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### Human Rights Council

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### Draft report of the Working Group on the Universal Periodic Review

**Estonia\***

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its tenth session from 24 January to 4 February 2011. The review of Estonia was held at the 15<sup>th</sup> meeting on 2 February 2011. The delegation of Estonia was headed by H.E. Mr. Alar Streimann, Secretary General of the Ministry of Foreign Affairs. At its 17<sup>th</sup> meeting held on 4 February 2011, the Working Group adopted the report on Estonia.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Estonia: Belgium, Ecuador, Zambia.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Estonia:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/10/EST/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/EST/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/EST/3).
4. A list of questions prepared in advance by Belgium, Czech Republic, Denmark, Germany, Lithuania, Netherlands, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Estonia through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation indicated that Estonia had been a committed member of the international community by being a founding member of the League of Nations and a member of the United Nations after restoring its independence in 1991 as well as by participating in human rights activities of other international and regional organisations. Estonia had acceded to eleven UN human rights instruments even before the entry into force of its Constitution and had by now acceded to most of the major international and regional human rights agreements.
6. The delegation stated that the Manifest for All the Peoples of Estonia, which declared the independent Republic of Estonia in 1918 included a provision on the protection of ethnic minorities' rights, which was also recognized after the 1991 independence. It noted that a strong and engaged civil society was an essential part of Estonia's actions to protect and promote human rights for all and that freedom of expression was important to achieve that aim.
7. The delegation noted its close cooperation with the UN human rights treaty bodies, including by recognising the competence of the Human Rights Committee and the Committee on Elimination of Racial Discrimination to receive individual complaints. Estonia had issued a standing invitation to all human rights special procedure mandate holders and received visits from several special rapporteurs. Estonia had been working towards becoming a member of the Human Rights Council for the first time to contribute particularly in achieving gender equality, freedom of expression and the rule of law. The

delegation stated that Estonia considered the Universal Periodic Review (UPR) a unique process to improve the human rights situation as well as an opportunity to exchange best practices. It thanked all states that submitted advance questions.

8. The integration of national minorities into Estonian multicultural society with more than 260 state-supported ethnic groups had been an integral part of the protection and promotion of human rights. Estonia had implemented a number of integration programs since 2000, including the latest integration programme for 2010 to 2013 which was elaborated in close co-operation with the representatives of ethnic minorities and put equal opportunities and the involvement of all people in developing the society, regardless of their ethnicity, at its core, with particular attention given to youth. Since 2009, the Estonian Ministry of Culture had been responsible for the implementation of the integration programme.

9. The delegation referred to the reports of 2010 which indicated, inter alia, that contacts between residents of different ethnic origins had increased and knowledge of Estonian among speakers of other languages had improved. The delegation also informed that the number of persons with undetermined citizenship had decreased from over 30 percent in 1990s to about 7 percent. The persons with undetermined citizenship enjoyed all political, civil, economic, social and cultural rights and lacked only the right to vote at parliament elections compared to Estonian citizens.

10. In respect to the promotion of gender equality, the delegation informed that Estonia adopted its national action plan for the implementation of the UN Security Council resolution 1325 on “Women, Peace and Security” for 2010–2014, which included measures to increase awareness and knowledge of the gender perspective and women’s needs in conflict resolution. The delegation noted the establishment of the Gender Equality and Equal Treatment Commissioner, an independent and impartial expert who monitored compliance with the provisions of law, advised government institutions on the implementation of legislation, and received applications from individuals concerning discrimination.

11. The delegation referred to the results of the 2009 survey indicating that the general awareness of gender inequality was not very high although the level of awareness had increased somewhat during the last four years. The results of the study had been used to assess the existing gender equality policy and to develop new policy measures where needed.

12. The delegation indicated a number of steps undertaken to combat domestic violence, including the review of the first results of the implementation of the National Action Plan for the Reduction of Violence for 2010 to 2014, the criminalisation of violation of a temporary restraining order. It also referred to Estonia’s continuous efforts to fight against human trafficking, including several awareness-raising activities, the provision of shelter and rehabilitation to victims that had been carried out in co-operation with women’s organisations and with increased financial support of the government.

13. The role of women’s organisations as well as other non-governmental organisations had been constantly growing and the government had supported building the capacity of the NGOs as well as NGO-run gender equality projects through a programme funded jointly by the Ministry of Social Affairs and the Open Society Institute in Estonia. NGOs had been active in working out and implementing policies and programmes as well as in preparing the national report for the UPR. Moreover, Estonia planned to make the use of the internet forum a compulsory part of the elaboration of any government proposal by making public every piece of legislation from the initial proposal until its adoption.

14. The delegation highlighted that the pervasive use of electronic solutions in all areas had made an immense difference in society and that the advantages of the digital era had stimulated people, regardless of their ethnic background, to take an active role in the governance of Estonia.

15. While referring to the recommendations on the establishment of a national human rights institution, the delegation explained that the Chancellor of Justice had already fulfilled the role of the national human rights institution in compliance with the Paris principles because: the Chancellor of Justice was not part of the legislative, executive or judicial power; the independence of the Chancellor of Justice was provided for in the Constitution and guaranteed by appointment and dismissal procedure, defined mandate and requirements for the staff and budget; the Chancellor of Justice has a wide range of competences to deal with the issues of fundamental rights. In addition to the functions of the ombudsman, the Chancellor also performed the function of supervision over the constitutionality of legislation and was entitled to give his opinion on any draft legislation. The office of the Chancellor of Justice also fulfilled the role of national preventive mechanism provided for in the OPCAT.

16. The delegation informed that Estonia presented several reports on the implementation of international human rights treaties and that the conclusions and recommendations concerning these reports had been translated and presented to the implementing institutions and other stakeholders and had been published in the media.

17. Estonia has started preparations for ratifying several international human rights instruments, including CRPD and UNESCO convention against discrimination in education, CED and OP-CRC-AC.

18. The delegation regarded discussion during the interactive dialogue as a valuable contribution to domestic debate that would be taken into account in drafting new action plans and legislation.

## **B. Interactive dialogue and responses by the State under review**

19. During the interactive dialogue, 37 delegations made statements. A number of delegations welcomed the comprehensive presentation of the national report of Estonia. Several delegations expressed also their gratitude to Estonia for providing written responses to the advanced questions. Recommendations made during the dialogue are to be found in section II of the present report.

20. The Russian Federation stated that Estonia's human rights policy was a failure. Estonia had a large number of stateless persons, which constituted 7 percent of the population and who were deprived of their basic rights. It stated that another serious problem was the increase, inter alia, in manifestation of neo-Nazism and xenophobia, vandalising the statues and persecuting veterans of the Great Patriotic War and of Soviet governing bodies. The Russian Federation made recommendations.

21. Brazil noted the Gender Equality Act and the Equal Treatment Act. It referred to the CEDAW's concerns at the lack of a specific law on domestic violence was of concern. Brazil was also concerned about discrimination against Roma. Brazil encouraged Estonia to positively consider CAT's recommendation for protection of the rights of stateless persons and non-citizens. Brazil also highlighted UNHCR recommendation on asylum seekers' freedom of movement. Brazil made recommendations.

22. Algeria welcomed the establishment of the Chancellor of Justice and the Commissioner on Gender Equality. It also noted the adoption of plans and strategies for the promotion and protection of human rights. It asked about the measures taken by the

Government to attenuate the impact of the recent economic and financial crisis on the enjoyment of economic, social and cultural rights. It also inquired about the measures taken to combat discrimination against women and linguistic minorities. Algeria made recommendations.

23. Finland asked about measures that Estonia had taken or had been taking to safeguard the implementation of the Equal Treatment Act in order to protect all persons against discrimination on the basis of nationality, race, colour, religion or other beliefs, age, disability or sexual orientation. Finland also inquired about Estonia's measures, for equal opportunities of Roma children for quality education as well as its intention to prohibit the use of corporal punishment. Finland made recommendations.

24. The Republic of Moldova welcomed the commitment of the Government towards the World Programme on Human Rights Education and noted that human rights education was part of the core curricula in primary and secondary education. It noted with satisfaction Estonia efforts to combat trafficking in human beings but expressed concerns regarding the cases of child prostitution and pornography. It referred to the issue of equal representation of women in national bodies. The Republic of Moldova made recommendations.

25. Morocco welcomed the priority given by the Government to the efforts of integration in society. It commended Estonia for its efforts regarding the adoption of measures for gender equality. It welcomed Estonia commitment to human rights and humanitarian action, shown particularly through its voluntary contributions to various funds. Morocco made recommendations.

26. Belgium welcomed the positive measures taken regarding gender equality and equal treatment. However, it noted with concern the lack of a global and coherent approach in these measures. It asked about a national plan of action aimed at reducing gender inequalities and raising public awareness in this regard as well as the measures taken to reduce the salary gap between men and women. Belgium asked about the measures taken to strengthen respect for diversity and combat discrimination against homosexuals. Belgium made recommendations.

27. Lithuania stated that it shared with Estonia the latest history experience and considered that Estonia's development of human rights protection and promotion system in a short period of twenty years was a major achievement. It indicated that there were areas where additional attention was still needed, however, that the general thrust of policies and practice, which was firmly set at further advancement of human rights, must be recognised. Lithuania made recommendations.

28. Thailand commended Estonia for its commitment to promote and protect human rights through education and training. Thailand welcomed the entry into force of the Equal Treatment Act and hoped for its full implementation. Thailand noted the standing invitation extended to all Special procedures and inquired about the follow-up made to the recommendations received from the Special Rapporteur on the sale of children, child prostitution and child pornography. Thailand made recommendations.

29. Slovenia was concerned by the reports that mentally disabled persons or their legal guardians were often denied the right to be informed about criminal proceedings and charges against them. Slovenia also noted that Roma children continued to be placed in specialized schools for disabled children, although they were not disabled. The right to vote was also denied to persons deprived of their legal capacity, and disability pensions/benefits were inadequate and low. Slovenia made recommendations.

30. Canada commended Estonia for its engagement in combating trafficking in human beings and for signing the Council of Europe Convention on Action against Trafficking in Human Beings. It welcomed Estonia's efforts to improve the integration of immigrants and

refugees. It noted positively the efforts to prevent family violence through the adoption of the Development Plan for the Reduction of Violence. It also welcomed the fact that Estonia signed the Convention on the Rights of Persons with Disabilities and encouraged Estonia to ratify and implement it. Canada made recommendations.

31. Poland expressed appreciation for the measures taken by Estonia to develop institutional and legal human rights infrastructure. Poland made recommendations.

32. Ghana noted that none of Estonia's institutions dealing with the protection of human rights was accredited to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Ghana welcomed the steps taken to address discrimination, however, highlighted CEDAW's concern about the delay in the establishment of the Gender Equality Council. Finally, Ghana applauded Estonia's commitment to secure the protection of children. Ghana made recommendations.

33. The Czech Republic was concerned about allegations of brutality and excessive use of force by law enforcement personnel. Czech Republic made recommendations.

34. The United Kingdom of Great Britain and Northern Ireland encouraged Estonia to ensure full implementation of the Equal Treatment Act in the spheres of employment, education, prisons and healthcare. It asked for further information on equal rights for disabled persons and discrimination on the basis of race or sexual orientation. It encouraged Estonia to expand the work and funding of the Legal Chancellor and Gender Equality and Equal Treatment Commissioner. The United Kingdom of Great Britain and Northern Ireland made recommendations.

35. The delegation informed that Estonia had started the preparation for the ratification of CRPD, as well as considered ratifying the OP- CRC- AC and the UNESCO Convention against discrimination in education. Estonia might consider in future the ratification of the OP-CEDAW, but it had not been considering yet the ratification of ICRMW, the European Charter on Regional or Minority Languages, as well as the Protocol no. 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe.

36. As to the establishment of the NHRIs, the delegation informed that Estonia considered the mandate of the Chancellor of Justice was largely in conformity with the Paris Principles therefore Estonia did not consider establishing a new national human rights institution but it would expand the mandate of the Chancellor of Justice to meet fully the Paris Principles, rather than to create a new institution. Estonia did not consider establishing a special Ombudsman on national minorities as the issues of discrimination against national minorities could be already addressed by the Chancellor of Justice or the Commissioner of Gender Equality and Equal Treatment.

37. Estonia extended invitation to become citizens to all its permanent residence. In case of children, Estonia respected free choice of parents, and parents of newborn children often choose the Estonian citizenship for their newborn children.

38. Regarding to the issue of political party membership of non-citizens, the delegation explained that according to the Constitution the exercise of political power was entitled to only citizens and thus it would be impossible to ensure the right to access to membership of a political party to those without citizenship. It was rather advisable that non- citizens seek the Estonian citizenship in order to become a politician party member.

39. Malaysia noted with encouragement Estonia's emphasis on socio-economic development which contributed to the Government's ability in promoting and protecting human rights. It noted Estonia's commitment towards advancing women's rights. It inquired about the status of the study on gender income gap undertaken by the Government and its future actions in this regard. Malaysia made recommendations.

40. Denmark, Referring to the concerns expressed by CEDAW and CAT on violence against women. It thanked Estonia for the elaboration on the measures taken and appreciated that Estonia would continue efforts to ensure de facto equality between women and men. Denmark noted CAT's concern at excessive use of force by law enforcement personnel and asked about Estonia's follow-up. Denmark encouraged Estonia to take further measures to overcome the problem of statelessness and language restrictions of the Russian-speaking minority. Denmark made recommendations.

41. Germany commended Estonia for its Integration Strategy for 2008-2013 and its cooperation with OSCE and EU in addressing the question of the Russian-speaking minority. It thanked the delegation for its clarification on the implementation of the Integration Strategy. Germany welcomed the comprehensive policy on the issue of trafficking, in particular the Victim Support Act and asked about details on the guidelines and handbook published in this regard and suggested them to be shared with interested stakeholders. Germany made recommendations.

42. Norway supported the steps taken to strengthen the command of the Estonian language among non-Estonian speaking population. Norway positively noted the introduction of Gender Equality Act and the establishment of the Commissioner for Gender Equality and Equal Treatment, however, stated that financial and human resources were lacking to effectively carry out responsibilities under the Act. Norway also noted that Estonia did not have a specific legal act against human trafficking. Norway made recommendations.

43. The Netherlands commended Estonia for appointing a Commissioner for Gender Equality and Equal Treatment but noted its lack of resources as well as persisting gender disparities. It welcomed the decision of the Government to include a prohibition of discrimination based on sexual orientation in the Equal Treatment Act. It took note of the efforts to advance the integration of minorities into Estonian society, in particular the Russian-speaking minority. The Netherlands made recommendations.

44. Spain recognized Estonia's commitment to protect the rights of its national minorities. It welcomed Estonia's efforts in combating gender violence, in particular the Plan for the Reduction of Violence as well as the efforts to combat discrimination on grounds of gender identity and sexual orientation. It inquired about the methods of supervision for the body in charge of the "Inspection of the language". It also asked about the measures taken to reduce the number of stateless persons. Spain made recommendations.

45. France noted Estonia's intention to accede to the Convention on the Rights of Persons with Disabilities and asked about the possible obstacles to the prompt ratification of this instrument signed by Estonia in 2007. France noted that stateless persons represented eight percent of the population and asked about the measures taken to encourage these stateless people living on a permanent basis in Estonia to obtain the Estonian citizenship. France made recommendations.

46. Turkey praised Estonia's transition to democracy following the regaining of her independence in 1991. Turkey appreciated the new Equal Treatment Act and hoped for its full implementation as well as that of the Gender Equality Act. Turkey encouraged Estonia to continue the process of naturalisation by providing the necessary assistance to citizenship applicants. Turkey also welcomed Estonia's efforts in combating human trafficking and protection of the rights of children. Turkey made a recommendation.

47. Argentina welcomed the measures taken to address discrimination against minorities. It commended Estonia's achievements in terms of human rights education in primary and secondary school curricula and in trainings for civil servants. It noted with



appreciation the measures taken in combating gender violence. Argentina made recommendations.

48. Latvia noted with interest the transition of Russian-speaking schools to partial instruction in Estonia and considered that this model of bilingual education was effective for improving the knowledge of state language, guaranteeing equal study and working opportunities for graduates, while supporting their ethnic identity. It acknowledged that the implementation of Estonia's integration policy had brought positive changes in society and played an important role in creating tolerance and diversity. Latvia made recommendations.

49. Austria applauded Estonia for its efforts to curb trafficking in human beings and asked about the focus of Estonia's future action in this regard. Austria inquired about the penitentiary system and about Estonia's efforts to improve the condition of detention. Austria was concerned about discrimination on the basis of ethnicity, especially against the Roma community, in realms of education, employment, and culture. Austria asked about measures to combat prejudices faced by the Roma. Austria made recommendations.

50. Azerbaijan welcomed Estonia's voluntary contributions to international human rights and humanitarian related organizations. It highlighted Estonia's cooperation with the UN human rights procedures. It noted the Development Plan for the Reduction of Violence aimed at preventing violence against women and domestic violence and welcomed the adoption of the Strategy for Guaranteeing the Rights of Children. It commended the measures undertaken to prevent trafficking in human beings. Azerbaijan made recommendations.

51. Hungary welcomed human rights education and training as part of the Estonian National Curriculum. Hungary noted steps towards gender equality, women and children's rights. Hungary was concerned about the lack of resources of the Gender Equality Commissioner and at the definition of the torture in the Penal Code. Hungary noted the increased cases of human trafficking. Hungary inquired about the plans to ratify the Convention against Stateless Persons and to ease of the naturalization's requirements. Hungary made recommendations.

52. China commended Estonia's Equal Treatment Act as an important step for social justice and fight against discrimination. Though still faced with such issues as citizenship and integration of non-citizens, thanks to nearly two decades of efforts, Estonia had made considerable progress for social cohesion. Estonia also formulated relevant strategies and measures in promoting the right to work and the rights of the child and the elderly and in combating human trafficking. China made a recommendation.

53. The government planned to strengthen measures to ensure gender equality. It had started the implementation of the new program on promoting gender equality for 2010 – 2013, which included also awareness raising initiatives targeted to employees and employers. Estonia had joined the Europe-wide community of practice on gender equality. The delegation acknowledged the lack of resources available for the Commissioner on Gender Equality and Equal Treatment. To overcome this issue, the Ministry of Social Affairs had cooperated with the Commissioner and implemented joint projects.

54. The delegation informed that the sexual minorities was included as a target group in the Ministry of Social Affairs' development plan in the past two years. Estonia had carried out awareness raising campaign on the rights of sexual minorities with some successful impact.

55. The government supported active participation of persons with disabilities in public life through the provision of relevant services for them. Social welfare programs were in place to assist persons with disabilities to overcome difficulties they faced.

56. Amendments to the Penal Code were developed to bring it in line with international law and would be introduced to the Parliament for the adoption in 2011. These amendments aimed to, inter alia, bring the crime of hate speech in line with international standards, make ethnic, racist and religious hatred an aggravating circumstance and include specific crime of human trafficking.

57. In April 2010 a development plan on reducing violence for 2010-2014 entered into force, which defined activities and responsibilities of various agencies to combat all forms of violence in society. The plan specifically targeted violence against children, violence committed by children, domestic violence and human trafficking and included various measures to combat family violence and human trafficking. Estonia had adopted a holistic approach to combat domestic violence and all forms of violence and thus, no specific provision had been envisaged to address the domestic violence.

58. Slovakia commended Estonia's cooperation with UN human rights mechanism and its particular engagement in the area of women's rights. It welcomed the establishment of mechanisms for dialogue with minority groups, including the Council of Ethnic Minorities, the Roundtable of Nationalities and the Integration Strategy. It noted the possible lack of access to the asylum procedure and the lack of clear grounds for accepting or rejecting an application for an alternative to military service. Slovakia made recommendations.

59. The United States commended Estonia's leadership in the establishment of the UN Women with the UN system and its Action Plan to implement the UN Security Council Resolution 1325. The US welcomed Estonia's commitment to fight trafficking in persons and its victim's support, and inquired about the enactment of trafficking in persons' legislation. The US welcomed the equality gender' measures but remained concerned about the pay gap between men and women. The US inquired about a long-term plan to improve detainees' conditions and about the civil society development plan. The United States made recommendations.

60. Bosnia and Herzegovina noted that the issue of trafficking in human beings was a challenge Estonia faced and asked Estonia to elaborate on the legislation, practice, and steps taken in the scope of regional cooperation. It also noted that Estonia did not have national human rights institutions accredited by ICC. It commended Estonia for steps taken to improve the status of women, however, noted that gender inequality remained. It made recommendations.

61. Chile appreciated Estonia's commitment to the promotion and protection of human rights and highlighted that recommendations and conclusions of the Human Rights Committee were made public through the media. It welcomed Estonia's intentions to ratify various international human rights instruments. It commended the promulgation of the Law on Equal Treatment guaranteeing the protection of all persons against discrimination and establishing a Commissioner for Gender Equality and Equal Treatment. Chile made recommendations.

62. Ecuador noted challenges Estonia faced and highlighted the need to address the issue of stateless persons. Ecuador requested information about the Foundation for Integration and Immigration "Our People", particularly if there was any Government's participation and if this Foundation depended on any governmental authority. Ecuador made recommendations.

63. Sweden noted that Estonia's law and judiciary provided effective means to address individual instances of abuse. Estonia had made an effort to replace some of the older prisons, however, there were still reports of poor prison conditions in some of Estonia's prisons. Sweden also welcomed the steps that had been taken to combat discrimination, such as the Equal Treatment Act, and improved access to free Estonian-language classes. Sweden made recommendations.

64. Australia commended Estonia for action on human trafficking and welcomed the entry into force of the Equal Treatment Act in 2009. Australia remained, however, concerned by ongoing discrimination based on language and gender. Australia welcomed initiatives to reduce crime among youth and to decrease the number of prisoners in detention but remained concerned by the treatment of prisoners in Estonia. Australia made recommendations.

65. The Islamic Republic of Iran noted the Government's positive achievements at the national level. It expressed concern at the alarming levels of human trafficking; at the degree of racial discrimination, xenophobia and other related intolerance against racial, linguistic and ethnic groups, especially against the Roma; at violence against women; at the sexual exploitation of children; and at the excessive use of force by law enforcement personnel, and the holding of detainees in poor conditions. The Islamic Republic of Iran made recommendations.

66. The delegation stated that the integration strategy resulted in positive changes by creating tolerance and maintaining ethnic diversity in society. Estonia had implemented integration programs since 2000. The new strategy was adopted in 2008 for the period of 2008-2013 and covered three main areas: educational and culture; social and economic; and legal and political. One of the main goals of the strategy was to increase contacts among people of different cultural backgrounds and increase minorities' participation in political and economic affairs. The plans for the implementation of the strategy had been elaborated with various stakeholders, and targeted specifically youth, unemployment issues of minorities and social exclusion. Various consultative bodies on minorities' issues had functioned at state and regional level that included the representatives of national minorities.

67. A number of media outlets in Russian language broadcast throughout the country, including the Estonian Public Broadcasting with news portal in Russian; Radio 4 with programs in Russian language; a TV Channel - ETV 2 which broadcast partially in Russian as well as some commercial channels in Russian. There were also one daily and five weekly newspapers published in Russian as well as a number of journals.

68. As to the issue of unemployment among the Russian speaking minorities, the delegation reported that the special initiatives had been undertaken as a part of the integration program to facilitate their access to the labour market, including consultancy on how to start business and specially designed language training courses.

69. The delegation informed that it had been possible to use other languages such as Russian in police, medical institutions, social services and local governments as well as in banks and businesses. In some regions, local governments provided services also in some other languages. Additionally, Estonian language courses were provided for minorities and 4000 persons participated in such courses in 2010.

70. Regarding the concern expressed about the work of language inspectors, the delegation reported that the language inspectors' work was regulated by legislation and the inspectors carried out the monitoring visits to inspect the language proficiency in employment places in cooperation with the representatives of employers and municipal councils.

71. Estonia had provided inclusive and high quality education. Students' learning progress and results in schools were high regardless of their economic background.

72. In respect to questions raised about the Roma community, the delegation notified that Estonia had a small number of Roma – about 500 persons according to data of the census. However, Estonia acknowledged that Roma faced some problems. Estonia has not had segregated schools and Roma students could be placed in special schools with only the

consent of their parents or legal guardians. Some steps were taken to address drop-out among Roma students, including training for teachers and heads of schools on cultural differences.

73. Regarding the question about violence against children and child abuse, the delegation explained that violence against children was prohibited by the Penal Code, and the principle of non-violent child raising was also mentioned in the Family Law Act. The Ministry of Social Affairs was in the process of amending the Child Protection Act, and the amendments would ban the corporal punishment explicitly by the amended Act. Estonia carried out awareness raising campaigns to address the issue of the corporal punishment.

74. The delegation stated that all asylum seekers were provided access to the legal aid at every stage of the asylum procedure, which was carried out in line with the State Legal Aid Act. Additionally, the Ministry of Internal Affairs had implemented with a NGO a pilot project to grant legal aid by the lawyers who were specialized in asylum law. There was another NGO who already provided legal aid and represented asylum seekers both in the administrative procedures and in the court. Translation and interpretation were also granted free of charge to all applicants. Asylum seekers were also granted to practice freely their religions. The number of applicants had been small in the past, which had a tendency to increase.

75. The delegation stated that the issue of stateless persons was a serious challenge and Estonia had done its best to address this issue and had continued to working to achieve further progress in this area. The delegation stated that the phenomena of neo- Nazism did not exist in Estonia and the events when people gave respect to those who died in the war should not be seen as neo- Nazism acts.

76. In conclusion, the delegation thanked for the open dialogue and for comments and suggestions provided by the delegation. It hoped that in the next cycles of the UPR Estonia would be in a position to report about progress made in implementing the recommendations put forward by the delegations during the interactive dialogue. Estonia planned to put up its candidacy for the Human Rights Council membership in 2012 to continue contributing to the human rights work.

## **II. Conclusions and/or recommendations**

77. The recommendations formulated during the interactive dialogue and listed below have been examined by Estonia and enjoy the support of Estonia.

77.1. Speed up efforts to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol (Slovenia);

77.2. Ratify and implement the United Nations Convention on the Rights of Persons with Disabilities (United Kingdom of Great Britain and Northern Ireland);

77.3. Ensure speedy ratification of the Convention on the Rights of Persons with Disabilities, and take steps to ensure full conformity with the principles of the Convention without delay (Canada);

77.4. Ratify as soon as possible the Convention on the Rights of Persons with Disabilities (France);

77.5. Ratify the Convention on the rights of Persons with Disabilities, in accordance with the commitment formulated in paragraph 128 of its national report (Chile);

- 77.6. Complete the ratification of the Convention on the Rights of Persons with Disabilities and of the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict (Ecuador);
- 77.7. Consider the ratification of the Convention on the Rights of Persons with Disabilities (Algeria);
- 77.8. Consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, and the International Convention on the Rights of Persons with Disabilities (Brazil);
- 77.9. Conclude as soon as possible the process of ratification of the Convention on the rights of Persons with Disabilities as well as the ratification of the Optional Protocol of the Convention of the Rights of the Child on the involvement of children in armed conflict (Spain);
- 77.10. Ratify the Convention on the Protection of all Persons from Enforced Disappearances; the Optional Protocol of the Convention on the Rights of the Child on the involvement of children in armed conflict; the Convention on the Rights of Persons with Disabilities (Argentina);
- 77.11. Sign and ratify the Convention for the Protection of All Persons from Enforced Disappearance (Ecuador);
- 77.12. Amend the Penal Code to ensure full compliance with international norms on prohibition of torture (Islamic Republic of Iran 1);
- 77.13. Review and as necessary revise the Code of Civil Procedure to ensure that persons with disabilities are not deprived of their right to vote on the basis of disability (Canada);
- 77.14. Amend, as announced in the National Report, the Criminal Code and introduce a separate provision on trafficking of human beings (Germany);
- 77.15. Establish a national human rights institution in accordance with the Paris Principles (Thailand);
- 77.16. Consider establishing a national human rights institution in accordance with the Paris Principles (Ghana);
- 77.17. Set up a national human rights institution in accordance with the Paris Principles (Ecuador);
- 77.18. Set up an independent national human rights institution that operates in accordance with the Paris Principles (United Kingdom of Great Britain and Northern Ireland);
- 77.19. Consider options for developing the human rights institutions according to the Paris Principles, as it was emphasized by the Committee on the Elimination of Racial Discrimination (Bosnia and Herzegovina );
- 77.20. Take necessary steps to establish a national human rights institution in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (Czech Republic);
- 77.21. Accelerate the development of activities of one of the existing institutions responsible for the promotion and protection of human rights in order to better adapt it and convert it into an institution which is in conformity with the Paris Principles (Morocco);

- 77.22. Explore the possibility of seeking accreditation from the International Coordinating Committee for NHRIs for the relevant institutions, including the Office of the Chancellor of Justice (Malaysia);
- 77.23. Start consultations with its national human rights institutions to request the accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of human rights (Spain);
- 77.24. Create the institution of ombudsman for children (Finland);
- 77.25. Intensify efforts to guarantee the good functioning of the Commissioner on Gender Equality by providing sufficient resources (Spain);
- 77.26. Take effective measures towards ensuring the equal and full enjoyment of human rights by all, in accordance with its international obligations (Sweden);
- 77.27. Continue efforts in protecting and promoting rights of the child (Lithuania);
- 77.28. Strengthen its effort to raise awareness among its citizens on the provisions contained in the Equal Treatment Act and to ensure full implementation of the Gender Equality Act as well as the Equal Treatment Act (Thailand);
- 77.29. Intensify the measures for gender equality and equal treatment, particularly regarding the rights of women and the integration of national minorities, in accordance with the commitment formulated in paragraph 160 of its national report and with the recommendations of the Committees on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women (Chile);
- 77.30. Develop policies to increase gender equality that persist despite legal guarantees (Australia);
- 77.31. Develop policies and programs to provide women with equal opportunities in the labor market, education and in political and public representation, and take all necessary measures to guarantee the effective implementation of gender equality legislation, including by providing the Commissioner for Gender Equality and Equal Treatment with adequate resources (Netherlands) ;
- 77.32. Continue its close cooperation and support for the activities of the UN Office for the Coordination of Humanitarian Affairs, the UN Disaster Assessment and Coordination team and the International Committee of the Red Cross, among others (Malaysia);
- 77.33. Reinforce the measures to fight against sexist stereotypes affecting women in particular and stress the promotion of equal opportunity, namely through the full implementation of the law on gender equality and on equal treatment (Morocco);
- 77.34. Continue efforts in advancing gender equality in all spheres, both implementing existing legislation and developing new legal norms (Lithuania);
- 77.35. Take further measures to reduce the problem of gender inequality and strengthen the position of women within society (Bosnia and Herzegovina);
- 77.36. Take all necessary measures to eliminate, combat and punish all forms of discrimination and violence against women (Ecuador);
- 77.37. Fully implement the Laws on gender equality and equality of treatment, in accordance with the commitment formulated in paragraph 153 of its national report (Chile);

- 77.38. Promote equal employment opportunities for women and for all of its national minorities (Thailand);
- 77.39. Continue its efforts to combat violations of women's rights and also through raising public awareness (Azerbaijan);
- 77.40. Reinforce the fight against all forms of racism and discrimination (Algeria);
- 77.41. Continue its efforts to establish programs and promulgate domestic laws permitting to combat all contemporary forms of racism, racial discrimination, xenophobia, linguistic discrimination and related forms of intolerance (Argentina);
- 77.42. Consider undertaking necessary measures to prevent and combat discrimination towards minorities and positively consider CERD's recommendation on the prevention of segregation of Roma children in the field of education (Brazil);
- 77.43. Take specific measures to eliminate discrimination based on ethnicity in the sector of labour market and education (Russian Federation);
- 77.44. Introduce a ban in legislation on the functioning of racist organisations; bring the Criminal Code in line with article 4 of the UN Convention on the Elimination of All Forms of Racial Discrimination to criminalise incitement to hatred on racial grounds (Russian Federation);
- 77.45. Take all necessary measures to combat discrimination against homosexuals (Belgium);
- 77.46. Develop public awareness and education programs that advance tolerance on the grounds of sexual orientation and gender identity (Netherlands);
- 77.47. Undertake awareness raising programs on gender identity and sexual orientation for civil servants, including security forces and bodies (Spain);
- 77.48. Review all necessary measures required to reduce discrimination and particularly, stress the design of appropriate policies to prevent discrimination against children (Ecuador);
- 77.49. Bring an end to segregation of Roma children in the field of education (Denmark);
- 77.50. Consider amending the Penal Code in order to bring a definition of torture in conformity with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Czech Republic);
- 77.51. Adopt the definition used in Article 1 of the Convention against Torture (Hungary);
- 77.52. Take effective measures to safeguard the rights of prisoners and improve the living conditions for detainees (Sweden);
- 77.53. Improve conditions in prisons and detention centres (United States of America);
- 77.54. Improve overall conditions of detention and ensure that all detainees are afforded, in practice, access to a lawyer and an independent medical examination, and are informed about their rights at the moment they are deprived of their liberty (Czech Republic);
- 77.55. Improve prisoner access to essential services including healthcare and rehabilitation (Australia);

- 77.56. Ensure that prisoners with disabilities have access to health care and rehabilitation on the basis of informed consent (Slovenia);
- 77.57. Strengthen measures to contain the spread of infectious diseases in prisons and consider re-establishing substitution programs for intravenous drug users as recommended by the Council of Europe's Commissioner for Human Rights (Austria);
- 77.58. Adopt the necessary legislation and prohibit any kind of violence against children, including corporal punishment (Finland);
- 77.59. Intensify its efforts in terms of prevention, sanction and eradication of all forms of violence against women (Argentina);
- 77.60. Adopt specific legislation to combat domestic violence and to provide protection for its victims; and to swiftly prosecute the perpetrators of such violence (Islamic Republic of Iran);
- 77.61. Consider elaborating a comprehensive national plan to prevent and combat violence against women and consider the necessary legislative updates (Brazil);
- 77.62. Accelerate efforts aimed at fully implementing the Development Plan for the Reduction of Violence 2010-2014, with a view to among others, address violence against women (Malaysia);
- 77.63. Build on current efforts to address domestic and sexual violence by promoting training and public awareness programmes, supporting the establishment of shelters for victims, and ensuring full implementation of judicial mechanisms that allow adequate investigations and punishment of perpetrators (Canada);
- 77.64. Take additional measures to prevent, combat and sanction appropriately trafficking in human beings (Republic of Moldova);
- 77.65. Reinforce its protections against trafficking in persons by adopting specific legislative measures to prevent, combat and punish human trafficking (Canada);
- 77.66. Adopt effective legal measures to combat human trafficking, and swiftly prosecute perpetrators of such crimes (Islamic Republic of Iran);
- 77.67. Enact specific legislation regarding trafficking in persons (United States of America);
- 77.68. Criminalize the crime of human trafficking (Hungary);
- 77.69. Adopt effective measures to prevent, combat and punish human trafficking (Hungary);
- 77.70. Reinforce legislation and adopt effective measures to prevent, combat and punish human trafficking (Poland);
- 77.71. Cooperate further with the taskforce against trafficking in human beings of the Council of the Baltic Sea States (Norway);
- 77.72. Further increase its efforts to combat human trafficking (Azerbaijan);
- 77.73. Ensure that persons with intellectual and psychosocial disabilities are informed about criminal proceedings and charges against them and enjoy the right to a fair hearing and the right to adequate and effective legal assistance (Slovenia);
- 77.74. Investigate promptly, thoroughly and impartially all acts of brutality and excessive use of force by law enforcement personnel (Czech Republic);



77.75. Conduct appropriate and impartial investigations of excessive use of force by security forces; prosecute and punish those officers responsible; and provide proper compensation to victims and their families (Ecuador);

77.76. Investigate acts of brutality by law enforcement personnel (Islamic Republic of Iran);

77.77. Ensure that the right of conscientious objection to military service is upheld and clarify the grounds for acceptance or rejection of such claims (Slovakia);

77.78. Take additional measures to promote more actively the full and equal participation of women in bodies where members are elected or nominated (Republic of Moldova);

77.79. Continue to adopt measures to effectively reduce the drop-out rate of students so as to ensure comprehensive realization of the right to education (China);

77.80. Take new measures to continue reinforcing human rights education and training (Republic of Moldova);

77.81. Continue the implementation of bilingual education with adequate resources (Latvia);

77.82. Take all necessary measures to continue the effective implementation of the Integration Strategy and increase involvement of representatives of minority groups and civil society throughout this process (Netherlands);

77.83. Continue Estonia's successful integration policy by, inter alia, implementing the State Integration Programme for 2008-2013 and continue efforts to improve the knowledge of state language among non-Estonian population (Latvia);

77.84. Continue to implement appropriate, efficient policies to facilitate the integration of all its ethnic communities (Slovakia);

77.85. Resolve the problem of persons without citizenship and prevent that these cases do not arise in the future (Ecuador);

77.86. Take effective steps to ensure greater participation by members of minorities in public life and review available remedies for victims of racial discrimination and incitement to hatred, in particular against Roma communities (Austria);

77.87. Pay special attention to the rights of Roma children to education and the implementation of relevant policy instruments to ensure their enjoyment of the rights as enshrined in the Estonian Constitution (Finland);

77.88. Continue its efforts in improving the reception conditions of asylum-seekers, including the provision of free legal aid, in particular to those who apply for asylum at the border and to those in detention (Slovakia);

78. Estonia considers that recommendations nos 77. 13; 77. 43; 77. 54; 77. 57; 77. 60; 77. 74; 77. 75 and 77. 88 above are already implemented, and recommendation no 77. 24 is in the process of implementation.

79. The following recommendations will be examined by Estonia, which will provide responses in due time, but no later than the 17<sup>th</sup> session of the Human Rights Council in June 2011.

- 79.1. Sign and ratify as soon as possible the International Convention on the Protection of all Persons from Enforced Disappearances and fully recognize the competence of the Committee on Enforced Disappearances (France);
- 79.2. Consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Brazil);
- 79.3. Sign and ratify the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol of the Convention on the Elimination of all Forms of Discrimination against Women, the Optional Protocol of the Convention on the rights of Peoples with Disabilities and the International Convention on the Protection of all Persons against Enforced Disappearances (Spain);
- 79.4. Ratify the Optional Protocol of the Convention for the Elimination of all Forms of Discrimination against Women (Argentina);
- 79.5. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Ecuador);
- 79.6. Recognize the competence of the Committee against Torture as provided in articles 21 and 22 of the Convention against Torture (France);
- 79.7. Establish a human rights institution accredited by the International Coordinating Committee (Algeria);
- 79.8. Establish a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Denmark);
- 79.9. Make efforts to accredit a national human rights institution, which complies with the Paris Principles, by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Poland);
- 79.10. Expedite action establishing the Gender Equality Council (Ghana);
- 79.11. Increase the resources allocated to the Commissioner for Gender Equality and Equal Treatment as a matter of priority (Norway);
- 79.12. Speed up the process for adoption of the Development Plan for Children and Families 2011-2020 (Azerbaijan);
- 79.13. Develop comprehensive policy instruments based on the Yogyakarta Principles to combat discrimination against sexual minorities (Finland);
- 79.14. Pay special attention to acts of violence against homosexuals (Belgium);
- 79.15. Adopt a National Plan of Action as well as a specific Law to combat sale of children, child prostitution and child pornography (Islamic Republic of Iran);
- 79.16. Make legal changes for minimum age for marriage from 15 to 18 years (Bosnia and Herzegovina);
80. The recommendations below did not enjoy the support of Estonia.
- 80.1. Consider ratifying the International Convention on the Protection of All Migrant Workers and Members of their Families (Morocco) (Turkey);
- 80.2. Consider accession to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (Azerbaijan);

- 80.3. Consider the ratification of the Convention on the Rights of All Migrant Workers and Members of their Families in accordance with recommendation no. 1737 of 17 March 2006 of the Parliamentary Assembly of the Council of Europe of which Estonia is a member (Algeria);
- 80.4. Accede to the Convention relating to the Stateless persons and to the 1961 Convention on the Reduction of Statelessness (Bosnia and Herzegovina);
- 80.5. Ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (Argentina);
- 80.6. Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);
- 80.7. Create an Ombudsman on the issues of national minorities (Russian Federation);
- 80.8. Establish a separate and independent institution for the safeguarding of children rights (Norway);
- 80.9. Set up an action plan to combat discrimination, in particular on grounds of language (Sweden);
- 80.10. Strengthen the Equal Treatment Act to address discrimination based on language and advocate for gender equality, particularly in the labor market (Australia);
- 80.11. Accord the same rights and responsibilities to same-sex partners as are accorded to opposite-sex partners (Netherlands);
- 80.12. Engage actively in the fight against domestic violence, amend its legislation and adopt relevant measures to tackle the problem of domestic violence (Czech Republic);
- 80.13. Consider the adoption of legislative measures to criminalize specifically gender violence (Spain);
- 80.14. Establish a specific legal act for a crime of human trafficking (Norway);
- 80.15. Give legal recognition to same-sex relationships (United Kingdom of Great Britain and Northern Ireland);
- 80.16. Recognize same-sex marriages (Norway);
- 80.17. Grant citizenship to all those who live in a permanent basis in the territory of Estonia and want to become a citizen, grant, as an urgent matter, the right to citizenship at birth to all children of so called non-citizens without exception, lift the ban on the access of membership of political parties to those so called non-citizens who have permanent residency in the country and are citizens of countries which are not member of the European Union, as well as provide non-citizens passive right to vote in the municipal elections (Russian Federation);
- 80.18. Adopt a law on rights and the status of national minorities, sign the European Charter on Regional or Minority Languages, as well as ratify the Protocol no. 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe (Russian Federation );
- 80.19. Ensure a right of national minorities living in the territories of compact residences to receive services from state and municipal sector in their mother tongue, accede to the UNESCO Convention against discrimination in education,

reconsider the decision on the closure of the gymnasiums with less than 120 pupils (Russian Federation);

80.20. Ensure that adequate status is accorded to minority languages (Austria);

81. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Estonia was headed by H.E. Mr. Alar Streimann, Secretary General of the Ministry of Foreign Affairs and composed of the following members:

- H.E. Mr. Jüri Seilenthal, Permanent Representative of Estonia to the UN in Geneva;
  - Ms. Anne-Ly Reimaa, Undersecretary for International Relations, Ministry of Culture;
  - Ms. Dea Hannust, Director of Human Rights Division, Ministry of Foreign Affairs;
  - Ms. Eva-Maria Liimets, Director of International Organisations, Ministry of Foreign Affairs;
  - Ms. Ruth Annus, Head of Department of Migration and Border Policy, Ministry of Internal Affairs;
  - Ms. Anniki Tikerpuu, Head of Department of Children and Families, Ministry of Social Affairs;
  - Mr. Christian Veske, Gender Equality Department, Chief Specialist, Ministry of Social Affairs;
  - Ms. Triin Raag, Social Welfare Department, Chief Specialist, Ministry of Social Affairs;
  - Mr. Kalmar Kurs, Head of Public and Foreign Relations Department, Ministry of Education and Science;
  - Ms. Maie Soll, General Education Department, Councillor, Ministry of Education and Science;
  - Ms. Krõõt Paloma Tupay, Office of Public Law, Councillor, Ministry of Justice;
  - Ms. Piret Urb, Desk Officer on Human Rights, Permanent Mission of Estonia to the UN in Geneva
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