

# ESTONIA

## ASYLUM

The Chancellor of Justice, Estonia's National Human Rights Institution found in 2020 that migration officers violated the right to private life of a gay refugee when disclosing his sexual orientation to his wife. The man was twice denied the right to reunite with his wife and son by the Police and Border Guard Board. In 2021, he applied for reunification only with his son. Thanks to the intervention of the Estonian Human Rights Centre, the reunification was granted in November. Altogether, it took three years for the man to be reunited with his child.

## BIAS-MOTIVATED SPEECH

The process to introduce legislation criminalising hate speech continued to be stalled this year. In 2020, the European Commission launched infringement proceedings against Estonia for its failure to have hate speech legislation in place.

In June, the Estonian Centre for Human Rights launched a survey for young people aged 16-24 on their knowledge and attitudes on hate speech.

## BIAS-MOTIVATED VIOLENCE

On July 2, Vikervelo, a cycling race supporting the LGBT+ community and an equal society, took place in Tallinn. When the organiser biked around just before the event, he was attacked by two men who also tore off a rainbow flag. When the assailants arrived at the final assembly of the bike ride, they were taken into custody.

On 8 August, a young lesbian couple was physically attacked by two men.

## EDUCATION

The Estonian LGBT Association collected testimonies this year of young LGBT+ people who have experienced bullying in school. The testimonies were used in the Estonian LGBT Association's campaign to promote LGBT+ pupils' safety in schools.

## EMPLOYMENT

The Estonian Centre for Human Rights released a guide for employers on how to make the workplaces more diverse and inclusive during the COVID-19 pandemic.

## EQUALITY AND NON-DISCRIMINATION

On 2 July, Pride took place in Tallinn in the form of a bicycle march, aimed to raise awareness about inequalities still faced by LGBTQI people in Estonia.

The Estonian Human Rights Centre's annual human rights review provides a detailed overview of the situation of LGBT rights.


## FAMILY

Estonia continued to struggle with a divided debate on family rights. The coalition government resigned in January, on the day of the third reading of the marriage referendum draft. In 2020, EKRE (ed: Conservative People's Party of Estonia) announced their plans to hold a referendum on the issue, which was cancelled after the fall of the coalition.

Civil society repeatedly expressed its disappointment that the current legislation differentiates between same-gender registered partners and different-gender married couples and that the implementation of the Registered Partnership Act remains flawed. The Act was adopted in 2014, but still lacks the necessary bylaws that would make its smooth implementation possible. In May, Estonia received 24 and accepted 19 recommendations on LGBT+ issues as part of its third Universal Periodic Review, nine of which asked the government to adopt the necessary implementation provisions.

Almost two-thirds of Estonians support the implementation of the Registered Partnership Act and almost half support marriage equality (see under *Public opinion*). In 2020, the Social Democrats, and the non-parliamentary Green Party and Estonia 200 formed a pact of support on the issue. The topic was also on the agenda during the elections in the autumn.

On 9 November, the parliament's Legal Affairs Committee discussed the petition of the Estonian Greens, which gathered over 35,000 signatures and became Estonia's most successful collective appeal to date. The Committee clarified that marriage is equally guaranteed for all "able-bodied persons" who have no legal obstacles to marriage. Regrettably, the Committee did not discuss the core of the petition and decided not to send a bill to parliament, which could have extended the scope of those allowed to marry.



On 28 September, the Supreme Court declared that the Aliens Act, restricting the residence of same-sex couples in Estonia was, unconstitutional. The Act restricted this right if a foreigner wanted to reside in the country with a partner who has a residence permit. The same has applied to foreigners whose partner is an Estonian citizen.

## FOREIGN POLICY

The change of government had a positive impact on Estonia's foreign policy. The new government adopted a framework and action plan for human rights diplomacy, which includes the promotion of LGBT+ rights internationally.

In June, Estonia joined other EU Member States in condemning the Hungarian anti-LGBT law.

## HEALTH

An interview with endocrinologist Dr. Maie Väli was published in September, in which she stated that none of the almost 200 trans people who saw her as part of their medical transition have become happier. The LGBT Association published an official response and filed a complaint with the Medical Ethics Committee for making such a harmful, stigmatising, and generalising statement. The Committee found no violation of the Medical Ethics Code.

## LEGAL GENDER RECOGNITION

The Medical Examination Committee, an integral part of the legal gender recognition (LGR) procedure, disbanded itself at the beginning of the year. A new Committee was set up in July, but is yet to start its work. As a consequence, trans people have been unable to fulfil the mandatory LGR requirements and thus unable to have their documents changed.

## PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

The LGBT Association published a list of recommendations for municipalities ahead of the 2021 local elections and information for voters on each party's commitments on LGBT+ rights.

## PUBLIC OPINION AND ATTITUDES

The Estonian Human Rights Centre published its fifth opinion poll results, which found that attitudes towards LGBT people have improved significantly. For instance, the number of Estonian residents who consider same-sex attraction acceptable (53%) has risen by 12% compared with 2019. 64% thought that same-sex partners should have the opportunity to officially register their partnership according to the Registered Partnership Act and 47% supported marriage equality.



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