

ESTONIA

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1. GENDER EQUALITY: LEGAL AND INSTITUTIONAL FRAMEWORK ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES; *DE JURE* AND *DE FACTO* DISCRIMINATION

Article 12 of the Constitution of the Republic of Estonia, adopted by referendum on 28 June 1992, proclaims that all persons are equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds. The article further states that incitement to national, racial, religious or political hatred, violence or discrimination shall be prohibited and punished by law.

In addition, Article 72 of the Estonian Criminal Code punishes (with imprisonment) the establishment of direct or indirect restrictions or privileges for individuals on grounds related to nationality, race, colour, gender, language, origin, religion, political or other beliefs, financial or social status, or other reasons.

When Estonia commenced negotiations for accession into the European Union, it clearly expressed the political will to implement EU policy regarding gender equality by signing, for example, the United Nations human rights treaties, the Convention on the Elimination of All Forms of Discrimination Against Women and the Council of Europe conventions.

The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was ratified by Estonia and entered into force on 20 November 1991. It is incorporated directly into domestic law as Article 3 of the Constitution states that generally recognized principles and rules of international law are an inseparable part of the Estonian legal system. Thus CEDAW is legally binding and Estonia is required to carry out its principles in practice by adopting corresponding legislation and other required measures. The Convention obliges state parties to set sanctions that prohibit all kinds of discrimination against women; to ensure effective protection through the courts and other state institutions against discriminatory acts; to apply all necessary measures in order to amend or repeal laws and regulations as well as traditions and practices which discriminate against women. The Estonian report on the implementation of CEDAW is currently being prepared by the Ministry of Social Affairs. So far, the draft report has not been discussed with women's and human rights NGOs and no information is available on its content.

Estonia is also a member of the Council of Europe, which has adopted approximately twenty documents in the last five years outlining the development of gender equality policy in European states. The Agreement between Estonia and the European Union entered into force in February 1998. A few months later, a comparative analysis of Estonian and EU legislation was issued. It became evident that there were significant differences between the objectives set by the equality directives and the Estonian legislation in force. In the accession negotiations, Estonia committed itself to adopting a Gender Equality Act, which would also be an extremely important step in implementing CEDAW.

Equality issues were included in the Platforms for Action at the 1992 Rio World Conference on Environment and Development, the 1993 Vienna World Conference on Human Rights, the 1994 Cairo Congress on Population and Development, the 1995 Copenhagen World Conference on Social Development, and the 1996 Istanbul Conference on Human Settlements, all of which were signed by Estonia. Although they are not legally binding, compliance with the platforms is considered good practice and a prerequisite for international cooperation.

The definition of equality in all of the abovementioned documents is the same: women and men must have equal rights, responsibilities and opportunities with regard to employment to ensure their economic independence, the possibility to dedicate themselves to the home and children, and to participate in political, professional and other societal activities.

However, although prohibitions on gender discrimination provided under the Constitution and international legislation are necessary *de jure*, they are not enough to ensure factual equality between men and women: equal opportunities are needed in order for women to participate in societal activities. Otherwise, from a legal point of view, the non-discrimination principles enshrined in domestic legislation are rather declarative and do not significantly impact the eradication of women's factual inequality.

Article 15 of the Constitution stipulates that everyone whose rights and freedoms are violated has access to the courts. While his or her case is before the court, a petition can be made for any relevant law, other legislation or procedure to be declared unconstitutional. The constitutional guarantees however are not supported by any other legal framework (i.e. a specific law) or in practice, which should be the main tool in combating discrimination, thus emphasising their declarative nature. So far, there has not been a single court case on gender discrimination.

Because the Gender Equality Act has not been adopted in Estonia, victims of discrimination have limited access to legal redress. Responses to women's complaints are limited to counselling, providing information and monitoring. Women victims of discrimination may seek assistance from human rights NGOs and the Estonian Institute for Human Rights may offer the necessary protection if there are grounds to do so. However, Estonian NGOs have a limited ability to provide effective solutions and legal clinics have not been established to teach students how to tackle cases of discrimination. Further, lawyers do not receive any specific training on cases of gender-based discrimination.

In order to increase public awareness of gender equality, a research centre in the University of Tartu was established with the support of the UNDP and currently endorses the political and economic activity of women and highlights these issues in the media.

Institutions addressing women's issues

The Legal Chancellor, according to Article 139 of the Constitution, is an independent official who shall review normative acts issued by the legislative and executive powers and by local governments on their conformity with the Constitution and legislation, and thus plays an important role in the Estonian institutional system for human rights protection. The Legal Chancellor shall analyse proposals made to him or her concerning the amendment of laws, the adoption of new laws, the activities of state agencies and, if necessary, shall present reports to the *Riigikogu* (Parliament). In addition, the Legal Chancellor has powers similar to an Ombudsperson and women may report cases of discrimination to him/her. However, according to information provided by the Legal Chancellor, there have been no complaints of gender based discrimination so far.

A positive development with respect to the promotion of women's rights took place in the last decade: the number of structures responsible for the application of equal treatment principles increased and national platforms for action were prepared for all areas of social life. As a result, specific units for issues of gender equality have been founded in the institutions dealing with education, employment, health, social security, economy, environment and other areas. On the basis of Order No. 480-k of the Government of the Republic of Estonia dated 27 May 1996, an inter-ministerial committee was formed and decided to prioritise the following activities in the field of gender equality:

1. The establishment and strengthening of national machinery for gender equality at all levels of government;
2. The analysis of the compliance of Estonian legislation with international standards on equality between women and men;
3. The availability of official gender-sensitive statistics;
4. The improvement of women's position in the labor market and their increased participation in the decision-making process.

In December 1996, a new unit called "The Bureau of Equality between Women and Men" was established in the Ministry of Social Affairs. The office's main activity is to coordinate the mainstreaming of gender equality perspectives into socio-political development. The Bureau is guided in its activities by the legal and political documents of the United Nations, the Council of Europe, the European Union and other international organizations, as well as by common international practice. In cooperation with several partners, the Bureau has initiated and organized several events in order to raise awareness on gender equality within the public and amongst politicians, researchers and members of NGOs. It has published and widely circulated publications devoted to the equality of the genders such as "Equal rights and opportunities for women and men in the European Union", "One hundred words for equality", "A code of practice on the implementation of equal pay for work of equal value for men and women". It must be emphasised that although the information is widely circulated among human rights NGOs in Estonia, women who live in rural areas have limited access to such information.

2. WOMEN'S SOCIAL AND ECONOMIC RIGHTS

2.1. Women and Education

The right to education has always been considered a basic human right in Estonia and is highly valued and accessible. According to a 1989 census, 16.6% of the working age population were university graduates or had some university education; 24.5% had special secondary education (comparable to a college degree in about 40% of cases); 30.3% had comprehensive secondary education and only 28.2% had incomplete secondary or basic education. Women dominated according to education indicators in 1989. Of all working age men, 14.2% had university education, compared to 15.9% of women; 21.7% of men and 27.3% of women had completed special secondary education. The educational achievements of urban inhabitants were greater than their rural counterparts, of whom only 9.3% had a university degree compared to 16.9% of urban inhabitants. The figures for special secondary education in rural and urban areas were 23.2% and 24.9% respectively (Human Development Report, 1995). This trend has continued in recent years. Between 1996-1998, the proportion of female students in higher education rose from 53% to 56.6% (including 53.8% to 57.9% for Masters degrees and 49.5% to 53.9% for Doctoral degrees).

Share of females in total number of students, %

	1996	1997	1998
General education	50.2	50.2	50.1
Vocational education	43.7	43.4	42.7
Professional secondary education	54.3	55.0	54.2
Higher education	53.0	54.7	56.6
Masters courses	53.8	55.6	57.9
Doctoral courses	49.5	52.5	53.9

Statistical Office of Estonia, 1999

The higher level of education of Estonian women is also evident when comparing the average level of education among the employed population:

	Males %	Females %
Less than secondary education	23	11.6
Secondary education	23.7	26.2
Secondary including vocational	35.5	37.5
Higher education	16.8	23.1

Eesti toojou-uuring 1997

Despite some positive trends, the education system in Estonia displays some gender disproportionate features (Human Development Report, 1995). The 1992 Law on Education reduced the duration of compulsory secondary education and introduced compulsory basic education. The result was an impressive number of school drop outs, despite local councils' obligation to keep a registry of children of compulsory school-age, monitor their attendance, appoint the heads of municipal education institutions, draw up and implement plans for the development or regional education, define and approve school districts, appoint school boards and run school medical services and meals. The exact number of school-age children will only be known once the citizens' registry is completed (the population Register Act will be enacted on 1 August 2000). As of January 1994, 5% of school-age children were not in school. Only 66% of seventeen year-olds (who are no longer compelled to attend school) were continuing their studies in secondary education (according to the Human Development Report). In 1998, according to various sources, there were between 4,000 and 10,000 "street children". Three quarters of school drop-outs from basic education and those who had to repeat a year were boys. As a rule, most of these children end up on the streets.

Girls have dominated in secondary schools for many years and the long-term tendency for boys not to continue with secondary education created a threat of feminisation to university education. Universities and secondary vocational schools made an attempt to balance the ratio between the sexes through a policy of positive discrimination for men. Thus, in autumn 1993, the competition among women for university admittance was 1.91 candidates per place, but only 1.58 for men, although it should be noted that men drop out of university much more frequently than women. The result is that the educational levels reached by Estonian women has been rising more rapidly than the levels reached by men.

According to the Human Development Report of 1995, in autumn 1993, the average number of applicants per vacancy in state technical colleges was 1.8; in universities the number was 2.5. The most popular disciplines in *technical colleges* in 1993 included:

- Arts and music: 2.4 (number of applicants per place) (70% of those admitted were women)
- Public safety: 2.3 applicants (25% women)
- Transport and communications: 2.2 applicants (8% women)

In universities the figures were:

- Law: 6.8 (number of applicants per place) (60% women)
- Trade and business: 3.7 applicants (53% women)
- Social and behavioural sciences: 3.2 applicants (50% women).

Not only was the competition among women tougher than among men, but so was their academic progress. At that time, the number of students in the 20-24 year age group was 23%, comprised of 21.6% males and 24.6% females. If persons doing vocational courses after having graduated from secondary school are considered students, the figures would be 29% (25.4% males, 33% females).

Within the system of vocational education, the most popular courses in autumn 1993 were as follows:

Level 3:

- Services, catering, tourism: 1.9 applicants per place (66% of students admitted were women);
- Trade and business: 1.7 applicants (93% women);

Level 4:

- Services, catering, tourism: 2.8 applicants (67% women);
- Law: 2.4 applicants (48% women);
- Arts and music: 2.3 applicants (74% women);
- Trade and business: 2.1 applicants (72% women).

The percent of women in the teaching profession was 83% in autumn 1993, but it must be noted that teachers' wages are among the worst in the country. The average salary of educational staff was only 83.6% of the national average salary in 1992, and 79.7% in 1993.

As is evident from the above data, male students opted for more pragmatic professions and chose studies in technical colleges. It should be pointed out that the average salary for persons with vocational higher education qualifications is higher than for ordinary university graduates, indicating the difficulties of applying an academic education in the real world. Therefore, the continuing inadequacy of wages for university graduates, among whom women constitute the majority, is a cause for concern.

2.2. Women and the Labour Market¹

Employment/unemployment rates

During the Soviet era, the employment rate was fairly high in Estonia and there were no major differences in the employment of men and women. According to the 1989 census, 86.1% of the working population (men aged 15 to 59 years and women aged 15 to 54 years) were employed; employed men made up 87.3% and employed women made up 84.9%. Slightly over half (52%) of the number of employed persons were women.

The 1991-1992 economic transformations led to major changes in the labour market. While there were no considerable differences in the unemployment rates for men and women at the beginning of the 1990's (i.e. the proportion of unemployed persons in the labour force), the unemployment rate has been higher for women since 1995.

Unemployment rate 1989 - 1997

According to the Labour Force Survey in the first quarter of 2000, the estimated number of economically active persons aged 15-74 was 703,500, of which 599,600 were employed and 103,900 were unemployed. For the first time in the last decade, women's unemployment rate (14.1%) was lower than men's (15.3%).

When speaking about unemployment, duration is a very important factor. According to the 1998 Labour Force Survey, short-term unemployment is more characteristic of men, whereas long-term unemployment is more widespread among women.

In the first half of the 1990's there were no major differences in the unemployment rates of men and women in rural areas and in towns. However, since the mid-1990's, gender-based differences in employment have been much greater in rural areas. In 1997, the employment rate for women living in rural areas was 45.5% .

It should be noted that age is a very important factor in the Estonian labour market. Unemployment rates were highest among young people (15-24 years) and have doubled since 1992. The situation is especially difficult for young persons who recently graduated from secondary school (especially for girls, who constitute the majority of this group) but received no vocational training. On the other hand, employment rates for women under 34 are considerably lower than for men of the same age, due to the women's role within the family. Since caring for young children has traditionally been a woman's task in Estonia, child-birth and raising children inevitably lead women to leave work either for shorter or longer periods of time. The most equal employment rates for men and women are among persons aged 35 to 54 years; employment rates are also the highest in this age group (approximately 83-85%). In the oldest age group, employment rates for women are again considerably lower than for men (1.5 to 2 times). Among the reasons for this, one should note a lower retirement age for women and difficulties in finding/getting a job at that age.

Discriminatory practices in the labour market

In the radical economic restructuring of the 90's, women were hit the hardest. When comparing different age groups, there is a noticeable tendency for older women to be most affected. The survey "Estonia 98" (carried out by the Family and Cultural Sociological Research Group in the Institute of International and Social Studies at Tallinn Pedagogical University among 2317 respondents aged 18-70) showed that 28% of women aged between 25-34 and 44% of women aged 35-44 were laid-off or had to seek new employment due to the liquidation of various enterprises. Every second woman aged 45-54 cited lay-off or liquidation as the main reason for changing jobs. Concerning men, the survey showed a different percentage needing to find a new job: 23% of men aged 35-44 and 46% of men aged 45-54. The survey thus confirmed that women face greater difficulties and competition in the labour market after the age of thirty-five.

The decline in the number of available jobs also resulted in an increasing number of persons employed part-time, about two-thirds of whom are women. According to the longitudinal survey "Lives of a Generation" (the lives of persons who completed secondary education in 1983 were followed throughout the period of social changes) conducted by the Institute of International and Social Studies at Tallinn Pedagogical University, the number of young men working full-time and without a long-term employment contract in 1998 was larger than the corresponding number for women of the same age. The study also explored who was preferred in recruitment - men or women. At the very beginning of the 1990's, while unemployment rates were still at a minimum, every seventh 40-year-old Estonian man and woman claimed that preference should be given to men. An equal number (one-third) of men and women disagreed with that statement. Among non-Estonians, there were clearly more men than women in favour of male preference. Contrary to expectations, persons with higher education preferred men much more readily than persons with only secondary education.

A special point must be noted with regard to women's working conditions: although unemployment rates were higher for men than for women during the first quarter of 2000, women face a wide range of negative factors: lower-paid occupations and positions, temporary employment contracts, a higher proportion of long-term unemployment, a much lower average wage, and a discriminatory approach to age and marital status, etc.

An active employment policy should be implemented in order to overcome these disparities. Such a policy should include employment training and all types of in-service training and further training; the creation of suitable conditions and benefits to facilitate entrepreneurial activities (especially among women); the creation of new jobs to reduce unemployment; and special training programs designed to help inactive persons (especially women) re-enter the labour market and become accustomed to changes in the labour market. The question of wage differences needs to be addressed in particular.

Further training

Adult further training and re-training in Estonia are among the mechanisms that facilitate the social inclusion of unemployed persons. According to data from the joint study "Adult Education Survey" conducted by the Statistical Office and the International and Social Research Institute (Vöörmann, 1998), the largest group (32%) participating in further training was "female, Estonian, between the ages of 20-39, employed, a specialist with higher education, well-off, and optimistic".

Participation in further training and re-training: the actual situation vs. demand (%)

	Has participated from the start of 1996	Would like to participate	
		in general	in relation to job
All	21	36	27
Gender			
Women	24	41	30
Men	18	32	24
Ethnic origin			
Estonians	26	41	32
Russian-speakers	12	28	18
Age			
20 – 39	27	46	33
40 – 54	19	33	26
55 – 60	9	17	13
Economic status			
Working	26	39	30
Unemployed	12	38	24
Maternity leave	13	50	31
Old age and invalid pension	0,4	11	3
Other non-active	8	32	17

	Has participated from the start of 1996	Would like to participate	
		in general	in relation to job
Education			
Primary and basic education	5	19	12
Vocational education	15	31	21
Secondary and secondary specialized education			
specialized education	22	39	29
Higher education	41	52	44
Social status			
Specialists, managers	41	52	44
Other white-collar	24	44	35
Blue collar	12	24	17
Material wealth			
Low	11	22	14
Medium	23	40	30
High	43	53	44
Self-assessment			
Pessimist	8	20	13
Undetermined	21	35	27
Optimist	28	45	35

Source: *Adult Education Survey*

However, the study revealed that further vocational training and re-training is mainly done by individuals who are already working, and the share of those unemployed or on maternity leave is less than half. It should be noted that women and men have different motives for being re-trained: women seek self-education and increasing self-confidence in order to find a better-paid job, whereas men want to be able to cope better with their current job.

Distribution in different sectors of economic activity

The unequal positions of men and women in the labour market are also influenced by their uneven distribution in different areas of economic activity. Traditionally, more women are employed in the health care system, social work, education system, research, culture, financial institutions, hotels, and restaurants. Men constitute a majority of employees in agriculture, energy, supply of gas and water, construction, fishing industry and mining. There are industries with an almost equal number of male and female employees: the processing industry, public administration, social welfare institutions, real estate, rental and commercial services, and, in recent years, trade.

In 1989, nearly half of the male workforce was employed in two sectors of the economy: the processing industry (24.6%) and agriculture, hunting, and forestry (22.5%). The largest proportion of women was also employed by the processing industry (26.8%), followed by agriculture and forestry (13.4%), trade (11.1%), and health care and social work (10.8%). In 1997, there was a new tendency to employ a large number of men in trade (an increase from 3.8% to 12.2%) and a smaller number of men in agriculture. The latter trend was due to radical reforms in agriculture in the 1990's and the changes affected women to an equal extent. The number of women employed in the education system and trade also increased. Attention should be drawn to the increasing number of women, and particularly the number of men, employed in trade (which was traditionally considered to be a "women's sphere"), which reveal a development in the area and refer to some potential future developments in the changed economic circumstances.

Women and men also differ in their professions:

Percentage of women aged 15-69, according to profession (%)	1989	1991	1993	1995	1997
Legislators, top officials, managers	40	39	38	36	34
Highly-qualified specialists	65	65	66	61	69
Technicians, middle-ranking specialists	77	75	69	71	70
Officials	89	90	88	86	83
Service staff, salespersons	85	82	76	76	76
Skilled workers in farming, forestry and fishing	63	60	50	48	43
Skilled workers and craftsmen	26	25	24	20	24
People operating and assembling equipment and machinery	15	14	12	20	16
Unskilled workers	70	63	59	55	55

Estonian Labour Force Survey 1997

During the transition period, the proportion of women among skilled workers employed in the farming, forestry and fishing industries and among unskilled workers declined considerably, while the category of legislators, high officials and managers became even more male-dominated. There was one category in which the proportion of men decreased and the proportion of women increased in this period: highly-qualified specialists. A similar tendency, although on a much smaller scale, occurred in the category of people operating equipment and machinery.

In addition to horizontal occupational segregation, vertical gender segregation also exists with regard to occupations and professions. Women are most widely represented in occupations that are either not very prestigious and/or which pay below average wages. There is a smaller number of women in higher positions and men usually have better-paid jobs with more powers.

Discrimination in terms of remuneration

Differences in representation in different spheres of activity and professions have a direct impact on differences in wages for men and women. Women's wages have been approximately 25% lower than men's since Estonia regained independence, and the wage differential has increased during the last decade. The attitude that women can work in less-paid fields (an attitude generally accepted by women themselves) is based on the widespread idea that men are the breadwinners and should therefore have a higher salary. Further, if people see a field of activity as being or having become feminine (e.g. areas of culture or social affairs), it seems natural for employment in such fields to be poorly paid (for example, a man's salary in cultural journalism may be lower than a woman's salary in economic journalism).

Estonian legislation contains provisions that prohibit discrimination in employment, such as the Employment Contracts Act and the Wage Act. Pursuant to Article 10 of the Employment Contracts Act, it is illegal to allow or give preference to or restrict rights on the grounds of the sex, nationality, colour, race, native language, social origin, social status, previous activities, religion, or political or other opinions. According to Article 5 of the Wages Act, it is prohibited to increase or reduce wages on the grounds of sex, nationality, colour, race, native language, social origin, social status, previous activities, religion, political or other opinions or conscientious objection. It is prohibited to reduce wages on the grounds of marital status, family obligations, membership in citizens' associations or representation of the interests of employees or employers. In addition, on 31 May 2000, *Riigikogu* ratified the Revised Social Charter, including article 4 p.3: the recognition of the right to equal pay for work of equal value.

In spite of legal guarantees, women's wages in 1992 constituted approximately 80% of men's wages. This number subsequently decreased and in 1997 women's wages only constituted 72% of men's average wage. It is important to note that there is no profession in which women earned wages equal to or higher than men's at any time in the last decade. Furthermore, men's average hourly wage increased much more rapidly in the 1990's than women's in all professions (4.3 and 3.9 times respectively); the significant decrease in 1997 accounting for a slightly higher increase in women's average wage. According to a survey conducted by the Association of Trade Unions among their female members, 40% of women noted had directly or indirectly experienced the problem of unequal pay for women and men (*Eesti Päevaleht*, 27.02.1996). 13% of these women also found that their male colleagues were treated better by their direct supervisor. It turned out that women often agreed to low-paid jobs and did not value career-building opportunities. Most of the women in the survey (89%) claimed to work mainly because their family needed the income. Only 18% claimed to work because they liked the job. The survey also showed that although women worked mainly in order to earn money, 93% of women did not earn enough to buy the basic necessities for their families. Due to a lack of money, 35% of those surveyed had not had a proper vacation in a long time. Opportunities for leisure time were estimated as satisfactory by only 1% of women. 45% of women were concerned that, due to tight labour market conditions, it would be difficult to find a new job. Changing jobs was generally not preferred as an option (49%), unless there would be an increase in salary (93%). Only 41% said they would change jobs because of better working conditions, and only 11% would be tempted to change to a higher position.

The wage differential could be explained either by the so-called human capital or by the unequal treatment of women. According to the first approach, women are excluded from work for a certain period of time to have and raise children. As a result, they lose their qualifications, resulting in a wage differential. However, this theory has not been confirmed in Estonia or elsewhere in the world and the investments that women make in their professional training are by no means smaller than men's. Quite the contrary, women are increasingly better educated than men. Therefore, the wage differential is more often explained by the unequal treatment of women based on the occupational gender segregation described earlier. On the one hand, women are over-employed in certain areas of activity with an excess of supply (horizontal differentiation), resulting in lower wages. On the other hand, men acquired higher positions (vertical differentiation). Still, the wage differential between men and women cannot be explained simply by saying that their professions and positions are different. According to the study "Lives of a Generation", women receive lower wages than men even when all other factors (education, qualifications etc) are equal.

Combining professional and family roles²

Family life and employment are two domains which inevitably place contradictory demands on both women and men. Three basic areas of conflict can be distinguished – time, physical and mental burdens, and conflicting gender role expectations. For example, time dedicated to one domain limits its availability in another, and tiredness or stress created in one domain are transferred to another.

In order to assess the main problems faced by Estonian men and women in combining professional and family life, the following parameters must be taken into account:

- the role of employment and the family in the value ratings of men and women;
- the division of men and women's paid work in different family types;
- the division of housework or unpaid work;
- economic management by men and women in different family types;
- level of satisfaction in professional and family lives.

According to data from the "Estonia 98" population survey, the life values for men and women aged 18-70 in Estonia are relatively similar, but on average, women value children, the family, health, a clean environment, self-education and satisfying cultural interests more than men – who place higher values on economic well-being, following world events on TV and radio, and maintaining physical fitness. Men and women rank the importance of occupation more or less similarly. In this respect, attitudes have changed substantially compared with the early 1990's - with a rise in the value of professional work.

Despite similar life values, the situations, opportunities and division of labor are quite different for men and women. Firstly, household tasks are still considered to be primarily the wife's responsibility - even when both spouses work outside the home. Secondly, although engaged in the same kind of duties, women's average salary is lower than men's and men therefore hold a higher proportion of the family income. However, if unpaid household work were to be assessed in terms of its monetary value and added to paid work, the share of women earning the primary income would increase markedly.

The international time budget survey shows that women's average working day in Estonia (including household work) is 10.5 hours, whereas men's average working day is 9 hours (Statistical Office, Postimees, 9.04.99). (In Norway, by contrast, the respective indicators are 7.5 hours for women and 8 hours for men.)

In families with the most housework, i.e. families with small children, the division of responsibilities between working parents is rarely distributed equitably. The most equal division occurs in families with working parents and no children or children who have already left home. Surveys also show that if both spouses agree on the division of household tasks and consider the existing distribution to be fair (regardless of how much housework they actually do), then they are both more satisfied with family life. If, however, the opinions differ greatly, then discord and dissatisfaction cannot be avoided. Predictions for future young families are therefore particularly negative - if 28% of unmarried men under 35 and only 7% of women support the traditional division of housework in the family, disputes over housework will be inevitable.

Since public opinion still supports traditional gender roles and there has been no constructive dialogue yet between men and women in society on these issues, the problem is reduced to the individual/family and everyone must find his/her/their own solutions. However, despite the relative conservatism of public opinion, it is apparent that in practice there has been a movement towards equalizing the distribution of home duties between men and women. This is in contrast to the beginning of the 1990's with the re-establishment of the Estonian state, at which time many families responded positively to slogans encouraging women to return to the home. This resulted in an increase in the number of families in which the housework was done by the wife alone or mostly by the wife, but, according to "Estonia 98" data, the proportion of such families is no longer increasing. The number of families which distribute basic everyday tasks equitably has actually increased.

It should also be noted that motherhood is protected by a number of laws in Estonia. Article 28 of the Constitution states that families with many children and persons with disabilities shall be under the special care of the state and local governments. Article 35 of the Labour Contract Law prohibits women from performing certain jobs and from working in conditions hazardous to their health. Mothers with young children are entitled to more rights and benefits. However, under the conditions of a market economy, the over-protection of women makes it difficult for them to re-enter the labour market after maternity leave and is a major disadvantage for women of reproductive age who are seeking employment.

2.3. Women in the Family

Article 27 of the Constitution states that the family is fundamental to the preservation and growth of the nation and, as the basis of society, shall be protected by the state. It further states that spouses have equal rights. Parents have the right and the duty to raise and care for their children and the protection of parents and children is provided by law. The family also has a duty to care for its members in need. According to Article 2.1 of the Family Law Act, marriage shall be concluded upon the mutual will of the proposed spouses. Parents' permission is only required for persons under the age of eighteen. Minors aged between fifteen and eighteen years may marry with the written consent of his or her parents or legal guardian.

There is no tradition in Estonia in relation to kidnapping a girl/woman with a view to marriage. Upon marriage, the spouses have several options regarding the family name: they may choose one of the spouses' surnames as a common family name; retain their pre-marital surnames; or add the surname of the other spouse to their pre-marital surname. Women's family names do not reflect their marital status and polygamy is illegal.

Spouses in Estonia have equal rights to property acquired during the marriage. Property owned prior to the marriage belongs to the person who owned it initially although a marital property contract may be agreed upon. Upon divorce, the property can either be shared according to the contract, upon the agreement of the spouses or in accordance with a court ruling.

A court, upon granting a divorce and at the request of the spouses, can settle disputes regarding the material support necessary to raise children or regarding the division of common property. Practice reveals that in cases of divorce, mothers are more likely to get custody, although there is nothing in the legislation to this effect. In some cases where there are two children, the parents may each get custody of one child. If, after divorce, a parent fails to provide support for a child, a court may, at the request of the other parent, legal guardian or supervisory guardian, order the support to be paid to the parent who submitted the claim or to the person on behalf of whom the supervisory guardian submitted the claim. According to official statistics, the number alimony disputes nearly doubled between 1995-1998 (from 803 in 1995 to 1,513 in 1998). There were 3,383 cases involving family law disputes in 1998.

Obligations/duties in marriage

From a legal point of view, women and men have the same obligations and duties in marriage and in relation to their children. Article 49 of the Family Law Act states that parents have equal rights and duties with respect to their children. However, the traditional role expectations are rather vigorous in Estonia and the majority of Estonian women bear the heaviest burdens of domestic work in addition to raising the children. The situation for women with small children is particularly precarious in the labour market. Fathers do have the right to paternity leave, but do not exercise it. Caring for babies and young children, as well as other persons in need, is not considered "a man's work" in Estonia. As a result, Estonian mothers who work and often manage both work-related duties and domestic responsibilities alone have higher stress-levels than Estonian fathers. According to a survey conducted by the Association of Trade Unions among their female members, two-thirds of the women carried the burden of housework alone and only 22% shared the work equally with their husbands/partners. The burden of housework borne by women alone even increased in the 1990's. The surveys "Estonia 93" and "Estonia 98" on women's leisure time supported this fact and revealed a substantial gap in the leisure time available to women and men.

Amount of leisure time on weekdays, (%)

		Less than 1 hour		2-3 hours		4 or more hours	
		1993	1998	1993	1998	1993	1998
Total	Men	7	9	49	44	44	47
	Women	16	19	54	50	30	3
Working	Men	8	11	55	49	38	40
	Women	21	22	62	56	17	22
Non-working	Men	5	3	31	27	63	70
	Women	9	13	42	39	49	47

Naturally, the amount of leisure time available varies according to *inter alia* economic status, age, family status, and ages of children at home. However, gender inequality in potential leisure time is apparent for both working and non-working persons. Women have less free time than men throughout their life spans – i.e. in all age and family groups.

The table below illustrates the leisure time available on weekdays to women and men working 4 or more hours, by family status (%)

	Women	Men
Single, no children, under 35	45	57
Married, no children	31	47
Married, children under 6	14	32
Married, children aged 7-17	13	33
Married, adult child at home	18	34

As expected, working women with small children at home have the least leisure time. Whether the children attend school was not a particularly influential factor. The same conclusions were confirmed by the Statistical Office's pilot study into people's leisure time in 1996. The study proved that adult women spent an average of 5.9 hours a day on housework (including shopping, etc.), whereas men only spent 3.9 hours a day. In addition to routine housework, it was often the woman's responsibility to care for disabled family members, old people, etc.

Unmarried couples

Unmarried couples are quite common in Estonia. Historically, Estonia formed the eastern-most area of the so-called European marriage pattern. During the post-war period, the European marriage pattern was replaced by a tendency towards higher marriage rates and earlier family formation. As part of the general social transition, recent years have shown a decline in the annual number of marriages. Among native Estonians, marriage patterns have paralleled the Scandinavian pattern. Cohabitation has increased since the 1960s, accounting for 60% of first unions among younger partners. The frequency of divorce, initiated mostly by women, has been growing steadily. In terms of non-marital fertility, Estonia has also followed the Scandinavian pattern. More than four-fifths of first births are conceived out of wedlock, with half of that number also born out of wedlock. The rate for non-marital births is also high for second and third births. Children born out of wedlock have the same rights as those born in marriage. Legally, cohabiting partners do not enjoy any special status, and are regarded as two separate and free persons. The life and property of unmarried couples are perceived as their private. The reputation of single mothers greatly depends on their economic situation, whether they are poor or unemployed, and whether they need additional social support. As studies reveal, families with many children, single mothers and families with mothers who do not work are poorer and most vulnerable to poverty.

2.4. Reproductive Rights and Access to the Healthcare System

Reproductive rights and family planning

Abortion is legal during the first 12 weeks of pregnancy. The termination of pregnancy at a later date is permissible if the pregnancy would jeopardise the woman's health, or in cases of rape or incest. Estonia has approved a list of medical reasons for the termination of pregnancy, which is in accordance with the International Statistical Classification of Diseases and Related Health Problems 10th Revision.

The cost of an abortion is 1000.-EEK (USD 60). The Health Insurance Law provides the possibility of reducing the cost of an abortion by 70%, thus the final sum which an insured woman must pay is 300.-EEK (USD 18). The law provides health insurance for all pregnant women under the age of 18. In addition, every woman whose pregnancy is beyond the 12th week comes under the health insurance system. On May 26, 2000 regulations for medical tests and the counselling of pregnant women were approved by the Ministry of Social Affairs.

Illegal abortion and sterilisation entail criminal liability according to §120 of the Criminal Code. According to the 1998 Law on the Termination of Pregnancy and Sterilisation, sterilisation can only be performed with the woman's written consent and in the event that she already has three children, or is over 35, or for other serious medical reasons.

Contraception is affordable in Estonia and is partly free of charge. However, despite an increase in the use of birth control devices, abortion remains the main means of birth control. Accurate statistics on the use of effective contraceptives (the Pill, IUD, sterilization) in Estonia are not available. However, figures suggest that by the end of 1995, 261 in every 1,000 women of fertile age were using the Pill or an IUD, which is quite low compared to other European countries.

According to the Estonian Abortion Register, the overall number of abortions and the abortion rate per 1,000 fertile women were falling. However, due to the constant decline in the birth rate, the number of abortions was 1.5 times higher than live births in 1997 (1.3 times higher than legally induced abortions). In 1996, 53.2 abortions per 1,000 women of childbearing age were performed in Estonia.

The quality of sexual education in Estonian schools varies depending mainly on the awareness and attitude of each particular teacher. Health education teachers need training and back-up to help them tackle sexual education topics in schools although a new curriculum for health education, including sexual education, has been in place since September 1997. The Estonian Family Planning Association has paid much attention to the process of developing this new curriculum, and also to creating or adopting new information and educational materials for teachers and pupils.

In addition, there are now 12 towns with youth counselling facilities. The main activities of the clinics include lectures, private consultations, publications of written information, education and communication materials, media work and training courses for teachers, school nurses and doctors. The lectures, which last about two hours, focus on the topics of puberty, relationships, STDs, contraceptives, sexual violence, drugs

and other issues as requested by pupils. The lectures are designed to be interactive and to encourage as much participation from the audience as possible. Depending on the wishes of the participants, lectures are held either for mixed or one-sex groups.

Access to healthcare

The Estonian population's access to health care is quite good and there is no discrimination between women and men in this respect. The Ministry of Social Affairs began a cooperation with the Danish Ministry of Health to create an optimal model for primary health care and a regional approach in health promotion. In August 1998, the government adopted a national research and development programme in the field of public health for 1999-2009, serving as a guideline for developing and implementing health policy on different levels.

Gynecological/obstetrical care is equally available in urban and rural areas. In Estonia, 98-99% of births are professionally assisted.

An analysis of mortality rates indicates that circulatory diseases, neoplasms and external factors (accidents, injuries and poisonings) are the most common causes of death. According to data from the Estonian Cancer Register, the incidence of cancer (including early illness) increased to 24% for men and 12% for women in the period from 1968-1972 to 1988-1992. According to the statistical office in Estonia, 2,794 males and 2,975 females had cancer in 1996. Men suffered primarily from lung, prostate and stomach cancer; while women suffered from breast, skin and stomach cancer. There has been a disturbing increase in cervical cancer amongst middle-aged and younger women and a steady increase in circulatory organ diseases amongst both men and women.

There are special nationwide programs and actions for women in Estonia, among which the breast cancer control campaign is the most well-known. Although these programs are available to everyone in need, rural women have more limited access to them. A number of educational programs, conferences, and NGO-initiated seminars and meetings on different topics (ranging from cancer to HIV) have been made available to doctors and medical staff.

Assistance to the disabled

Special medical and psychological assistance is available to disabled persons in Estonia and such persons are entitled to financial and social support. Handicapped persons are also entitled to a number of state benefits (apart from employment incentives to employ disabled persons). According to the State Allowances Act, disability pensions are paid according to three categories of invalidity in the following amounts:

- First group: 295% of the rate of the national pension, i.e. 1,210 Estonian kroons;
- Second group: 250% of the rate of the national pension, i.e. 1,025 Estonian kroons;
- Third group: 195% of the rate of the national pension, i.e. 800 Estonian kroons.

Invalidity pensions are also paid to working persons, in which case it does not replace the wages, but rather functions as a social security and social welfare payment.

The Social Benefits for Disabled Persons Act came into effect on 1 January 2000 and provides for two sources of assistance to disabled persons: disability pensions and social benefits. The law provides disabled persons with the right to receive a number of additional state benefits, including:

- Disabled parent's allowance - for disabled parents whose children are under the age of 19 and study in a basic school, high school or vocational school;
- Study allowance - for disabled pupils and students who do not work, but are in a high school, vocational school or university and who must bear additional costs in connection with their studies;
- Rehabilitation allowance - for disabled persons participating in the rehabilitation process;
- Qualification and training allowance - for disabled persons who work in order to provide training and increase their levels of proficiency;
- Transportation allowance - includes support for commuting to school, work or a rehabilitation centre.

In addition, the Government Decree no. 318 of 23 December 1996 establishes the Procedure for the Grant and Payment of State Social Assistance, which is the basis for the payment of telephone and transportation allowances to unemployed disabled persons and for individual payments where necessary. The reduced-rate taxi service for disabled persons, which was introduced after the implementation of the Social Welfare Act, also helps to solve problems related to access to work places. The service is available in seven counties and in Tallinn. Travel expenses are paid partially by persons with light or medium disabilities themselves or by local governments (cabs for the disabled, and public transport tickets at reduced prices). Persons with severely impaired mobility or vision are entitled to tax incentives when acquiring individual means of transport - they are exempt from customs, excise and value added taxes. According to the Social Benefits for Disabled Persons Act, as of 1 January 2000, persons with severe or most severe disabilities receive transportation allowances, for example to travel to work, school or rehabilitation centres.

According to the Social Welfare Act, local governments should, if possible and necessary, appoint a support person or personal assistant to a disabled person and this should be paid out of their own budgets.

Further, disabled persons who are learning a profession or who need assisting devices in the workplace are entitled to:

- Individual assisting devices to cope with everyday life. The devices are partly financed by the Ministry of Social Affairs from the State budget in accordance with a decree of the Minister of Social Affairs no 18 of 7 March 1995 on Assisting Devices, their Purchase and Distribution at Favourable Terms;
- Assisting devices to facilitate at-home study, which are financed partly by the Ministry of Social Affairs from the State budget;
- Assisting devices for pupils' use at school, which are financed partly by the Ministry of Education from the State budget in accordance with a Government order of 25 November 1998 on Conditions and Procedure of Education of the Disabled Persons in Vocational Training Establishments;
- Assisting devices in the workplace - employers are entitled to list the expenses involved in adapting the workplace to the disabled among their business expenses on the basis of the Income Tax Act. Enterprises that do not make a profit are not considered under the present order of reimbursement and their expenses involved in adapting the workplace should be financed by special funds.

3. WOMEN'S POLITICAL RIGHTS AND PARTICIPATION IN PUBLIC LIFE³

Legal framework

According to Article 57 of the Constitution, Estonian citizens who are eighteen or older have the right to vote, unless deprived of their legal capacity by a court. Article 60 states that members of the *Riigikogu* (the Estonian Parliament) shall be elected in free elections on the principle of proportionality. Elections shall be general, uniform and direct and voting shall be done anonymously. Every Estonian citizen who is twenty-one years old and has the right to vote can be a candidate for the *Riigikogu*. Similarly, Article 156 stipulates that members of local government shall be elected in free elections for a term of three years if they are over eighteen years of age and have the right to vote.

Attitudes towards women's participation in politics

Sociological polls carried out in 1992 and 1993 demonstrated that women both participated and were interested in politics 1.3 — 2.5 times less than men. In fact, there were 7-8 times fewer women than men in Parliament. According to sociological polls, the minimal participation of women in politics is not seen as a particular problem. In 1993, only 19% of the respondents believed that there were too few women in politics, while 16% believed the contrary. Later polls, however, revealed that people have become more gender sensitive and already three years later, over half of the respondents agreed that there were too few women in politics and only 19% of respondents shared the opposite view.

Women in Parliament

There are fewer women than men in the *Riigikogu*. In early spring 1990, elections to the Congress of Estonia and the Estonian Supreme Council took place. 12% of the candidates and 10% of the members of the Congress of Estonia were women; the numbers were even smaller for the Supreme Council of Estonia — 6%. The proportion of women among candidates to the *Riigikogu* has increased steadily, although not sharply. In 1992, 1995 and 1999, 14%, 17.4% and 26.9% of the candidates were women respectively. There were 13%, 11.9% and 17.8% women members of parliament respectively. Clearly, men still comprise a very large majority of the *Riigikogu*.

By 1999, a big step had been taken to treat women equally in politics. In 1998, all 11 female members of the *Riigikogu* established the Association of *Riigikogu* Women in order to draw attention to the poor representation of women at the decision-making level and to support women's involvement in politics. The objective of the Association is to promote the adoption of legislation that grants equal rights and opportunities to men and women for self-realization and participation in public life. In addition, the Roundtable of Political Party Women's Associations was established in autumn 1998 to develop a people-friendly society, improve the domestic political climate and promote women's involvement in politics. In 1999, before the *Riigikogu* elections, a public proposal was made in the name of the Roundtable to all parties to prepare the candidate lists so that three out of each ten candidates on the national lists were women. In addition, a video clip was made to support female candidates. All private television channels agreed to broadcast the video clip before the election without charge. As a result, more women were elected to parliament and they received more votes than ever. The difference between the average number of votes received by men and women who were elected also decreased: the average number of votes for an elected female candidate was 86.6% of the average number of votes for an elected male candidate.

Women's success in the elections to legislative authorities is determined not simply by the proportion of women candidates in political parties' candidate lists, but rather by the number of women holding the top

positions on those lists. An analysis of the election results clearly demonstrates that political parties had different approaches in this respect. For example, no woman was elected to the *Riigikogu* from the Estonian Country-people's Party, although women made up 17% of the candidate list; seven men were elected from the same party. However, three women and fifteen men were elected to parliament from the Reform Party, although women comprised 20% of candidates. Four women and fourteen men were elected from the Pro Patria Union, while the proportion of women in their list of candidates was similar. There were a large number of women on the list of candidates for the Estonian United People's Party (34%), but only one woman and five men were elected to parliament. Two women and five men were elected from the Coalition Party; 25% of the candidates on the list were female. 18% women were elected from both the Center Party and the Moderates Party, which had 23% and 31% of women respectively on their lists (5 women and 23 men were elected from the Center Party and 3 women and 14 men from the Moderates Party).

Women in politics and those taking an interest in politics expected a shift towards the equality of the sexes at the elections to the *Riigikogu* in March 1999. Such expectations for the *Riigikogu* elections were based on the larger proportion of women on the candidate lists: there were 508 female candidates, comprising 27% of all the candidates. However, there were very few women at the top of any candidate lists - with the exception of the Progressive Party, which had a woman in the top position. As a result, only 18% of women were elected. Among the parliamentary women, Siiri Oviir (from the Center Party) is the Vice-Chair of *Riigikogu*. Women parliamentarians are quite active in different committees, for example Liia Hänni (Reform Party) chairs the parliamentary Constitutional Committee.

Participation in executive bodies

The October 1999 local elections represented a step backwards: 3% fewer women were elected compared to 1996. Although there were 35.6% women candidates in 1999, only 28.4% were elected. Whereas men received an average of 46 votes each, women only received 30. There were substantially more women elected to councils only in Ida-Viru county (41.8%), but there were relatively few elected to the councils in larger cities: 26.6% in Tallinn, 21.2% in Pärnu and 18.4% in Tartu.

However, compared with 1989, the balance between the sexes did improve in 1999. In 1989, only 15% of all candidates were women and even fewer were elected (9%). After Estonia regained independence, at the elections of local government councils in 1993, 1996 and 1999, 24%, 31% and 28% of persons elected were women respectively.

Women are scarcely represented in **government**. Within the cabinet of ministers, there are two women: Minister of Culture, Signe Kivi (a member of the Reform Party), and Katrin Saks, Minister without Portfolio on population issues, (a member of the Moderate Party). Only a few women hold key positions in various governmental agencies, for example the director of the Citizenship and Migration Board. Within the Estonian banking sector, the Vice-President of the Estonian Bank is Helo Meigas. Previously the Rural Bank of Estonia was led by a woman. Although there are many women employees in the banks, they only hold minor positions.

Of all levels of public life, women are most active in the **NGO sector**. In Soviet times, the women's movement was rather formal and guided by the state, although there was some self-initiative as well. As a result of major structural changes in Estonia since the late eighties, the women's movement has acquired a new content and breadth. At the beginning of 2000 there were more than 160 women's NGOs. The 1997 research into women's organisations showed that such organisations in Estonia were primarily interested in in-service training and self-development, the development of small-scale entrepreneurship, involvement in charitable activities and increasing of women's participation in decision-making bodies. The preservation of family traditions and handicrafts became the sphere of rural women's NGOs. In 1994, the Information Centre of Estonian Women and Family Organizations was founded to facilitate co-operation and information exchange among women NGOs. The creation of a database of Women's and Family Organizations was also initiated. The Women's Training Centre took on the development of the database and organized a thorough opinion poll on women and family organizations. Since the number of organizations and the need for information increased rapidly, the Centre for Women's Studies at Tallinn Pedagogical University, the Women's Training Centre and a gender research group working at the University of Tartu founded the Centre for Estonian Women's Studies and Information in 1997. In addition, a research group for gender studies was created at the University of Tartu in 1995, which has so far functioned as an information and research centre. The activities of women's NGOs brought about changes in a number of laws, improvements in the situation of single mothers and significant changes to women's position in society.

A considerable number of women work in the **media** but hardly any have decision-making positions: there are no female editor-in-chiefs for major newspapers. There are some women executive editors or heads of departments; women also edit the weekend or culture editions of daily newspapers. Women in journalism are mostly employed in sections handling social affairs and culture. In the news, current affairs and economy sections, women usually work as reporters or editors. Women's health and family magazines have female editors-in-chief. As studies show, men are mostly promoted as heads of sections and given higher positions, and this is not based on the qualifications and abilities of a given employee, but rather on

the stereotype that men are naturally better leaders. The so-called glass ceiling phenomenon prevents women from moving up in Estonian media circles.

In the **business sector**, only a few people were capable of creating jobs for themselves in Estonia, and this was done most frequently by Estonian men. In 1997, the number of entrepreneurs was much higher among men (9.1%) than among women (3.0%). When comparing data from the population surveys of 1993 and 1998, it can be said that the number of people engaged in private enterprise had only increased slightly during that period. The majority of people engaged in enterprises fall within the age group of 25-34 years. Among people who lost their previous job because of lay-offs or the liquidation of the enterprise, every fifth man with higher education (21%) decided to create a job for himself. In similar situations, only 3% of women decided in favour of entrepreneurship, irrespective of their level of education.

Women are rather highly represented in the **judiciary**, which is quite logical considering that up to 60% of law students are women. There is a total of 224 judges in Estonia, among whom 139 (61%) are women and 85 (39%) are men. Women judges constitute the majority in the Administrative Court (27 women and 3 men). In the Estonian Bar Association, women represent 34.9% (133 women) of 381 attorneys. Women are also widely represented at different levels in the prosecutors' offices.

Many women teach at university level. Although there are no woman rectors of a state university, three private universities are run by women. Within the system of state universities, 3,046 persons hold academic positions (from professors to assistants), of which 1,376 are women (45.2%). In private universities, 450 out of 960 employed persons (46.9%) are women.

However, it is more difficult for women to pursue an **academic career**. According to official statistics, in 1997/1998, 469 women (52%) and 430 men undertook doctoral courses, and 1,485 women (55%) and 1,188 men undertook masters courses. When comparing the number of students who were awarded a scientific degree, only approximately 28% of women who took doctoral courses (and approximately 44% of women who took masters courses) were awarded an academic degree.

Number of women and men with an academic degree in science, 1997

	Women Doctors	Men Doctors	Women Masters	Men Masters
Natural sciences	175	532	61	96
Engineering	46	332	15	58
Medical sciences	119	161	17	13
Agricultural sciences	33	109	19	35
Social sciences	107	204	60	57
Humanities	75	113	65	37

Statistical Office of Estonia

4. VIOLENCE AGAINST WOMEN

4.1. Domestic Violence

Domestic violence is not prosecuted as a distinct criminal offence. Violence occurring within the family is penalised under the Criminal Code, within the section of criminal offences against a person. Cases of domestic violence are often identified by the police as family quarrels and are therefore recorded only as administrative offences.

Violence against women, including marital abuse, has become the subject of public discussion and media coverage. According to women's groups and law enforcement officials, family violence is not pervasive and there have been no special surveys into domestic violence so far. Recently, a pilot survey of 102 women was funded by HEUNI, but the project has not been completed yet and the results are not available. According to the World Health Organisation Report, between 16% and 52% of women suffer physical violence at the hands of their male partners, and at least one in every five women suffers rape or attempted rape in her lifetime. Estonia is not an exception in this respect. The most common form of violence against women is domestic violence, which often goes unrecognised and is accepted as part of the order of things. After marriage, the greatest risk of violence against women continues to lie in their own homes, where husbands may assault, rape or kill them. Cases of domestic violence are usually underreported and sometimes the women even believe that they deserve the beatings because of some wrongdoing on their part. Other women refrain from speaking about the abuse because they fear reprisals from their partners for revealing "family secrets", or they may be ashamed of the situation.

There are several factors that prevent women from terminating abusive relationships, the main reasons being economic dependency and the lack of available shelters.

Programs addressing, to an extent, domestic violence mostly relate to child abuse. The Ministry of Social Affairs organised some training programs and special seminars on how to work with victims and their families, as well as with offenders.

Hotlines, psychological services and medical assistance are available to victims of violence in need. In addition, victims of domestic crimes may seek legal advice from NGOs, including the Estonian Institute for Human Rights. Women's NGOs help victims with the documentation and social exposure of acts of violence against them. There are few shelters for abused women, and they are mostly run by local councils in rural areas. Women with children are considered a priority in terms of access to these shelters.

4.2. Sexual Abuse

According to §115 of the Criminal Code, rape is punished by imprisonment of up to fifteen years, subject to aggravating circumstances, such as whether the person has previously committed rape, whether it was gang rape, the rape of a child, or whether the act caused bodily injuries or had other serious consequences. It should be noted that it is impossible to avoid legal sanctions if the perpetrator marries the victim after the alleged rape.

Rape is not a widespread crime in Estonia. In 1999, rape accounted for 0.001% of the total number of recorded offences, which amounted to 51,539. However, studies show that 40% of crime in Estonia goes unreported, including sexual abuse. In 1999, only 59 rape and attempted rape cases (an increase of 11.3% since 1998) were recorded by the police. Courts convicted 37 persons in 1999 (53 persons in 1998), i.e. 30.2% less than in 1998.

Number of persons incarcerated for rape and attempted rape	1995	1996	1997	1998
	174	146	129	123

Statistical Office of Estonia

According to current legislation, only the victim can initiate court action, except in some extreme cases. Many rapes therefore remain unregistered because of women's fear of the aggressor. The National Report of Estonia to the UN Fourth Conference on Women suggests that a third party should be able to initiate court action upon application (i.e. guardian, police).

There is no specialised department within the police or the prosecutor's office to deal with cases of rape. However, the Estonian police can benefit from joint seminars with the Nordic countries' police, which are held on a regular basis. The role of the prosecutor's office in cases of rape is to supervise police work during pre-trial investigation, and possibly to initiate an investigation if there is enough evidence. Forensic expertise is obligatory in cases of rape, but the legal procedure in such cases is similar to other investigations of criminal cases. According to the provisions of the Criminal Procedure Code, in order to prove a rape all evidence (witnesses' testimony, expertise, etc.) must be provided to the police investigator. This is a very difficult procedure for the victim and her/his family. Legal aid is only available if the victim hires a defence lawyer herself.

Marital rape can be identified as rape if proven in the pre-trial investigation. In such cases, the court can impose sanctions on the offender, including husbands. Legal proceedings are the same as in other cases of rape.

The sexual abuse of children is a criminal offence punished with a term of imprisonment of up to ten years. The sexual abuse of children within the family is a growing problem that has received some publicity only during the last decade. There is no social pattern of child abuse, but a 1995 research project conducted by the NGO "Estonian Union for Child Welfare on children and violence at home" found that a significant proportion of children had experienced at least occasional violence at home, in schools, or in youth gangs. In the first eight months of the year, police registered 17 cases of sexual abuse - 15 female victims and 2 male victims. Also in the first 8 months of the year, there were two cases of rape in which the victims were younger than 14. A 1996 poll reported that 3% of surveyed children had been sexually molested, while the police registered 70 cases of sexual abuse in 1996. At a public conference, the chief of juvenile police reported that only 20 to 30% of cases involving the sexual abuse of children are reported. In addition, there is evidence of underage prostitution.

Abused women and girls are provided with assistance by family counselling and confidential telephone services. Women can also receive aid in the children's shelters (there are ten). The first shelter opened in 1994 and in the same year, the Centre for Social Rehabilitation of the Christian Society at Sangaste was established to offer emergency protection. The rehabilitation centres and confidential telephone services have been set up through private initiatives and by NGOs with help from the state and the municipalities. The Ministry of Social Affairs has channelled some foreign financial aid into the establishment of confidential telephone and family counselling services, and the network of shelters for the abused. The role of the church is also important in providing help for victims of crimes.

4.3. Women and Sexual Exploitation

a) Prostitution as a Social Reality

Prostitution is not legally regulated in Estonia, although pandering does entail criminal liability. Article 202 of the Criminal Code punishes the incitement of a juvenile into criminal activity or prostitution. Article 202.6 states that inducing a person to engage in prostitution or soliciting is punishable.

According to STOP project information in 1998, about 10% of prostitutes fell victim to violence while working as prostitutes. Prostitutes are not entitled to any social security or health benefits.

AIDS testing is anonymous in Estonia and the service is covered by the Estonian government. The policy on AIDS prevention is mainly handled by the AIDS Information & Support Center, which actively participates in a number of various international and national projects.

b) Trafficking in Women

The Estonian Criminal Code does not prosecute trafficking in women as a separate criminal offence but the phenomenon may be dealt on the basis of the following articles: Article 202 on ravishing a juvenile into criminal activity or prostitution, Article 202(6) on inducing a person into prostitution or the solicitation of prostitution, Article 81(2) on smuggling persons across the border or temporary control zone of the Republic of Estonia. However, the provisions of the Criminal Procedure Code concerning sexual exploitation and abuse need to be elaborated further.

According to the information provided by courts of law, the police, border guards, and Interpol, no one has been prosecuted or sentenced in Estonia for trafficking in persons. One case is currently in the pre-trial investigation stage, but a ruling has not yet been passed.

Judging by information provided by the media and Interpol, Estonia is a sending country, although it might also be a transit country, particularly in previous years. Nowadays, Estonian boarders are protected effectively, making illegal boarder crossings extremely difficult.

The main method of recruitment is through newspaper advertisements. In terms of reporting cases to the police, several obstacles may be noted - including the fact that trafficking is connected with organised crime; lack of necessary proof; personal reasons; lack of confidentiality; and no hope for a positive result.

There is no special governmental policy against trafficking in women in Estonia. However, the issue may be dealt with within the framework of general crime prevention strategies. On 8-9 June 2000, the AIDS Information & Support Centre organised a seminar devoted to the Training and Capacity Building against Trafficking in Women and Girls in the Baltic Sea Region. Several international seminars for journalists and NGOs have been held in which the issues of trafficking in women have been addressed.

No specific governmental or non-governmental initiatives for returning trafficked women have been elaborated in Estonia – although according to the Estonian Constitution, the Estonian state shall protect its citizens in foreign states and if there is an Estonian embassy in a particular country, then service and assistance for the victims is also available. However, problems may be encountered by women who are residents (but not citizens) of Estonia. Unfortunately, in such cases, practically no support is provided for Russian citizens or other aliens from Estonia.

There are no special support services for victims of trafficking in Estonia, but women victims may receive medical and psychological support in Estonian medical treatment establishments, from NGOs etc.

According to existing information, no special research on trafficking in women has been carried out in Estonia. However, the issue is partly covered by other surveys on women and children, particularly in relation to prostitution and pornography. It is clear that the involvement of minors in the sex trade has become a major problem in Estonia. An international project Minors in the Sex Trade – STOP 2 was launched in 2000 with the active participation of Estonian NGOs and specialists. On 13 June 2000, a seminar was held in Tallinn on this topic. In an effort to eradicate forced prostitution, the AIDS Information & Support Center organized a Seminar entitled "Training and Capacity Building against Trafficking in Women and Girls in the Baltic Sea Region" in Tallinn on 8-9 June 2000.

5. WOMEN'S STATUS WITHIN DISTINCTIVE GROUPS

5.1. Women and Sexual Orientation

Although the country is one of the most liberal former Soviet republics, homosexuals' rights and partnership issues have not been discussed much in Estonian society to date.

Homosexuality has been legal since 1992 although Article 118 of the Criminal Code punishes homosexual relations involving violence or with a person under the age of 16 with imprisonment of two to ten years. The age of consent for sexual relations is 14 for heterosexuals and lesbians, and 16 for gay men.

However, it is likely that further progress regarding the legal situation of gays and lesbians will be made in the near future since neighbouring Finland reformed its legislation dealing with homosexuality in early 1999 and Estonia's ties to the rest of Scandinavia are still growing.

Gay and lesbian groups may establish an NGO without restrictions and some do function in Estonia as society has become more tolerant towards homosexuals. Compared with the Soviet era, in which it was prohibited to even talk about homosexuals openly, not to mention the punishments, the status of homosexuals has obviously improved.

With the aim of advocating gay and lesbian rights, the Parliamentary Assembly of the Council of Europe published two reports: on the situation of gays and lesbians and their partners with regard to asylum and immigration in the member states (DOC. 8654, 25 February 2000) and on the situation of lesbians and gays in Council of Europe member states (DOC. 8755, 6 June 2000). Both documents have been widely discussed in the Estonian media and among NGOs.

5.2. Women in Prison

As of this writing, 118 women, including 7 young children, were being held in the only prison for women, which represents 0.02% of the prison population. Notably however, the number of incarcerated women has doubled since 1995.

Persons incarcerated in penal institutions, 1995-1998

	1995	1996	1997	1998
Females	54	69	101	108
Total incarcerated persons	4224	4638	4790	4379

Statistical Office of Estonia, 1999

There have been no reported cases of rape in police custody, and no information is available on the use of physical or sexual torture against women. However, women are often exposed to verbal and psychological abuse.

Women inmates' special needs (pregnancy, social assistance to their children, etc.) are protected by law and in practice. Medical assistance is also available both to women and their children. Until the age of three, children can stay with their mothers in prison, but must afterwards go to regular kindergartens. There are work and study opportunities for women in prison, as they are contracted for work by the prison administration or private businesses.

6. WOMEN AND ARMED CONFLICT/REFUGEES

The Estonian Parliament ratified the UN Refugee Convention and adopted a national refugee law in February 1997. Pursuant to the Refugees Act, the Citizenship and Migration Board requires all asylum seekers subject to the accelerated procedure (if they arrived from a safe country of origin, a safe third country or if their claims are manifestly unfounded) to reside in a temporary retention facility in the town of Aa, in northeastern Estonia. Asylum seekers who are not in the accelerated procedure may opt to stay in private accommodation as long as they have the means to support themselves. In May 1998, the government began building a refugee processing center in Illuka, on the border with Russia, which the government expects to be fully functioning by 2001.

Asylum applicants and refugees are provided with food, medical care, and interpretation services. The government subsidizes legal counsel for asylum seekers during the appeals stage of the refugee status determination procedure, and increasingly in the first instance also. Recognized refugees receive temporary residence permits and work authorization for up to two years, a period which may be extended if the conditions that caused them to flee persist. Refugees also have the same right to state allowances, employment services, and unemployment benefits as Estonian citizens.

By the end of 1999, 27 asylum seekers had cases pending in the courts. Twenty-one asylum seekers have submitted applications so far in 2000, arriving from Afghanistan (7), Pakistan (6), Sierra Leone (2), Turkmenistan (2), Ukraine (1), Somalia (1), Turkey (1) and Russia (1).

Apart from cultural differences, there is no discrimination against women asylum seekers or refugees in Estonia.

Endnotes

- ¹ Based on the study of Rein Voormann, senior researcher at the Institute of International and Social Studies, Tallinn Pedagogical University.
- ² Based on the study of Anu Narusk, senior researcher of the Institute of International and Social Studies at Tallinn Pedagogical University.
- ³ Based on the study of Tiina Raitviir, Professor, head of the Department on population studies at the Academy of Defence.

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