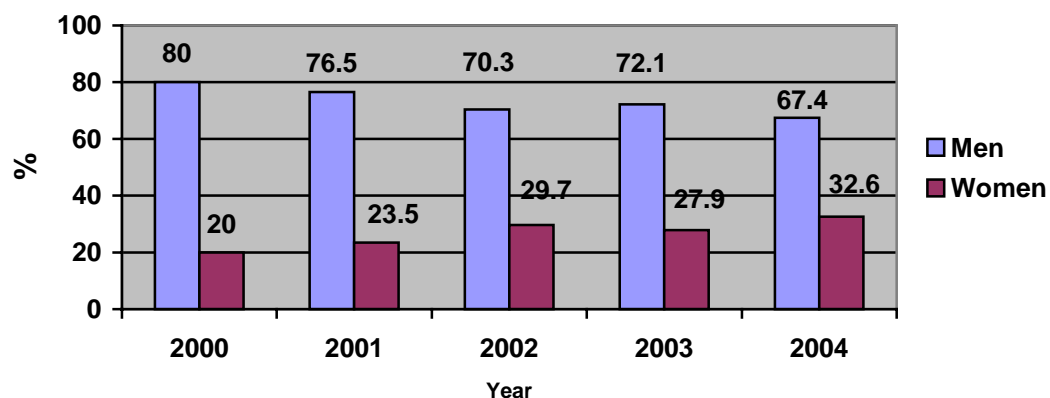


Figure 12.2. Registered HIV positives, 2000-2003, by sex (%)

By 19 August 2004, 54 people had been diagnosed with AIDS in Estonia. By the end of 2003, 60 HIV positive persons had died (21 of them had been diagnosed with AIDS), 19 of them died because of AIDS, others because of drug overdose, injuries, heart attack, *etc.*

As compared to 2002, almost three times as many instances of AIDS were diagnosed in 2003. In 2002 the number of persons with AIDS per one million people was 2.9, whereas in 2003 it was already 8.1.

The monitoring of the spreading of HIV infection was started in 1987 in Estonia. The monitoring is conducted by diagnostics groups (25 general screening laboratories), which exist in all the larger state medical institutions, and a reference laboratory in Tallinn. Testing of HIV is voluntary in Estonia and it can only be done with the consent of the person. The testing of donor blood and transplant organs is mandatory. Anonymous and free of charge testing is conducted in the AIDS counselling offices and youth counselling centres (free of charge up to the age of 18). HIV is also tested for blood donors, prisoners, persons serving in the armed forces, pregnant women and for persons who have tuberculosis and STD. Family doctors and special doctors can also perform HIV tests.

The prevention work for HIV/AIDS is based on the national development plan for the prevention of HIV/AIDS 2002-2006 (approved by the Government on 16 January 2002). The economic and social information department of the Parliament commissioned an evaluation of HIV/AIDS prevention work in 2004 and recommendations were adopted to ensure its sustainability. The national target programme for research and developmental for 1999-2009 was approved with the Government order of 11 August 1998.

**2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.**

The number of obstetric wards (maternity hospitals) has remained unchanged (19 in total). There are 3 upper level obstetric centres. Obstetric wards of county hospitals and private hospitals are institutions of the secondary level.

Considerable changes have taken place in monitoring of pregnancies. In 1992, 29.6% of pregnant women received ultrasonic examinations before the 21st week of pregnancy, whereas in 2001 their proportion had risen to 86.2%.

### **Article 13**

**States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:**

**(a) The right to family benefits;**

#### Family benefits

The state's family benefits are childbirth allowance, child allowance, child care allowance, single parent's child allowance, conscript's child allowance, school allowance, foster care allowance, start in independent life allowance, allowance for families with three or more children and families raising triplets, and adoption allowance.

Every child has the right to receive child allowance from the birth until he or she attains 16 years of age. A child who is enrolled in a basic school, upper secondary school or vocational school which operates on the basis of basic education has the right to receive family benefits until he or she attains 19 years of age.

#### Tax exemptions for families with children

Estonian inhabitants can deduct from their annual income the education costs of children under 26 years old or foster children. One of the parents or the person maintaining the child can also deduct additional non-taxable income for every child under 17 years old starting from the third child.

As a measure aimed at increasing the birth rate the state partly cancels student loans of the parents who have graduated from a higher education institution or vocational school and are raising a small child. The percentage cancelled per child is 50% of the remaining loan balance (and in the case of every additional child born the state cancels further 50% of the remaining loan), in the case of twins the state cancels 75% and in the case of triplets 100% of the remaining loan amount.

**Table 13.1 The size of family benefits in Estonian kroons (EEK)**

Type of benefit	Amount of benefit (EEK)
<b>Child birth allowance</b>	First child 3750 additional children 3000
<b>Child allowance</b> (is paid until the child is 16 years old or, if the child is enrolled in daytime educational institution or in another form of study for medical reasons, until 19 years of age or in the case of turning 19 years old until the end of school year)	
· for the first child	300
· starting from the second child	300
<b>Child care allowance</b> (for one child)	
· to the parent with a child up to 1 year old	700
· parent of a 1-3 year old child	600
· parent of a 3-8-year-old child (to be paid if the family has additional children up to 3 year old )	300
· parent of a 3-8 year old child if the family has 3 or more children (to be paid if the family has at least three children over 3 years old receiving child benefit)	300
<b>Single parent's child allowance</b> (A child in whose birth registration no entry has been made concerning the father or an entry has been made on the basis of a statement by the mother or whose parent has been declared to be a fugitive)	300
<b>Conscript's child allowance</b>	750
<b>School allowance</b> (to be paid in the beginning of the school year)	450
<b>Foster care allowance</b>	900



<b>Start in independent life allowance</b> (to youths leaving social welfare institutions)	6000
<b>Support to families with three and more children and families raising triplets</b> (to be paid quarterly)	Number of children receiving child support multiplied by 150 (in the case of triplets the amount of the benefit is 4x150)
<b>Adoption allowance</b> (one time)	3000

**(b) The right to bank loans, mortgages and other forms of financial credit;**

There are numerous credit institutions offering loans in Estonia. If the person applying for a loan meets the requirements set by the bank, then there are no hindrances to obtaining a loan.

The statistics concerning customers of credit institutions by gender are not available.

**(c) The right to participate in recreational activities, sports and all aspects of cultural life.**

The general prohibition of gender discrimination applies in all spheres of social life.

There are no legal obstacles to women participating in recreational activities, sports and other aspects of cultural life. The biggest obstacles are time and money. Because of their overall greater total work contribution women have less free time than men. The difference is about 45 minutes per day, whereas during weekdays the difference drops to half an hour, while during weekends it increases up to an hour.

Women perform more free of charge household work than men in all age groups. The greatest differences to the detriment of women appear in the mid-phase of life (connected with raising children), when underage children are still at home and the amount of professional work is also above average. For example, mothers of pre-school aged children perform more than 5 hours of household work a day, which is about 2.5 times more than fathers of the same age of children. In addition to child care and dealing with the children (incl. helping children with school work) the amount of housework in connection with children also increases (cooking, cleaning, doing the laundry, etc) – as this is mostly a duty performed by mothers.

**Table 13.2. Time to participate in leisure activities for men and women, by age group, average amount per day (hours, minutes)**

Main activity	Age				
	Total	15-24	25-44	45-64	65+
<b>TV and video</b>					
Men	2:23	2:18	2:25	2:24	2:14
Women	1:52	1:56	1:46	2:00	1:54
Difference + -	-0:31	-0:22	-0:39	-0:24	-0:20
<b>Social communication*</b>					
Men	0:34	1:13	0:32	0:22	0:31
Women	0:35	0:49	0:37	0:30	0:09
Difference + -	+0:01	-0:24	+0:05	+0:08	-0:22
<b>Reading</b>					
Men	0:32	0:20	0:29	0:38	0:44
Women	0:35	0:22	0:32	0:42	1:06
Difference + -	+0:03	+0:02	+0:03	+0:04	+0:22
<b>Sport and physical activities</b> (including fishing, hunting, going to the forest)					
Men	0:21	0:27	0:19	0:21	0:26
Women	0:14	0:24	0:14	0:10	0:23
Difference + -	-0:07	-0:03	-0:05	-0:11	-0:03
<b>Other hobbies and games**</b>					
Men	0:10	0:18	0:08	0:08	0:15
Women	0:06	0:08	0:05	0:05	0:07

Difference + -	-0:04	-0:10	-0:03	-0:03	-0:08
<b>Passive rest</b>					
Men	0:14	0:09	0:13	0:17	0:33
Women	0:10	0:07	0:10	0:12	0:19
Difference + -	-0:04	-0:02	-0:03	-0:05	-0:14
<b>Cultural and recreational activities</b> ***					
Men	0:07	0:16	0:06	0:04	0:02
Women	0:05	0:13	0:05	0:03	0:09
Difference + -	-0:02	-0:03	-0:01	-0:01	+0:07
<b>Listening to radio and music</b> (including recording)					
Men	0:06	0:06	0:04	0:07	0:17
Women	0:04	0:05	0:02	0:05	0:07
Difference + -	-0:02	-0:01	-0:02	-0:02	-0:10
<b>Movement as a free time activity</b>					
Men	0:20	0:31	0:21	0:14	0:17
Women	0:19	0:33	0:22	0:12	0:11
Difference + -	-0:01	-0:01	+0:01	-0:02	-0:06
<b>Total amount of free time</b>					
Men	<b>4:47</b>	<b>5:38</b>	<b>4:37</b>	<b>4:35</b>	<b>5:19</b>
Women	<b>4:00</b>	<b>4:37</b>	<b>3:53</b>	<b>3:59</b>	<b>4:25</b>

\*Social communication includes social communication and conversations both inside and outside the family, including phone conversations, entertaining guests and communicating with people outside the home environment (cafeteria, restaurants, bars, etc)

\*\* Other hobbies and games include artistic, technical and other hobbies or pastimes, including activities and communication with the computer, also table games, computer games, solitary games and gambling

\*\*\* Cultural and recreational activities include visiting of cultural institutions (cinema, theatre, concerts, exhibitions, museums, libraries) and also sporting events and excursions, zoos and recreation centres (amusement parks, casinos)

According to the information of the Estonian Sports Education Centre, the participation of women in regular sport and fitness activities has been on the increase since the 1990s.

The Estonian Olympic Committee promotes the movement "Women in Sport". Every year best female and male athletes are selected.

#### **Article 14**

**1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.**

#### Unemployment in rural areas

Unemployment and non-activity have become acute problems in rural areas. In 2000 there were 28 500 unemployed persons in rural areas (13.8%) and 144 300 non-active job-seekers (about 41.2 % of the workforce).

In 2001 and 2002 the unemployment rate dropped. In 2001 the proportion of non-active job-seekers declined by 0.4% but in 2002 it increased again (+2.8%). In 2001 the number of unemployed declined by 800 persons in rural areas, which lowered the unemployment rate to 13.4%. In 2002 the level of unemployment declined further to 9.4% and, as compared to the year before, there were 10 700 fewer unemployed people in rural areas.

At the same time, regardless of a fairly high rate of unemployment there is also a lack of qualified work force. The Ministry of Agriculture commissioned a survey conducted by the Rural Development Institute on non-agricultural entrepreneurship in 2001, which showed that there is a lack of workers whose qualifications meet the demands of employers in the rural areas. A large proportion of persons registered as unemployed (28%) have either basic education or their level of education is even below that; while among the employed persons only 10.4% had basic education.

As compared to urban population, women and in particular men living in rural areas have a longer working week, both among full-time and part-time workers. At the same time, the gap between the length of the working week of men and women is larger in rural areas than the gap among men and women in cities.

**Table 14.1 Average weekly working time\* by sex, place of residence and part-time and full-time working, 1999 and 2002 (average per year, hours).**

	Men				Women				Difference, compared to men, +/- hours	
	Normal week		During the week of the survey		Normal week		During the week of the survey		Regular working week	
	1999	2002	1999	2002	1999	2002	1999	2002	1999	2002
<b>Everybody</b>										
Full time work	44.59	43.10	42.47	40.98	42.28	41.52	39.48	38.77	- 2.31	- 1.58
Part time work	23.62	22.18	21.01	19.45	21.83	22.21	20.34	19.40	- 1.79	+ 0.03
<b>Total</b>	<b>43.49</b>	<b>42.11</b>	41.35	39.96	<b>40.44</b>	<b>39.15</b>	37.76	36.39	<b>- 3.05</b>	<b>- 2.96</b>
<b>City</b>										
Full time work	44.02	42.61	41.94	40.38	41.70	41.24	39.16	38.55	- 2.32	- 1.37
Part time work	23.67	21.82	21.72	18.28	21.83	21.82	20.35	18.90	- 1.84	0.00
<b>Total</b>	<b>42.99</b>	<b>41.61</b>	40.92	39.32	<b>39.96</b>	<b>38.94</b>	37.51	36.22	<b>-3.03</b>	<b>- 2.67</b>
<b>Countryside</b>										
Full time work	45.83	44.25	43.63	42.38	43.83	42.36	40.34	39.41	- 2.00	- 1.89
Part time work	23.53	23.08	19.68	22.33	21.82	23.20	20.33	20.67	- 1.71	+ 0.12
<b>Total</b>	<b>44.56</b>	<b>43.28</b>	42.26	41.46	<b>41.73</b>	<b>39.77</b>	38.43	36.88	<b>- 2.83</b>	<b>- 3.51</b>

\* Explanatory note: normal week – typical working week over a longer period of time; during the week of the survey – actual hours worked during the week of the time-use survey; data for 1999 is based on II quarter.

Source: Workforce 1999, ESA, 2992, p 73; Workforce 2002, ESA, p 97.

Based on a compilation „Economic indicators of enterprises 2001” by the Statistical Office of Estonia, there were 753 active agricultural and hunting enterprises in Estonia in 2001, which was 50 enterprises fewer than in 2000. Almost 75% of the enterprises employed less than 20 persons; only 22 enterprises had more than 100 employees.

The Government’s entrepreneurship policy document „Entrepreneurs in Estonia” stresses the need to develop the human capital and the support structure for entrepreneurship, improve financing possibilities, distribute entrepreneurial information and simplify bureaucracy.

#### Investments and regional development strategy

The European Union pre-accession programme SAPARD was launched in Estonia in 2001. In order to solve problems that hindered rural development, Estonia used the financing from the SAPARD programme toward improving agricultural competitiveness and developing rural life environment, entrepreneurship and infrastructure. Rural tourism, handicraft and service sector, crayfish and fish growing, and food processing in small enterprises have been supported (these fields of business often largely employ women workers).

In 2003, supporting of local initiatives aimed at the development of villages was started. The aim of the measure is to facilitate the development of villages, civic initiative and cooperation, and to improve the quality of life in villages. For example, investments to public facilities and information centres with Internet access are supported.

According to the Estonian regional development strategy, the aim of the regional policy is to achieve the balance of regional development to the extent that in all the counties:

- (a) the average standard of living would not be lower than 75% of the Estonian average;
- (b) unemployment would not exceed the Estonian average by more than 35%;
- (c) the tax income of local governments would not be less than 75% of the Estonian average (the city of Tallinn would be excluded in calculating the average).

In order to improve rural infrastructure and standard of life the *Rural Development and Agricultural Market Regulation Act* provides for various state benefits to support people living in rural areas.

**2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:**

**(a) To participate in the elaboration and implementation of development planning at all levels;**

Although as a result of the latest local government councils elections there are less than 20% of women as heads of local governments, women in rural areas do influence and develop rural life and take part in the decision making process.

In planning, implementing and evaluating national, regional and institutional strategies, policies and action plans, local government bodies should take into account different needs and social status of men and women and evaluate how the measures implemented or to be implemented affect the position of men and women in society. Both sexes should be represented in committees, councils and other collegial bodies of local government offices.

Starting from 2001 the state supports cooperation of women's organisations. 2/3 of the financed projects have regularly been aimed at supporting organisations that are active in rural areas.

Based on a survey conducted by the Network of Estonian Non-Profit Organisations in 2003, it is possible to claim that Estonian people strongly believe that the people themselves should participate in solving local and national problems, and not leave it to politicians, officials, the Parliament or the Government.

One of the most important tasks of non-profit associations is representing the opinions of interest groups and informing the public, mobilising civic initiative and representing and maintaining democratic values.

Different women's organisations – the Association of Rural Women in Estonia, the Association of Business and Professional Women in Estonia (BPW-Estonia), the Union of Estonian Women, Estonian Women's Defence League, also women's associations of political parties – have an extensive network in Estonia. Women's organisations have joined into regional women's roundtables.

The movement *Kodukant*, which mobilises Estonian villages and small towns, is a union of non-profit organisations that was founded by 13 organisations in October 1997. Today *Kodukant* joins 15 county unions, three national unions and seven local organisations. The main goal of the movement is to preserve, revive and contribute to the harmonious development of Estonian rural and village life, as well as support rural economy, village movement and national culture.

In 2003 regional village organisations or local organisations of *Kodukant* were established in all counties in Estonia largely due to local initiative.

The president of the *Kodukant* movement is a woman, and five more women and two men belong to the management board. The movement has its own information bulletin, which is

edited by a woman. The representatives of the movement in other organisations and foundations are mostly women.

Every year the movement participates increasingly actively in the law making process and in initiating different national and EU programmes for rural life, cooperating with the parliamentary local initiative working group and various organisations and ministries. Women in rural areas have associations which provide information and training.

**(b) To have access to adequate health care facilities, including information, counselling and services in family planning;**

This topic is discussed under Article 12.

**(c) To benefit directly from social security programmes;**

In addition to social security programmes and schemes, which are applicable for women in both urban and rural areas, cities and local governments also provide different benefits under the Local Government Organisation Act and the Rural Municipality and City Budget Act.

Farmers can also apply for financial support for partial compensation of the expenses for farm relief services to hire farm relief employees to relieve the agricultural producers of their duties during a vacation for up to 28 days. The following may apply for support for farm relief services: a sole proprietor, a private limited company or a public limited company with only one partner or shareholder, who or which are entered in the register of taxable persons, operate in the field of livestock farming and who have paid a replacement fee to a qualified replacement employee (whose qualifications comply with the professional standard).

A survey that was commissioned by the Bureau of the Minister of Population Affairs and conducted by the department of sociology and social policy of the University of Tartu on local government support to families with children showed that the greatest part of the support to families with children was taken up by expenses related to education (70%). Day care constituted 21%, hobby education 7% and local family support 2% of the total support intended for children.

25% of all local governments (59) supported families by providing them “baby kits” which contained items needed by newborns. 9% of local governments gave allowances to families with many children. In the cities the average sum per child was 512 Estonian kroons and in the countryside 1085 Estonian kroons. The average sum in Estonia was 1004 kroons.

**(d) To obtain all types of training and education, formal and non-formal including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;**

Regional centres for development offer a free of charge counselling service to companies that are just starting up as well as companies that have already been in business for a longer time. The same service is also available to local governments, non-profit organisations that are getting established and those that are already active, and to foundations. The developmental centres form a network which is coordinated by the Enterprise Estonia Foundation.



At the end of 2001 the Ministry of Agriculture launched a project to improve the distribution of agricultural and rural economic information and counselling (PIKK-project). Based on the project an Internet portal (<http://www.pikk.ee>) was created for all rural entrepreneurs and also an information distribution system together with a coordinating national centre and regional centres was established. The information distribution system helps agricultural producers and rural entrepreneurs to find and understand information and provides regular feedback to the Ministry of Agriculture about the information needs of rural entrepreneurs.

The general assembly of the village and small town movement *Kodukant* established a private school called “The *Kodukant* Training Centre” in 2003, which is active in different regions of Estonia. The training centre is a training institution for adult learners, providing in-service and non-formal educational training, deals with all aspects of rural life and rural people, and helps to create the conditions for all-round rural development.

Since 2003 the Estonian Chamber of Agriculture and Commerce operates as a national coordinating centre in Estonia. Under the guidance of the information centre that is linked to the Chamber, regional information centres continue their operation. Most of the counties also have local farm unions that serve as information centres. In addition to providing information, information centres organise training days for rural entrepreneurs. All the above-mentioned information and training opportunities are intended for both men and women.

The Enterprise Estonia Foundation is continuously accepting applications to grant counselling allowances. The aim of the counselling allowances is to ensure that entrepreneurs have an opportunity to get entrepreneurial counselling from professional consultants on beneficial terms, to support the growth of enterprises and the creation of new jobs, to provide know-how to entrepreneurs and to help entrepreneurs find new markets. The applicants can be sole proprietors or small and medium sized enterprises registered in the Estonian commercial register, and the state or local government participation in the enterprises may not exceed 25%.

Approximately 2000-2500 agricultural producers use the individual agricultural counselling service annually. In 2003 there were 96 certified counsellors in Estonia who can provide the state-supported counselling service.

- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;**

Table 14.2. The proportion of 15-74 year old paid male and female workers who are active in agriculture, hunting, forestry and fishing

<b>15-74 YEAR OLD PAID WORKERS</b>					
	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
Men and women	30.0	25.6	22.9	22.9	21.3
Agriculture, hunting and forestry	2.1	2.0	1.7	1.4	1.6
Fishing					
Men	18.9	17.2	16.0	15.2	14.0
Agriculture, hunting and forestry	2.0	1.8	1.5	1.1	1.5
Fishing					
Women	11.1	8.4	6.8	7.7	7.3
Agriculture, hunting and forestry	30.0	25.6	22.9	22.9	21.3
Fishing	...	...	...	...	...
<b>Note:</b> Unit of measurement: thousand yearly average					

Source: Statistical Office of Estonia, [www.stat.ee](http://www.stat.ee)

Table 14.3 The proportion of 15-74 year old men and women who are active in agriculture, hunting, forestry and fishing

<b>15-74 YEAR OLD EMPLOYED</b>					
	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>
Men and women					
Agriculture, hunting, forestry	43.9	38.3	37.3	38.8	34.4
Fishing	3.1	2.9	2.7	1.9	2.3
Men					
Agriculture, hunting, forestry	27.3	25.4	26.5	26.8	23.3
Fishing	2.9	2.8	2.5	1.7	2.2
Women					
Agriculture, hunting, forestry	16.6	12.9	10.8	11.9	11.1

Fishing	...	...	...	...	...
<b>Note:</b> Unit of measurement: thousand yearly average					

Source: Statistical Office of Estonia, [www.stat.ee](http://www.stat.ee)

**(f) To participate in all community activities;**

The Association of Rural Women in Estonia serves as the umbrella organisation for rural women. The Association of Rural Women in Estonia operates under the Estonian Farmers' Federation since 1996. One female representative from each Estonian county belongs to the board of the association. The association draws the attention of the public to problems that rural women face, supports the election of women to local government councils and to the board of the Farmers' Federation. The majority of work is focused on training events which contribute to personal development – training seminars, study trips and leadership seminars are organised, the activities of rural women's societies are supported in villages, etc. In addition to informing the public about the movement of Estonian rural women and the history of farm culture, the organisation also helps to solve social problems in the countryside.

The organisation has more than 700 members and has its own bulletin. It has helped to value life in the countryside and to re-invigorate village life through the activities of societies, common events, competitions to take care of public areas, and voluntary work.

The above-mentioned Estonian village and small town movement *Kodukant* also supports and promotes the movement of families, women and young people.

Besides membership in rural women's organisations, rural women also belong to other national women's organisations.

**(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;**

The Rural Development and Agricultural Market Regulation Act provides for different types of state support: interest rate support, training support, apprenticeship training support, support for farm relief services, joint economic activity support for agricultural producers, etc.

The joint economic activity support for agricultural producers may be applied for by a commercial association if at least five of its members are agricultural producers and the area of activity of the commercial association is the marketing or processing of the agricultural produce produced by its members, and the sale of agricultural products produced by it and the sale of fixed and current assets necessary for the production of agricultural produce.

In certain limited business spheres the Enterprise Estonia Foundation offers start-up capital to enterprises outside Tallinn that have been active for less than a year.

The state start-up capital to enterprises gives preference to projects related to local production and use of local raw materials and projects for the development of the tourism service. This is the only state measure to support entrepreneurship where preference is given to projects submitted by women entrepreneurs.

The maximum amount of support is 75% of the investments connected with the project, but not more than 100 000 EEK per application. In 2002, eight million kroons of start-up support was given in Estonia.

The purpose of the Rural Development Foundation is to help agricultural producers and other enterprises in rural areas by granting them additional securities to obtain loans from credit institutions for developing economic activities and purchasing of land. In 2004, 180 million kroons worth of loans were planned to be granted and loan securities were planned to be granted for another 100 million.

**(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.**

Most of the housing is privately owned. Only 4% of housing belongs to the state and local governments.

In 2004 the Ministry of Social Affairs commissioned from the PRAXIS-Centre for Policy Studies a research project “Availability of Housing for Risk Groups”. The results of the survey show that almost a third of Estonian households live in poor conditions or in conditions not suitable for their housing needs. 1.2% of the households live in places that do not even meet the minimum standards of housing. This means the housing lacks either electricity, heating, clean water or toilet. 23.3% of the population live in a home without a shower, bath and sauna, and with a toilet outside.

In the worst situation on the real-estate market are households whose income is 25% of the average income in Estonia, unemployed persons, families with many children, single parent families, disabled people and elderly (especially those living alone).

The functions of a local government include the organisation of social assistance and services, welfare services for the elderly, youth work, housing and utilities, the supply of water and sewerage, the provision of public services and amenities, territorial planning, public transportation within the rural municipality or city, and the maintenance of rural municipality roads and city streets.

The task of the local government is the organisation of the implementation of health care legislation and monitoring compliance with the legislation, as well as the prevention of diseases and promotion of health among the population within the territory of the respective municipality.

The situation of phone connections and telecommunications has improved. The national project *Külatee*, (“Village Road”) for the development of county communication networks has been launched. Within the *Külatee* project, establishing of local government on-line Internet connection with the state backbone network *Peatee* (“Main Road”) is supported.

The TNS Emor Internet use surveys indicate that 52% of 6-74 year old Estonians use the Internet, i.e. the total community of Internet users in Estonia is 621 000 people. Access to the Internet is guaranteed through public Internet access points and also through public libraries.

The project “*Vaata maailma*” (“Look@World”) that has lasted for two years was born out of cooperation between Estonian enterprises and the state. The aim of the project was to raise significantly the number of people using the Internet and thereby improve the quality of life of Estonian people. From 24 April 2002 until 31 March 2004, 11 693 training courses were held throughout Estonia, 102 697 people were trained, and the majority of them were women ([www.vaatamaailma.ee](http://www.vaatamaailma.ee)). Within the “Look@World” project 10% of the adult Estonian population were given information on how to use the Internet.

## Article 15

### 1. States Parties shall accord to women equality with men before the law.

No changes have occurred as compared to the last report, except for the entry into force of the Gender Equality Act on 1 May 2004.

### 2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

#### Equal civil legal capacity

On 1 July 2002 the new General Principles of the Civil Code Act came into force, according to which every natural person has general and unlimited passive legal capacity.

#### a. entering into agreements

The principles of entering into agreements have not changed as compared to the previous report.

#### b. administration of property

The provisions concerning the rights of women in administering property have not changed.

#### c. treatment in courts of all instances

#### Acting as a judge

According to the Courts Act, which entered into force on 29 July 2002, an Estonian citizen who has fulfilled an accredited law curriculum of academic studies, has proficiency of the Estonian language at the advanced level, is of high moral character and has the abilities and personal characteristics necessary for working as a judge may be appointed as a judge. The suitability of the personal characteristics of a candidate for judicial office will be assessed on the basis of an interview.

As at 4 November 2004, there were 238 judges in Estonia, of whom 151 were women. Of 175 judges of the courts of first instance there were 121 women, of 44 judges of the courts of second instance there were 27 women. 19 judges worked at the Supreme Court, of whom 3 were women.

#### Acting as a lay judge

According to the Courts Act, lay judges participate in the administration of justice in county and city courts on the bases and pursuant to the procedure provided by the codes of court procedure. In the administration of justice, a lay judge has equal rights with a judge. An Estonian citizen with active legal capacity from 25 to 70 years of age who resides in Estonia, has proficiency of the Estonian language at the advanced level, and is of suitable moral character for the activity of a lay judge may be appointed as a lay judge. The following can not be appointed as a lay judge: a person who is convicted of a criminal offence; a bankrupt person; a person who is not suited due to his or her state of health; a person who is in service in a court, prosecutor's office or the police; a person who is in service in the armed forces; an advocate, a notary or a bailiff. Also a member of the Government of the Republic; a member of a rural municipality or city government; the President of the Republic; a member of the Riigikogu or a county governor cannot work as a lay judge. A person who is accused of a criminal offence cannot be appointed as a lay judge during the criminal proceedings. Lay judges are appointed for four years.

#### Acting as a representative

Since the submission of the previous report a new Bar Association Act has been adopted. We will explain the main new provisions arising from it. Additional information provided in the previous report is still valid.

All persons who comply with the requirements provided for in the Bar Association Act and have passed the advocate's examination may be members of the Bar Association. In Estonia, only members of the Estonian Bar Association may provide legal services as advocates, unless otherwise provided by law. A person may be admitted to the Bar Association if he or she has active legal capacity, resides in Estonia or is a citizen of the Republic of Estonia or of a Member State of the European Union, has fulfilled an accredited law curriculum of academic studies, has oral and written proficiency in Estonian and is honest and of high moral character. In order to be admitted to the Bar Association, a person must submit a written application and pass an advocate's examination. Members are admitted to the Bar Association by a resolution of the Board.

As at October 2004, the Estonian Bar Association had 445 members, of whom 155 were women.

Acting as a prosecutor

According to the Prosecutor's Office Act an Estonian citizen with active legal capacity who has attained at least 21 years of age, has acquired education according to an accredited law curriculum of academic studies, is proficient in Estonian to the extent established by or pursuant to law, who is of high moral character and has the necessary abilities and personal characteristics may be appointed as the Chief Public Prosecutor, a leading public prosecutor, leading prosecutor, public prosecutor, senior prosecutor, specialised prosecutor or district prosecutor. The Act also provides for limitations. The following persons cannot be appointed as a prosecutor: a person in respect of whom a conviction for an intentionally committed criminal offence has entered into force; a person who has been released from the public service for a disciplinary offence; a person who has been disbarred from the Estonian Bar Association or expelled from the notarial profession; a person closely related by blood (parent, brother, sister, child) or by marriage (spouse, spouse's parent, brother, sister, child) to the prosecutor to whom he or she is directly subordinate or a person who due to his or her state of health is unable to work as a prosecutor. In case of doubt, a medical committee will determine the state of health of a person.

Of 192 prosecutors in Estonia 75% are women.

Acting as a party

In addition to the information provided in the previous report, the Code of Civil Procedure clearly stipulates that all persons are equal before law and the court in the administration of justice in civil matters. The law does not state nor has legal practice established obstacles to one gender for turning to the court.

Acting as a witness

Compared to the previous report, the range of people who can refuse from giving testimony on personal reasons has expanded. Witness has a right to refuse to give testimony on personal reasons if he or she is an ascendant or descendant of the plaintiff or the defendant, or is or has been married to such ascendant or descendant; he or she is a brother or sister of the plaintiff or the defendant, or is or has been married to such brother or sister, also adoptive parent, adoptive child, husband or a person in cohabitation with the person, even if the marriage or cohabitation has been terminated.

**3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.**

According to the Family Law Act agreements which restrict the personal rights and freedoms of spouses are void.

**4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.**

No new information can be provided compared to the previous report.

## Article 16

**1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:**

**(a) The same right to enter into marriage;**

Marriage is contracted on the mutual desire of the prospective spouses. Marriage will not be contracted if a prospective spouse does not confirm his or her desire to marry or if a prospective spouse is not of the age to marry or if hindrances to contracting a marriage become evident.

A marriage will not be contracted between persons of whom at least one is already married; between direct ascendants and descendants, brothers and sisters, half-brothers and half-sisters, adoptive parents and adopted children, or between children adopted by the same person; also between persons of whom at least one has been placed under guardianship due to his or her restricted active legal capacity.

**(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;**

No changes have been adopted compared to the information provided in the previous report.

Although the downward trend in the registration of marriages that started in the 1990s continued in 2000, there has been a slight increase since 2001. In 2002, 368 more marriages were registered than in 2000. The number of marriages per 1000 inhabitants rose to 4.3 in 2002 from 4.0 in 2000, which is the highest figure after 1995.

In 2000, 5485 marriages were contracted in Estonia, in 2001 the number was 5647 and in 2002 it was 5853.

Table 16.1. The number of first time marriages and repetitive marriages.

	First time marriages		Repetitive marriages		Number of previous marriages unknown		Proportion of repetitive marriages, %	
	Men	Women	Men	Women	Men	Women	Women	Men
<b>1999</b>	3 785	3 825	1 805	1 765	0	0	32.3	31.6
<b>2000</b>	3 711	3 706	1 774	1 778	0	1	32.3	32.4
<b>2001</b>	3 785	3 816	1 862	1 831	0	0	33.0	32.4
<b>2002</b>	4 024	4 048	1 829	1 805	0	0	31.2	30.8

Source: Statistical Office of Estonia, [www.stat.ee](http://www.stat.ee)



**(c) The same rights and responsibilities during marriage and at its dissolution;**

No amendments have been adopted compared to the previous report. Relevant provisions in the Family Law Act have not been changed.

Table 16.2. Mean age at first marriage, by men and women

<b>MEAN AGE AT FIRST MARRIAGE</b>		
<b>Year</b>	<b>Men</b>	<b>Women</b>
1999	27,1	24,6
2000	27,5	25,0
2001	27,8	25,2
2002	28,2	25,5

Statistical Office of Estonia, [www.stat.ee](http://www.stat.ee)

The number of divorces, compared to 1999, when 4561 marriages were divorced, had dropped to 4074 in 2002. The number of divorces per 1000 inhabitants was 3.0 in 2002.

The proportion of divorces among people married for several times has remained unchanged at around 20% for both men and women. Statistics show that the number of divorces sharply rises after 5-9 years of marriage, reaching its peak with marriages that have lasted for 10-19 years.

There were 4230 divorces in Estonia in 2000, 4312 in 2001 and 4074 in 2002.

Table 16.3. The number of divorces for persons who divorced their first or repetitive marriage

	Divorced the first marriage		Divorced a repetitive marriage		Number of divorced marriage unknown		Proportion of persons divorcing a repetitive marriage, %		Proportion of persons divorcing a marriage for an unknown time, %	
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
2000	3 424	3 440	806	789	0	1	19.1	18.7	0	0
2001	3 393	3 467	918	845	1	0	21.3	19.6	0	0
2002	3 267	3 225	798	829	9	20	19.6	20.3	0.2	0.5

Statistical Office of Estonia, [www.stat.ee](http://www.stat.ee)

Table 16.4. The number of divorces by duration of marriage

	2000		2001		2002	
	Men	Women	Men	Women	Women	Men
Total	4 230	4 230	4 312	4 312	4 074	4 074
Less than 1 year	116	116	93	93	95	95
1 year	151	151	181	181	177	177
2 years	208	208	195	195	221	221
3 years	158	158	201	201	179	179
4 years	199	199	205	205	210	210
5 years	223	223	204	204	169	169
6 years	205	205	216	216	165	165
7 years	212	212	176	176	208	208
8 years	195	195	187	187	168	168
9 years	233	233	193	193	158	158
10-14 years	969	969	983	983	855	855
15-19 years	612	612	639	639	633	633
20 and more years	749	749	839	839	836	836

Statistical Office of Estonia, [www.stat.ee](http://www.stat.ee)

**(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;**

Family is responsible for ensuring the emotional and financial well-being as well as the upbringing and development of children.

According to the child and family policy conception, state supports the right and obligation of both parents to raise their children and to take care of them, and creates equal opportunities for taking part in work and family life. In shaping family policy the state has to take into account different and multifarious forms and relations of family life.

A parent is required to maintain his or her minor child and an adult child who needs assistance and is incapacitated for work. If a child attends basic school, upper secondary school or vocational school and continues to study there upon becoming an adult, a parent is required to maintain the child during his or her studies.

If a parent fails to perform the duty to provide maintenance to a child, a court will, at the request of the other parent, guardian or guardianship authority, order support for the child to be paid to the parent who submitted the claim or to the guardian or person in whose interests the guardianship authority submitted the claim. Support for a child will be specified as a monthly support payment based on the financial situation of each parent and the needs of the child. Upon a change in the financial situation of a parent or the needs of a child, a court may change the amount of support at the request of an interested person.

The monthly support payment for one child shall not be less than half of the minimum monthly wage established by the Government of the Republic. In 2004 half of the minimum monthly wage established by the Government was 1240 EEK.

If the person fails to perform the duty to provide maintenance, the court will order maintenance to be paid as of the submission of the claim.

A court may refuse to order support or may reduce the amount to less than half of the minimum monthly wage or terminate payment of support if a parent ordered to pay the support is incapacitated for work, or a child has sufficient income, or other good reasons as established by the court become evident.

For example, a court may consider it a good reason if a parent has another child who would be less financially secure than the child receiving support if such amount were ordered.

A court has granted the minimum amount possible only in cases where the financial situation of the parent from whom maintenance is asked does not allow for more or when the parent asking for maintenance has not sufficiently substantiated the amount asked for.

A parent who intentionally evades payment of monthly support ordered by a court to his or her child of less than 18 years of age or to his or her child who has attained the age of majority but is incapacitated for work and needs assistance will be punished by a pecuniary punishment or up to one year of imprisonment.

**(e) The same rights to decide freely and responsibility on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;**

The state's child and family policy conception supports the right of every person to decide freely when and whether to start a family and have children. Information necessary to start planning for a family is available through consultations, publications and also electronically (<http://www.perekool.ee>; <http://www.amor.ee>).

Counselling centres offer free of charge services in larger cities and municipal regions. The task of the family nurse is to counsel people in questions related to family planning and sexual health. Family nurse's individual counselling hours should be at least 10 hours every week.

Since 2003 a regulation of the Minister of Social Affairs is in force, which allows the prescription for anti-baby pills to be used for two or three times. The regulation abolished a previous situation where people had to wait several weeks for a doctor's appointment to get a prescription for anti-baby pills.

Almost half of those who wished to get children at the end of the 1990s decided to postpone it due to financial reasons. More than 1/3 of those who planned giving birth to a child claimed they first wanted to secure themselves financially, 30% stated problems connected with housing and studies. Other reasons included absence of a partner (27%) and uncertainty about the future (23%).

According to the Artificial Insemination and Embryo Protection Act only adult women of up to 50 years of age who have active legal capacity are, at their own request, permitted to undergo artificial insemination. No-one may compel or persuade a woman to undergo artificial insemination. A woman's consent to artificial insemination has to be in writing.

In order for a married woman to undergo artificial insemination, her husband's written consent, which has to be consistent with the consent granted by the woman, is necessary. The husband's consent has to set out whether he agrees to artificial insemination of his wife with his sperm even after his death.

A woman has the right to refuse to undergo artificial insemination until it is carried out and declare her consent void. The husband also has the right to declare his consent void in writing until the beginning of the procedure of artificial insemination.

In the event of artificial insemination of a woman with the sperm of a man who had not granted his consent thereto or had declared his consent void, the issue of the child's filiation will be settled pursuant to the provisions of the Family Law Act.

An exposition "Person. Health. Family" has been set up permanently in the Estonian Health Museum, which gives an overview of human reproductive health.

**(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institution where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;**

Amendments have been made in the provision concerning surrogate motherhood as compared to the previous report.

Surrogate motherhood or transfer of a foreign ovum, or an embryo or foetus created from it to a woman whose intention to give away the child after birth is known is punishable by a pecuniary punishment.

**(g) The same personal rights as husband and wife; including the right to choose a family name, a profession and an occupation.**

No amendments have been adopted compared to the previous report.

**(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.**

The system of marital property contracts described in the previous report has not changed. Property rights of persons living in an unregistered marriage are protected according to the provisions of private law on general property relationships.

**2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.**

Minimum age for marriage and compilation of a marriage act at the vital statistics office upon contraction of the marriage are regulated.

A minor between 15 and 18 years of age may marry with the written consent of his or her parents or guardian. If a child has one parent or if the other parent is missing or a guardian has been appointed to the other parent due to his or her restricted active legal capacity or if one parent is deprived of parental rights, the consent of one parent is sufficient for the minor between 15 and 18 years of age to marry.

If even one of the parents or a guardian does not consent to the marriage, a court may grant permission to marry on the application of one parent or the guardianship authority. A court shall grant permission to marry if the marriage is in the interests of the minor.

Since May 2001 the Minister of Regional Affairs may grant the right to perform the functions of a vital statistics office which are related to the contraction of marriages to a minister of religion of a church, congregation or association of congregations who has received the appropriate training. A minister of religion of a church, congregation or association of congregations who is granted the right to contract marriages by the Minister of Regional Affairs is equal to a vital statistics office upon performance of the functions related to the contraction of marriages and the minister of religion has the right to register marriages and issue marriage certificates. The Ministry of Internal Affairs exercises supervision over the performance of functions related to the contraction of marriages by a minister of religion of a church, congregation or association of congregations.

Based on the following table it can be claimed that marriages between minors are not common and have declined from year to year.

	2000		2001		2002	
	Women	Men	Women	Men	Women	Men
Below 16	3	0	1	0	3	0
16	21	0	12	0	7	1
17	47	3	50	4	34	2