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**Committee on the Elimination of Discrimination
against Women**

**Concluding observations on the combined fifth and sixth
periodic reports of Estonia***

1. The Committee considered the combined fifth and sixth periodic reports of Estonia (CEDAW/C/EST/5-6) at its 1455th and 1456th meetings, on 9 November 2016 (see CEDAW/C/SR.1455 and 1456). The Committee's list of issues and questions are contained in CEDAW/C/EST/Q/5-6 and the responses of Estonia are contained in CEDAW/C/EST/Q/5-6/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its combined fifth and sixth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-sessional working group. It welcomes the oral presentation of the delegation and the further clarifications provided in response to the questions posed by the Committee during the dialogue.

3. The Committee commends the State party's for its multi-sectoral delegation which was headed by Mr. Rait Kuuse, Deputy Secretary General on Social Policy, Ministry of Social Affairs. The delegation also included the Gender Equality and Equal Treatment Commissioner and representatives from the Ministry of Social Affairs, Parliament and the Permanent Mission of Estonia to the United Nations Office at Geneva.

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2007 of the State party's fourth periodic report (CEDAW/C/EST/4) in undertaking legislative reforms, in particular the adoption of:

(a) The 2014 Registered Partnership Law which entered into force on 1 January 2016, granting persons in civil union nearly identical rights to those of married couples and legalizing same-sex partnerships;

(b) Amendments to the Penal Code criminalizing all forms of trafficking in persons, in 2012;

* Adopted by the Committee at its sixty-fifth session (24 October-18 November 2016).

(c) Amendments to the Gender Equality Law which entered into force in 2009, further defining direct and indirect discrimination based on sex and extending the right to compensation for discrimination at the workplace to other areas of life;

(d) The Equal Treatment Law which entered into force on 1 January 2009, ensuring protection against discrimination on grounds of nationality (ethnic origin), race, colour, religion or belief, age, disability and sexual orientation.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) The 2015-2020 Strategy against Violence, covering gender-based violence;

(b) The 2010-2014 Development Plan for Reducing Violence against Women;

(c) The 2010-2014 National Action Plan for the implementation of United Nations Security Council resolution 1325 (2000) on women, peace and security.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, both in 2012;

(b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2014;

(c) The Council of Europe Convention on Action against Trafficking in Human Beings, in 2015.

D. Principal areas of concern and recommendations

Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament, in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

Visibility of the Convention, Optional Protocol and the Committee's general recommendations

8. The Committee takes note of the State party's efforts to raise awareness among public officials and the general public on issues related to women's rights and gender equality. However, the Committee remains concerned about the lack of knowledge of the Convention among judges and lawyers, within society, and among women themselves, as reflected by the absence of court decisions referring to the Convention.

9. **The Committee reiterates its previous recommendation (CEDAW/C/EST/CO/4, para 9) that the State party take additional measures to ensure that the Convention is sufficiently known and applied by the State party as a framework for all laws and policies on gender equality and the advancement of women. The Committee also recommends that the State party take additional measures to disseminate information about the Convention and the Committee's general recommendations, as well as to provide training and capacity building for judges, prosecutors and lawyers on the Convention and its application.**

Access to justice and legal complaint mechanisms

10. The Committee notes with concern that State Party lacks a national human rights institution in accordance with Paris Principles and that the Gender Equality and Equal Treatment Commissioner cannot issue legally binding decisions or take cases of discrimination against women to court either on behalf of the complainant or on her own behalf in cases of general interest.

11. In light of its General Recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party ensure that women have access to effective remedies to complain about violations of their rights, including by strengthening the mandate of the Gender Equality and Equal Treatment Commissioner to enable her to issue legally binding decisions and take cases of discrimination against women to court on behalf of the complainant and on her own behalf in cases of general interest.

National machinery and gender mainstreaming

12. The Committee notes that the inter-ministerial Gender Mainstreaming Working Group, co-ordinated by the Equality Policies Department of the Ministry of Social Affairs, was tasked in 2011 to train government employees on and draft strategies for gender mainstreaming, and that the Council on Gender Equality was created in 2013 as an advisory body which includes, inter alia, representatives of women's associations, non-governmental organizations, trade unions and local authorities. However, the Committee notes with concern:

(a) That the State party lacks a comprehensive National Strategy for Gender Equality;

(b) That the expansion of the mandate of the Gender Equality Commissioner to being Gender Equality and Equal Treatment Commissioner, while offering the possibility to address multiple discrimination, has shifted the focus away from tackling specifically and effectively discrimination against women;

(c) That the Gender Equality and Equal Treatment Commissioner does not currently have adequate resources to effectively monitor and report on gender discrimination;

(d) That the Department of Gender Equality has been transformed into an Equality Policies Department with a broader mandate but without corresponding human and financial resources that would enable it to effectively promote gender equality in addition to its new tasks;

(e) The heavy reliance of national institutions and programmes for mainstreaming gender on European Union funding and international donors;

(f) The absence of mandatory training on gender sensitive investigation methods for the criminal justice system and on gender equality for national and local governmental officials;

(g) The absence of gender impact assessments as an integral part of the legislative process despite the adoption in 2011 of Rules for Good Legislative Drafting and Technical Rules for Drafts of Legislative Acts, which foresee an obligation of impact analysis of draft legislation, including social impact on gender relations;

(h) The lack of gender mainstreaming and gender budgeting at the national and local levels despite capacity building on these methods.

13. The Committee refers to its general recommendation No. 6 (1988) on effective national machinery and publicity and the guidance provided in the Beijing Platform for Action, and recommends that the State party:

(a) **Adopt a National Strategy for Gender Equality and involve women's organisations in the design, implementation and evaluation phases;**

(b) **Further strengthen its machinery for the advancement of women by providing adequate human, technical and financial resources at both the central and municipal levels, and by strengthening accountability mechanisms for achieving gender equality as well as the mandate and political authority of the Equality Policies Department within the Ministry of Social Affairs;**

(c) **Establish gender focal points or special units in other relevant Ministries and municipal institutions;**

(d) **Provide mandatory training on gender sensitive investigation methods for all actors in the criminal justice system and on gender equality for national and local governmental officials;**

(e) **Ensure that gender impact assessments form an integral part of the legislative process and review existing legislation to assess its gender impact;**

(f) **Implement an effective gender mainstreaming strategy through gender budgeting analysis at the State and local levels.**

Temporary special measures

14. The Committee notes with concern that the State party has not adopted any temporary special measures for the advancement of women, despite the legal basis in the 2004 Gender Equality Law, apparently due to the lack of popular support for such measures.

15. **The Committee recommends that the State party carry out awareness raising campaigns to promote understanding of the importance and the non-discriminatory nature of temporary special measures and that it put in place temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in all areas where women are underrepresented or disadvantaged in order to accelerate the achievement of substantive gender equality in the areas covered by the Convention, in particular as regards women facing intersecting forms of discrimination such as women and girls belonging to linguistic and ethnic minorities, older women, women with disabilities and women living in rural areas.**

Stereotypes

16. The Committee welcomes the State party's efforts to eliminate discriminatory gender stereotypes through monitoring surveys, awareness raising, media campaigns and educational measures. However, it notes with concern that the persistence of discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society constitutes a barrier to women's active participation in economic life, in particular when they have children below the school age, thereby limiting their career perspectives and access to leading positions.

17. **The Committee recommends that the State party:**

(a) **Address discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society, with the involvement of women's and civil society organizations, and increase the resources dedicated to such efforts;**

(b) **Conduct regular awareness raising and media campaigns on intersecting forms of discrimination faced by women based on all grounds covered by the Gender Equality Law and the Equal Treatment Law.**

Violence against women

18. The Committee notes that shelters and a 24/7 telephone support line are available to victims of violence in the State party. However, it notes with concern the increase in gender based violence against women in the State party as well as the absence of a law on domestic violence. The Committee is further concerned that:

- (a) The National Referral Mechanism for victims of domestic violence has not yet been established;
- (b) Rape is narrowly defined in the Penal Code and requires the proof of lack of will of the victim, and pain, physical abuse and/or health damage and threat;
- (c) Economic or psychological violence are not criminalized;
- (d) Sexual harassment is not specifically criminalized in the Penal Code;
- (e) Perpetrators of domestic violence are rarely sentenced to imprisonment and that preference is given to conciliation or pecuniary fines;
- (f) Incidents of domestic violence and women's and children's safety needs are frequently not taken into consideration by the courts when deciding on child custody, and child protection specialists lack training and understanding on domestic violence and its implications of the welfare of children.

19. **The Committee recommends that the State party:**

- (a) Establish an effective strategy to prevent domestic violence as well as a multi-sectoral National Referral Mechanism for victims of domestic violence involving judges, local police, social and health workers and other stakeholders;**
- (b) Amend the Penal Code to review the definition of rape as any non-consensual sexual act irrespective of pain, physical abuse and/or health damage and threat and to specifically criminalize sexual harassment, and add economic and psychological violence into the definition of domestic violence;**
- (c) Strengthen the enforcement of court decisions, in particular those that concern protection orders or emergency protection orders for women victims of gender-based violence, including by providing capacity building for judges and court bailiffs;**
- (d) Amend the Family Law to ensure that the occurrence of domestic violence is always considered in determining custody of children, train child protection agencies on domestic violence, and ensure that experts on violence against women are heard in child custody proceedings;**
- (e) Expedite the ratification of Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention).**

Trafficking and exploitation of prostitution

20. The Committee notes the measures taken by the State party against trafficking in persons and the establishment of a data collection system on trafficking victims in 2012. However, the Committee notes with concern:

- (a) That the State party continues to be a source, transit, and destination country for trafficking in women and girls for purposes of sexual exploitation and forced labour;
- (b) The uncertain funding prospects for NGOs running shelters and providing assistance to victims of trafficking;

(c) The lack of gender-sensitive support services for victims of trafficking and of witness protection programmes;

(d) The lack of information about exploitation of prostitution in the State party and its relationship with trafficking in persons as well as lack of prevention and rehabilitation measures for victims of sexual exploitation and the insufficient support to women and girls who wish to leave prostitution.

21. The Committee recommends that the State party continue its efforts to combat trafficking in persons, in particular women and girls, by:

(a) Ensuring that cases of trafficking are effectively investigated and perpetrators prosecuted and adequately punished;

(b) Providing capacity building for law enforcement officials on early identification and referral of victims of trafficking;

(c) Increasing funding for both State- and NGO-run shelters and medical, psychological and social reintegration services for victims of trafficking;

(d) Strengthen the gender-sensitivity of support services for victims of trafficking and of witness protection programmes;

(e) Collect data on trafficking in women and girls and exploitation of prostitution and strengthen assistance provided to women and girls who wish to leave prostitution, including by providing alternative income-generating opportunities.

Participation in political and public life

22. The Committee is concerned about:

(a) The decrease in the number of women Parliamentarians and women in the local administrative bodies;

(b) The absence of targeted measures, including temporary special measures, in line with article 4, paragraph 1, of the Convention, to accelerate the achievement of substantive equality of women and men in political and public life and to promote the representation of disadvantaged groups of women, such as rural women, women from ethnic and linguistic minorities and women with disabilities, in political office, including at the decision-making level;

(c) Women's underrepresentation in appointed political positions as well as in State-owned companies.

23. In line with its general recommendation No. 23 (1999) on women in political and public life, the Committee recommends that the State party adopt targeted measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, such as statutory quotas and a zipper system for elections at the national and local level, ensuring the appointment of an equal number of women and men to leadership positions in the Government, local administrative bodies, the judiciary, and State-owned companies to increase the participation of women, in particular rural women, women from ethnic and linguistic minorities and women with disabilities, in political and public life.

Nationality

24. The Committee welcomes the 2015 Amendments to the Citizenship Law granting Estonian citizenship to children with undetermined citizenship born in the State party which benefit girls. However, the Committee notes with concern that:

(a) These amendments do not apply to children with undetermined citizenship in the age category between 15 and 18 years which may disproportionately affect adolescent girls;

(b) The number of women and girls with undetermined citizenship remains high and the number of their naturalizations has decreased in recent years.

25. The Committee recommends that the State party:

(a) Establish a statelessness determination procedure, in line with articles 2 and 9 of the Convention and its General Recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, in order to expedite naturalization;

(b) Fast-track the naturalization of children with undetermined citizenship in the age category between 15 and 18 years;

(c) Accede to the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and the 1997 European Convention on Nationality.

Education

26. The Committee notes that women and girls are equally represented as men and boys at the different levels of education. The Committee is, however, concerned about:

(a) Women's and girls' concentration in traditionally female-dominated fields of study and career paths, such as education, social services, health and welfare, and their underrepresentation in for example information technology and architecture due to persistent gender stereotypes;

(b) The absence of measures to eliminate discriminatory gender stereotypes from school books and educational curricula;

(c) The low number of women in decision-making positions in educational institutions and of women professors;

(d) Discrimination faced by Russian speaking minorities and girls with disabilities in accessing education.

27. The Committee recommends that the State party:

(a) Strengthen its strategies to address discriminatory stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study, such as information technology and architecture;

(b) Review school curricula and textbooks at all levels of education to eliminate discriminatory gender stereotypes;

(c) Adopt targeted measures, including temporary special measures, in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004), and set clear targets and time frames for promoting the recruitment of women professors and women in decision-making positions in educational institutions;

(d) Ensure that girls belonging to linguistic and ethnic minorities, in particular Russian girls, and girls with disabilities have adequate access to education, including instruction in or of their mother tongue and inclusive education, respectively.

Employment

28. The Committee welcomes the amendments to the Gender Equality Law and Equal Treatment Law which further defined discrimination in labour disputes and sexual harassment in the workplace and introduced a shared burden of proof in civil and administrative proceedings in such cases. However, the Committee regrets the absence of statistical data from the Labour Disputes Committees and the courts that would make it possible to evaluate the impact of these measures and of specific sanctions for employers who are violating the relevant provisions of the Gender Equality Law, including the principle of equal pay for work of equal value. The Committee is also concerned about:

- (a) The lack of an effective mechanism for bringing complaints about sexual harassment in the workplace which allows for cases to be taken to the court *ex officio*;
- (b) Horizontal and vertical occupational segregation, the persistent gender pay gap of almost 30 per cent, and a lack of transparency on wages at the enterprise level;
- (c) The lack of systematic collection of sex-disaggregated statistical data on employment required under the Gender Equality Law;
- (d) Women's significant underrepresentation in management positions in private companies;
- (e) The low employment rate among women aged 25 to 49 years due to unequal sharing of child-raising and caretaking responsibilities between women and men and the lack of childcare services in the State party;
- (f) Employment discrimination against women returning to work after maternity leave;
- (g) The lack of information on the employment rates and working conditions of women belonging to the Russian speaking minority, women with disabilities, and lesbian, bisexual, transgender and intersex women.

29. **The Committee recommends that the State party:**

- (a) Establish an effective mechanism for bringing complaints about sexual harassment in the workplace which allows for cases to be taken to the court by the labour inspectorate or/and the Gender Equality and Equal Treatment Commissioner *ex officio*;**
- (b) Strengthen measures to address horizontal and vertical occupational segregation and amend the Gender Equality Law to mandate the Labour Inspectorate to monitor the implementation of the principle of equal pay for work of equal value;**
- (c) Strengthen the collection, analysis and publication of sex-segregated statistical data on employment, including court data on the enforcement of the Gender Equality Law;**
- (d) Increase women's representation in management positions in private companies, including through temporary special measures;**
- (e) Introduce efficient sanctions against employers who are violating the Gender Equality Law;**
- (f) Allocate a specific budget to the implementation of the Welfare Development Plan so as to reduce the disproportionate burden of care work on women and facilitating access to paternity leave for men;**
- (g) Promote employment of women in the age group 25 to 49 years by providing sufficient childcare services and encouraging men to take paternity leave;**

(h) Address employment discrimination against women returning to work after maternity leave;

(i) Promote access to the labour market for women belonging to the Russian speaking minority, women with disabilities, and lesbian, bisexual, transgender and intersex women, by addressing discrimination and social stigma against them.

Health

30. The Committee notes that approximately 95% of Estonian citizens are covered by the national mandatory health insurance scheme. However, the Committee notes with concern:

(a) The high alcohol abuse rates and alcohol related deaths among young women;

(b) The limited coverage of contraceptives under the health insurance scheme;

(c) The long waiting periods for health appointments, in particular as regards sexual and reproductive health services, especially for women in rural areas;

(d) The limited accessibility for rural, older and poorer women of the recently introduced electronic administration of health appointments.

31. **The Committee recommends that the State party:**

(a) Take the necessary measures to address the high alcohol abuse rates and alcohol related deaths among young women;

(b) Ensure affordable access to sexual and reproductive health services, in particular to a comprehensive range of contraceptives, for all women and girls, including those in rural areas and with disabilities;

(c) Reduce the waiting periods for obtaining health appointments, in particular for rural women and as regards sexual and reproductive health services;

(d) Ensure that rural, older and marginalized women are not excluded from health services due to the recent introduction of electronic administration of health appointments by educating them on the use of such tools and ensuring adequate internet access.

Economic and social benefits and economic empowerment of women

32. The Committee notes that the 2016-2023 Welfare Development Plan states gender equality among its principal objectives. However, it is concerned that only 0.02 per cent of the budget for the implementation of this Plan has been allocated to this objective. The Committee also notes with concern:

(a) The low number of women entrepreneurs in the State party and women's limited access to the gender-neutral start-up support scheme due to gender-blind eligibility criteria;

(b) The absence of start-up programmes for women, micro-credit schemes and a strategy for the economic advancement of women in the State party;

(c) The inadequate amounts envisaged under the new Child Maintenance Fund which are inferior to half of the State-required minimum child maintenance level.

33. **The Committee recommends that the State party:**

(a) Increase the specific budget allocation for promoting gender equality under the 2016-2023 Welfare Development Plan;

(b) **Ensure that eligibility criteria for start-up programmes, micro-credit schemes and entrepreneurship programmes take into account the specific needs of women;**

(c) **Increase the proposed amounts to be allocated under the new Child Maintenance Fund to equal at least the State-required minimum child maintenance level.**

Rural women

34. The Committee notes that the social protection of women working in family enterprises of their spouses has been strengthened due to the possibility to be registered as a worker in the health and pension system. However, it is concerned at reports that women's organisations were excluded from meaningful consultation during the planning phase of the Rural Development Plan 2014-2020 and that recent administrative reforms have limited women's access to basic services for rural women.

35. **The Committee recommends that the State party:**

(a) **Implement a comprehensive strategy to ensure that rural women and girls have adequate access to quality education, employment and health care as well as to decision-making processes and economic empowerment;**

(b) **Strengthen the involvement of women's organisations in rural policy planning.**

Disadvantaged groups of women

36. The Committee is concerned about:

(a) The growing number of single female asylum-seekers at heightened risk of sexual and gender-based violence;

(b) Discrimination against lesbian, bisexual, transgender and intersex women, especially in the workplace;

(c) The absence of criminal proceedings in cases of hate crimes committed against lesbian, bisexual, transgender and intersex women and the lack of statistical data on such crimes.

37. **The Committee recommends that the State party:**

(a) **Address the special reception needs of asylum-seeking single women and establish measures for the identification, prevention and response to sexual and gender-based violence in the reception centres for asylum-seekers;**

(b) **Allocate additional resources for ensuring an adequate standard of living to asylum-seekers, in particular single women and single mothers, and for measures to prevent and combat sexual and gender-based violence against these women;**

(c) **Address discrimination against lesbian, bisexual, transgender and intersex women in the workplace, through awareness raising campaigns and prosecution and punishment of offenders;**

(d) **Develop and adopt legislation to explicitly criminalize hatred against lesbian, bisexual, transgender and intersex women;**

(e) **Instruct relevant law enforcement agencies, such as the Ministry of Interior, to collect disaggregated data on homophobic and transphobic crimes.**

Marriage and family relations

38. The Committee notes with concern:

- (a) That women in de facto unions as well as their children may be deprived of adequate protection of their economic rights in case of separation;
- (b) The absence of regulations to implement the 2014 Registered Partnership Law;
- (c) The deficiency in enforcement of child support payments that leads to high rates of men who default on their payments.

39. **The Committee recommends that the State party:**

- (a) Adopt without delay the implementing regulation for the 2014 Registered Partnership Law;**
- (b) Review its current legal regime governing marriage and family relations with a view to extending the existing legal protection to women living in de facto unions, in line with the Committee's General Recommendation 29 (2013) on economic consequences of marriage, family relations and their dissolution.**
- (c) Adopt more stringent measures for enforcement of child support orders.**

Optional Protocol and amendment to article 20 (1) of the Convention

40. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

41. **The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

42. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

43. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.**

Ratification of other treaties

44. **The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women**

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of

of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearances, to which it is not yet a party.

Follow-up to concluding observations

45. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 19 (a and b) and 29 (b).

Preparation of the next report

46. The Committee invites the State party to submit its seventh periodic report in November 2020. In case of delay, the report should cover the entire period until the time of its submission.

47. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).

All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.