



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

Thirty-ninth session

23 July-10 August 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Estonia

1. The Committee considered the fourth periodic report of Estonia (CEDAW/C/EST/4) at its 793rd and 794th meetings, on 24 July 2007 (see CEDAW/C/SR.793 (B) and 794 (B)). The Committee's list of issues and questions is contained in CEDAW/C/EST/Q/4, and Estonia's responses are contained in CEDAW/C/EST/Q/4/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its fourth periodic report, which follows the Committee's guidelines for the preparation of reports and has taken into account the Committee's previous concluding comments. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, for the oral presentation and additional written information, which elaborated on the recent developments in the implementation of the Convention in Estonia, and for the responses to the questions posed orally by the Committee.

3. The Committee commends the State party for its delegation, headed by the Ambassador, Ministry of Foreign Affairs, and which included the Head of the Gender Equality Department, Ministry of Social Affairs, and other representatives of the Gender Equality Department; the Head of the Human Rights Division, Legal Department, Ministry of Foreign Affairs; and a member of Parliament. The Committee appreciates the open and constructive dialogue that took place between the delegation and the members of the Committee.

#### Positive aspects

4. The Committee commends the State party on the range of initiatives aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes the entry into force of the Gender Equality Act on 1 May 2004, the purpose of which is to ensure equal treatment of women and men and promote gender equality, and which allows for the application of temporary special measures to promote gender equality. It also welcomes the establishment of the



Gender Equality Commissioner to monitor compliance with the requirements of the Gender Equality Act, accept applications from persons and provide opinions concerning possible cases of discrimination, and perform other functions.

5. The Committee welcomes the measures carried out by the State party to combat trafficking in women and girls, including the adoption in 2006 of the Development Plan against Trafficking in Human Beings for 2006-2009, the amendment to the Aliens Act in February 2007 providing for the possibility of granting a temporary residence permit to victims of trafficking, and the ratification in May 2004 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

6. The Committee welcomes the statement by the delegation that there are no obstacles hindering the State party's ratification in the near future of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

#### **Principal areas of concern and recommendations**

**7. While recalling the State party's obligation to implement systematically and continuously all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

8. While noting that the Convention is directly applicable and takes precedence over conflicting national legislation, the Committee is concerned that the Convention's provisions and its concept of substantive gender equality, as well as the general recommendations of the Committee, are not 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 is similarly concerned that the Convention's provisions and the Committee's general recommendations are not sufficiently known by judges, lawyers, prosecutors and women themselves, as indicated by the absence of any court decisions that refer to the Convention. The Committee is also concerned about the under-utilization by women of remedies for violations of their rights, including judicial procedures and recourse to the Chancellor of Justice.

**9. The Committee calls on the State party to 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 calls on the State party to take additional measures to disseminate information about the Convention and the Committee's general recommendations, as well as to implement training programmes for prosecutors, judges and lawyers on the Convention and its application. It recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women and non-governmental organizations working on women's issues, be undertaken to encourage and**

**empower women to avail themselves of available procedures and remedies for violations of their rights.**

10. While noting the entry into force of the Gender Equality Act, the Committee is concerned that insufficient measures have been put in place to ensure its speedy and effective implementation. The Committee is in particular concerned that the State party continues to lack a comprehensive, consistent and sustainable approach to policies and programmes aimed at achieving women's equality with men. The Committee is concerned about the delay in the establishment of the Gender Equality Council, which is to be created under the Gender Equality Act as an advisory body to the Government on matters relating to the promotion of gender equality. The Committee is concerned that the Gender Equality Commissioner may be given a mandate in other areas of discrimination and that she/he is lacking sufficient financial and human resources to carry out her/his responsibilities effectively under the Gender Equality Act.

**11. The Committee requests the State party to provide, in its next report, information on the actions taken to ensure the implementation of all aspects of the Gender Equality Act, as well as an assessment of the Act's impact on enhancing the implementation of the provisions of the Convention. The Committee recommends that the State party ensure a comprehensive, consistent and sustainable approach to the implementation of the Convention, encompassing all policies and programmes devoted to achieving equality between women and men. Such efforts should result in overcoming direct as well as indirect discrimination and in realizing women's substantive equality, in accordance with articles 1 and 2 of the Convention. The Committee also recommends that the State party include specific time frames for the implementation of all policies and programmes aimed at achieving equality between women and men. It urges the State party to ensure that institutional mechanisms, including the Gender Equality Council, foreseen under the Gender Equality Act be established, have the necessary human and financial resources for their effective functioning, and that their mandates remain focused on gender equality.**

12. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Estonia, which are reflected in women's educational choices, their situation in the labour market and their underrepresentation in political and public life and decision-making positions. While noting the regulation approved by the Minister of Education in October 2005 requiring the removal of stereotypes from school textbooks and teaching materials, the Committee is concerned that such a revision of educational textbooks and materials has yet to be undertaken. The Committee is concerned about the low number of women professors among academic staff.

**13. The Committee encourages the State party to strengthen its efforts and take proactive measures to eliminate gender stereotyping. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and the equal status and responsibilities of women and men in the private and public spheres. The Committee requests the State party to enhance the training of teaching staff in regard to gender equality issues and to speedily complete the revision of**

educational textbooks and materials to eliminate gender stereotypes. The Committee urges the State party to disseminate knowledge about the Convention and gender equality through the educational system with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. The Committee calls on the State party to further encourage diversification of the educational choices of boys and girls. It also urges the State party to develop and implement programmes aimed at counselling women and girls on educational choices, bearing in mind their subsequent opportunities and chances in the labour market. The Committee urges the State party to adopt policies to increase the number of women professors among academic staff.

14. The Committee is concerned that the national machinery for the advancement of women, i.e., the Gender Equality Department in the Ministry of Social Affairs, may lack sufficient authority, decision-making power and financial and human resources to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention, including coordination and cooperation with all other gender equality and human rights mechanisms at the national and local levels. The Committee notes that, beginning in June 2007, the coordination of family policies has been added to the responsibilities of the Department.

**15. The Committee recommends that the State party ensure that the national machinery for the advancement of women has the authority, decision-making power and human and financial resources that are necessary to work effectively for the promotion of gender equality and women's enjoyment of their human rights. This should include capacity for effective coordination and cooperation among the various gender equality and human rights mechanisms and with civil society.**

16. While noting the preparation of a national action plan on domestic violence which is expected to be operational from 2008, the Committee continues to be concerned about the prevalence of violence against women in Estonia, including domestic violence. The Committee also continues to be concerned about the lack of a specific law on domestic violence against women which provides for protection and exclusion orders and access to legal aid.

**17. The Committee urges the State party to speedily adopt and implement the draft national action plan on domestic violence, make it widely known to public officials and society at large, and monitor its effectiveness. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders and access to a sufficient number of safe and adequately funded shelters and to legal aid. The Committee reiterates its recommendation that the State party elaborate a specific law on domestic violence against women which provides for such redress and protection. It urges the State party to work towards a comprehensive approach to preventing and addressing all forms of violence against women, including a legislative framework, and to improve its research and data collection on the prevalence, causes and consequences of violence against women. The State party should include in such data collection the relationship between the perpetrator and the victim.**

18. While appreciating the measures taken to combat human trafficking, including the adoption in 2006 of the Development Plan against Trafficking in Human Beings for 2006-2009, the amendment to the Aliens Act in February 2007 providing for the possibility of granting a temporary residence permit to victims of trafficking, and the ratification in May 2004 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee remains concerned about the persistence of trafficking in women and girls in Estonia.

**19. The Committee calls upon the State party to ensure the effective implementation of all measures taken to combat human trafficking. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, on the exploitation of prostitution and on the measures taken to prevent and combat such activities.**

20. While noting some progress in the representation of women in Parliament, local government councils and high-level government positions, the Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in Parliament, government ministries and local government.

**21. The Committee encourages the State party to take sustained measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23, and as provided for in the Gender Equality Act, to accelerate women's full and equal participation in elected and appointed bodies. Such measures should include the establishment of benchmarks, numerical goals and timetables, as well as training programmes on leadership and negotiation skills for current and future women leaders. It further urges the State party to undertake awareness-raising campaigns about the importance of women's participation in public and political life and at decision-making levels.**

22. While noting that under the Gender Equality Act employers are under an obligation to promote gender equality, the Committee continues to be concerned about the occupational segregation between women and men in the labour market and the significant gap in their wages. While noting the statement by the delegation that the unemployment rate of women has decreased, the Committee is concerned about the lack of data on women's participation in the labour force and in the informal sector in urban and rural areas.

**23. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to decrease and narrow the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increases in sectors dominated by women. It also recommends that efforts be strengthened**

to ensure women's access to vocational training. The Committee urges the State party to ensure the effective implementation of the Wages Act, including provisions on equal pay for work of equal value. The Committee requests the State party to provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in urban and rural areas and in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women.

24. The Committee is concerned about the limited availability of specific information and data, including trends, about different aspects of women's health. It is concerned that, while the abortion rate has decreased, it remains relatively high. It is also concerned about the increase in HIV-positive women in Estonia.

25. **Drawing attention to its general recommendation 24 on women and health, the Committee reiterates its recommendation that comprehensive research be conducted into the specific health needs of women. It urges the State party to take concrete measures to enhance and monitor access to health-care services for women, including in rural areas. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available and without any restriction and by increasing knowledge and awareness about family planning. The Committee requests the State party to include in its next report further information on women's health, disaggregated by age, ethnicity and urban and rural areas, and on the impact of measures it has taken to improve women's health, as well as information on women's access to health-care services, including family planning. The Committee recommends that the State party step up its efforts to prevent and combat HIV/AIDS and improve the dissemination of information about the risks and ways of transmission. It recommends that the State party include a gender perspective in all its policies and programmes on HIV/AIDS. It calls on the State party to ensure the effective implementation of its HIV/AIDS strategies and to provide detailed and statistical information about women and HIV/AIDS in its next report.**

26. The Committee remains concerned about the lack of information on the situation of rural women, including their access to adequate health-care services, education, credit, social security and other facilities, and their participation in decision-making.

27. **The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women in all areas covered by the Convention.**

28. While noting the decrease in the number of stateless persons in Estonia, the Committee is concerned that there are still many stateless persons, including women, in the country.

29. **The Committee recommends that the State party strengthen its efforts to ensure that stateless women in Estonia are given full rights to citizenship.**

30. The Committee is concerned that a minor between 15 and 18 years of age may legally marry. The Committee is concerned about the lack of information on the impact on women of the proposed new Family Law Act, which changes the marital

property regime. The Committee is further concerned about the lack of legal protection of the rights of cohabitating women.

**31. The Committee urges the State party to raise the legal age of marriage for women and men to 18 years, in line with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee's general recommendation 21 and the Convention on the Rights of the Child. The Committee recommends that the State party undertake a gender impact analysis of the proposed new Family Law Act and include the results of such analysis, including measures taken in response, in its next report. The Committee further recommends that the State party ensure the same protection of women's rights in marriage and in situations of cohabitation.**

**32. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

**33. The Committee urges the State party to utilize fully in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

**34. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

**35. The Committee notes that States' adherence to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Estonia to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

**36. The Committee requests the wide dissemination in Estonia of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the**

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<sup>1</sup> 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 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

**37. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fifth periodic report, which is due in November 2008, and its sixth periodic report, which is due in November 2012, in a combined report in 2012.**

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