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Report of the Working Group on the Universal Periodic Review*

Estonia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

1. Estonia welcomes the interactive dialogue and the recommendations made in the course of its Universal Periodic Review on 2 February 2011. Estonia received altogether 124 recommendations from 37 states. From 124 recommendations Estonia promptly supported 88 (recommendations No. 77.1–77.88 of the Report of the Working Group on the Universal Periodic Review on Estonia), of which 8 had already been implemented and 1 was being in the process of being implemented (see: recommendation No. 78). Estonia rejected 20 recommendations (recommendations No. 80.1–80.20) and 16 recommendations were left to further consideration (recommendations No. 79.1–79.16).
2. Estonia herewith presents its views regarding the recommendations that were left upon further examination by Estonia after the review, and would kindly ask to include the following responses as an addendum to the Working Group report.

Recommendations No. 79.1–79.6

3. Estonia **accepts** the recommendation for the signing and ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (CED), and is pleased to inform that the preparations for accession are underway.
4. Estonia **tentatively accepts** the recommendation for ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW), and is pleased to announce that it has started the analysis of the domestic legislation with a view to the ratification of the Optional Protocol.
5. Estonia at this stage, **cannot give a definite answer** to the recommendation to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).
6. Estonia notes that it is committed to ratifying already this year the Convention of the Rights of Persons with Disabilities (CRPD). However, at this stage, **no definitive answer can be given** regarding the recommendation to sign and ratify the Optional Protocol to the Convention of the Rights of Persons with Disabilities (OP-CPRD).
7. Estonia regrets that, at current stage, it **cannot give a definitive answer** regarding the recommendation to recognise the competence of the Committee against Torture (CAT), as the analysis in Estonia is still underway. Estonia will report to the Committee on the implementation of the Convention against Torture later this year.

Recommendations No. 79.7–79.9

8. Estonia regrets that, at this point, it **cannot give a definitive answer** regarding recommendations to obtain accreditation for a national human rights institution (NHRI) that complies with the Paris Principles from the International Coordinating Committee. Estonia is of the opinion that although no institution in Estonia is currently accredited or in the process of accreditation as an NHRI, the institution of the Chancellor of Justice already fulfils this role being in compliance with the Paris Principles. The Chancellor of Justice also acts in the role of the national preventive mechanism provided for in the OP-CAT since 2007 and as the children's ombudsman since 2011.

Recommendation No. 79.10

9. Estonia **accepts** the recommendation to expedite action to establish the Gender Equality Council. Estonia is glad to state that it is going to put the issue on the national agenda this year.

Recommendation No. 79.11

10. Estonia **tentatively accepts** recommendations made to increase the resources allocated to the Commissioner for Gender Equality and Equal Treatment. Estonia is able to state that efforts have been made to find additional funding to the Commissioner up to the year 2015. However, the actual allocation of resources depends on ongoing budget negotiations and approval.

Recommendation No. 79.12

11. Estonia **accepts** the recommendation to speed up the process to adopt the Development Plan for Children and Families 2011-2020. Estonia informs that the adoption of the Development Plan has been included in the work of the Ministry of Social Affairs.

Recommendation No. 79.13

12. Estonia, at this moment, **cannot give a definitive answer** to the recommendation to develop policy instruments based on the Yogyakarta Principles to combat discrimination against sexual minorities.

Recommendation No. 79.14

13. Estonia is currently **not able to fully endorse** the recommendation to pay special attention to acts of violence against homosexuals. Estonia is committed to taking measures to enhance the level of public awareness and protection of the rights of lesbian, gay, bisexual and transgender persons. Estonia pays attention and condemns all forms of violence, and has in place the respective legislative and policy instruments. The awareness raising activities with regards to tolerance towards LGBT community are carried out in co-operation with Human Rights Centre campaign Diversity Enriches.

Recommendation No. 79.15

14. Estonia **cannot fully accept** the recommendation to adopt a National Action Plan as well as a specific law to combat the sale of children, child prostitution and child pornography. Estonia is of the opinion that it is not strictly necessary to adopt a specific law, as the current Penal Code already includes all the mentioned acts as punishable pursuant to criminal procedure: namely provisions on sale or purchase of children, child stealing, disposing minors to engage in prostitution, aiding prostitution involving minors, use of minors in manufacture of pornographic works and manufacture of works involving child pornography or making child pornography available. Further, offences against sexual self-determination of children are criminalised in Estonia. Also, Estonia already possesses national instruments dealing with crimes against children. Fight against crimes against children is a priority issue in the national Guidelines for Development of Criminal Policy until 2018. This is a framework document approved by a decision of the Parliament. It includes long term goals which the ministries and other authorities have to follow in their decision-making. Further, in April 2010 the Estonian government approved the Development Plan for Reducing Violence for years 2010–2014. One of the aims of this plan is the reduction and prevention of violent crimes committed against children - including sexual crimes. This development plan holds a holistic approach to fighting various forms of violence – it also includes the objectives to fight and prevent human trafficking and domestic violence.

15. As to **other recommendations** made during the interactive dialogue, regarding the protection of children (esp. recommendations No. 77.24 and 77.27) Estonia would like to note that the functions of the children's ombudsman have been integrated with the existing institution of the Chancellor of Justice, who also operates as an ombudsperson. Although

the Chancellor of Justice was dealing with children's rights already earlier, in order to provide more visible and enhanced protection to the rights of children, on 17 February 2011, the Parliament approved amendments to the Chancellor of Justice Act to foresee the task of the Chancellor of Justice to act as the children's ombudsman in compliance with article 4 of the UN Convention on the Rights of the Child (CRC). The Chancellor of Justice is competent to investigate cases of infringement of the rights of the child and to make relevant inquiries; to prepare and disseminate opinions, recommendations and reports on all issues relating to the promotion and protection of the rights of children; to promote the harmonisation of the national legislation, regulation and practice with the CRC and to fulfill various other functions relating to the rights of the child.

Recommendation No. 79.16

16. Estonia rejects the recommendation to amend legislation to change the minimum age for marriage from 15 to 18 years. As a general rule, the legal marriage age in Estonia is 18 years. Entering into a marriage for 15-18 years old persons is possible only by a court order whereby the court expands the person's active legal capacity. This enables the person to enter into a marriage and to exercise rights and perform obligations related to marriage.
