

# Estonia

## ASYLUM

The Estonian Human Rights Centre provided legal support to three asylum seekers this year, who asked for international protection on grounds of sexual orientation. The Police and Border Guard Board rejected all three claims arguing a lack of credibility and stating that the extent of persecution in the countries of origin did not constitute a violation of Article 3 in the European Convention on Human Rights. In a judgment in November, the Supreme Court overturned the judgement. The Court ruled that the Board must have competent interviewers and conduct application procedures without stereotypical judgments. The Court also struck down the credibility argument on this basis. The Court added that caseworkers and interviewers must receive appropriate training in order to support the applicant in sharing sensitive information that can be relevant for their case. No such training has been provided to date.

## BIAS-MOTIVATED SPEECH

Despite civil society's repeated calls and the recommendations of the UN Human Rights Committee last year, no progress was made in 2020 to include sexual orientation and gender identity in the hate speech and hate crime legislation. In October, the Reform party tabled a hate speech bill in parliament, but the coalition did not accept it. On 30 October, the European Commission launched infringement proceedings against Estonia, for being one of the last two EU countries, alongside Romania, where hate speech is not criminalised.

On 15 October, Minister of Interior Mart Helme of EKRE stated in an interview with *Deutsche Welle* that he was not very friendly towards LGBT+ and suggested that if people want marriage equality, they should just move to Sweden. The comments were condemned by many, including Prime Minister Jüri Ratas of the Center Party and President Kersti Kaljulaid. The Center Party and EKRE are both part of the governing coalition. Helme refused to apologise.

## FAMILY

In June, the Harju County Court ruled that an Estonian-Russian lesbian couple, Jana and Darja, can form a cohabitation agreement. Previously, the couple was denied this right by a notary, on the grounds that the implementing acts of the Cohabitation Act had not been in place yet, and that one of the two women lived in Russia, where cohabitation is not recognised. The Court ruled that the lack of legal recognition in Russia, and the fact that Darja lives in Russia, do not constitute an issue in Estonia. The Court mandated the notary to reconsider its previous decision.

President Kersti Kaljulaid decided not to sign the amendments of the law on Estonia's Foreign Service Act, deeming it is discriminatory. The Act would give guarantees and benefits to married spouses only, excluding same-sex couples, who are only able to form a registered partnership in Estonia.

The governing coalition, which includes the Conservative People's Party of Estonia (EKRE), announced that a referendum "on the state's important question" is planned for April 2021 to ask the Estonian citizens "Should marriage in Estonia remain as a union between one man and one woman?"

Meanwhile, three other political parties have spoken up in support of marriage equality - the Social Democrats, and the non-parliamentary Green Party and Estonia 200. The latter two formed a pact of support. The Green Party launched a petition on the Citizen Initiative Portal on supporting marriage equality, which gathered over 30,000 signatures within days, becoming the most supported initiative on the site. A number of protests were held in support as well (see under **Freedom of assembly**).

## FREEDOM OF ASSEMBLY

Due to the COVID-19 pandemic, Baltic Pride in Estonia was cancelled this year and was replaced by smaller gatherings across Baltic countries. A small Pride event took place in Tallinn on 27 June and online events were held during Pride week. MEP Marina Kaljurand of the Social Democratic Party expressed support for Pride events on social media.

Two demonstrations took place in October in Tallinn and Tartu - both in response to the planned referendum (see under **Family**), under the motto "Everyone has the right to marry".

## FREEDOM OF ASSOCIATION

In February, the National Audit Office ruled that equality projects, including those of the Estonian LGBT Association, will not be able to benefit from tax revenues filed under the Gambling Tax Act. The Office noted that such funds in 2019 should have come from the budget of the Ministry of Social Affairs. Organisations working on gender equality and women's rights are also affected. Proceeds will still go to projects benefiting people with disabilities, children, and the elderly, but not groups whose support falls under the equality policy.

A few days later, the Ministry of Social Affairs stated that they will not revoke any funding from the respective groups, which was granted last year. For instance, the Estonian Centre for Human Rights project "Equal opportunities in a cohesive



society” will run until 2021. The source of funding was later changed, but the Ministry affirmed that they would continue funding the work.

### **HUMAN RIGHTS DEFENDERS**

The cancelation of Baltic Pride, due to the pandemic, resulted in some organisations having financial difficulties this year. Local civil society tried to adjust to the new way of life, by moving many of their activities online.

### **PUBLIC OPINION AND ATTITUDES**

A November poll found that 46% of Estonians support marriage equality. While 27% would vote against it, 21% would not even go vote. Overall, roughly 80% felt that the public vote planned for April 2021 (see under **Family**) was somewhat or entirely unimportant right now.



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