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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 15th meeting on 2 February 2011. The delegation of Estonia was headed by Alar Streimann, Secretary General of the Ministry of Foreign Affairs. At its 17th 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/written presentation prepared in accordance with paragraph 15 (a) (A/HRC/WG.6/10/EST/1);
 - (b) A compilation prepared by the Office of the United Nations 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, the Czech Republic, Denmark, Germany, Lithuania, the 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 site.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation indicated that Estonia has been a committed member of the international community as a founding member of the League of Nations and a member of the United Nations, after restoration of its independence in 1991, as well as through its participation in human rights activities of other international and regional organizations. Estonia had acceded to 11 United Nations human rights instruments even before the entry into force of its Constitution, and had by then 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 the rights of ethnic minorities, 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 achieving that aim.
7. The delegation noted its close cooperation with the United Nations human rights treaty bodies, including through its recognition of the competence of the Human Rights Committee and the Committee on Elimination of Racial Discrimination to receive individual complaints. Estonia issued a standing invitation to all human rights special procedure mandate holders, and received visits from several special rapporteurs. Estonia has been working towards becoming a member of the Human Rights Council for the first

time so as 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 a unique process for improving the human rights situation, as well as an opportunity to exchange best practices. It thanked all the States that had submitted advance questions.

8. The integration of national minorities into Estonia's multicultural society of more than 260 State-supported ethnic groups has been an integral part of its commitment to protect and promote human rights. Estonia has implemented a number of integration programmes since 2000, including the latest 2010-2013 programme developed in close co-operation with representatives of ethnic minorities, which placed at its core equal opportunity and the involvement of all people, regardless of their ethnicity, in developing society, with particular attention to youth. Since 2009, the Ministry of Culture has been responsible for the implementation of the integration programme.

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

10. With regard to the promotion of gender equality, the delegation stated that Estonia had adopted a national action plan for the implementation of United Nations Security Council resolution 1325 on Women, Peace and Security for 2010-2014, which includes 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 will monitor compliance with the provisions of law, advise Government institutions on the implementation of legislation, and receive complaints from individuals concerning discrimination.

11. The delegation referred to the results of the 2009 survey, and indicated that the general awareness of gender inequality was not very high, although the level of awareness had increased somewhat over the last four years. The results of the study were 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 (2010-2014), and criminalization of violation of a temporary restraining order. It also referred to Estonia's ongoing efforts to fight against human trafficking, including several awareness-raising activities, provision of shelter and rehabilitation to victims, carried out in co-operation with women's organizations and with increased financial support of the Government.

13. The role of women's organizations as well as other non-governmental organizations has been constantly growing, and the government has supported capacity building of 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 have been active in developing and implementing policies and programmes, as well as in preparing the national report for the universal periodic review. Moreover, Estonia plans to make the use of the internet forum a compulsory part of the development of any Government proposal, by making public every piece of legislation from the initial draft until its adoption.

14. The delegation stressed that the pervasive use of electronic solutions in all areas had made an immense difference to 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 concerning the establishment of a national human rights institution (NHRI), the delegation explained that the Chancellor of Justice already fulfils the role of a 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 is provided for in the Constitution, and guaranteed by the appointment and dismissal procedure, a defined mandate and staff and budget requirements. The Chancellor has a wide range of competences to deal with the issues of fundamental rights. In addition to the functions of ombudsman, the Chancellor also supervises the constitutionality of legislation, and is entitled to give an opinion on any draft legislation. The Office of the Chancellor of Justice also fulfils the role of national preventive mechanism provided for in the Optional Protocol to the Convention against Torture (OP-CAT).

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

17. Estonia has started preparations for ratifying several international human rights instruments, including the Convention on the Rights of Persons with Disabilities (CRPD), the UNESCO Convention against Discrimination in Education, the International Convention for the Protection of All Persons from Enforced Disappearance (CED) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC).

18. The delegation regarded the interactive dialogue as a valuable contribution to the domestic debate, and stated that it 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 also expressed their gratitude to Estonia for providing written responses to the advance questions. Recommendations made during the dialogue can be found in section II of the present report.

20. The Russian Federation stated that Estonia's human rights policy was a failure. It said that Estonia encountered mass statelessness – 7 per cent of the population belonging to the Russian-speaking minority was stateless, and thus deprived of their basic rights. Other grave problems included the increase in the manifestation of neo-Nazism and xenophobia, attempts to glorify Nazi accomplices, public parades of the Waffen - SS legionaries with the participation of members of the Estonian Parliament, vandalism of monuments, persecution of veterans of the Great Patriotic War and Soviet governing bodies. The Russian Federation made recommendations.

21. Brazil noted the Gender Equality Act and the Equal Treatment Act. It referred to the concerns of the Committee on the Elimination of Discrimination against Women about the lack of a specific law on domestic violence. Brazil was also concerned about discrimination against Roma. It encouraged Estonia to positively consider the recommendation of the Committee against Torture regarding protection of the rights of stateless persons and non-

citizens. Brazil also highlighted the recommendation of the United Nations High Commissioner for Refugees (UNHCR) on the freedom of movement of asylum-seekers. 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 enquired about the measures taken to combat discrimination against women and linguistic minorities. Algeria made recommendations.

23. Finland asked about the measures taken 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 enquired about the measures taken to ensure equal opportunities of Roma children for quality education, as well as Estonia's 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 concern 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 integration in society. It commended Estonia for its efforts regarding the adoption of measures for gender equality. It welcomed Estonia's commitment to human rights and humanitarian action, as demonstrated 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 to combat discrimination against homosexuals. Belgium made recommendations.

27. Lithuania stated that it shared the same historical experience as Estonia, and considered Estonia's development of a human rights protection and promotion system, in the short period of 20 years, a major achievement. It indicated that while there were areas where additional attention was still needed, the general thrust of policies and practice, which was firmly oriented towards further advancement of human rights, must be recognized. 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 enquired about the follow-up given 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 and/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 has also been 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's 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 has signed CRPD, and encouraged Estonia to ratify and implement it. Canada made recommendations.

31. Poland expressed appreciation for the measures taken by Estonia to develop its 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 by 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 the concern of the Committee on the Elimination of Discrimination against Women about the delay in establishing the Gender Equality Council. Finally, Ghana applauded Estonia's commitment to secure the protection of children, and 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 health care. 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 Chancellor of Justice and the Commissioner for Gender Equality and Equal Treatment. The United Kingdom made recommendations.

35. The delegation stated that Estonia had started the preparations for ratification of CRPD, as well as considered ratifying OP-CRC-AC and the UNESCO Convention against Discrimination in Education. Estonia may consider ratifying OP-CEDAW, but it has not yet considered ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the European Charter on Regional or Minority Languages, nor Protocol no. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

36. Regarding the establishment of an NHRI, the delegation stated that Estonia considered the mandate of the Chancellor of Justice largely in conformity with the Paris Principles, therefore Estonia did not envisage establishing a new national human rights institution, but would expand the mandate of the Chancellor of Justice to fully meet the Paris Principles. Estonia did not consider establishing a special Ombudsman on national minorities as the issue of discrimination against national minorities could be addressed by the Chancellor of Justice or the Commissioner for Gender Equality and Equal Treatment.

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

38. Regarding the issue of political party membership for non-citizens, the delegation explained that according to the Constitution, the exercise of political power was an entitlement of citizens only, therefore it would not be possible to ensure the right of access to membership of a political party to those who do not hold Estonian citizenship. It was

advisable that non-citizens obtain Estonian citizenship in order to become a member of a political party.

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

40. Referring to the concerns expressed by the Committee on the Elimination of Discrimination against Women and the Committee against Torture on violence against women, Denmark thanked Estonia for elaborating on the measures taken, and was pleased that Estonia intended to continue efforts to ensure de facto equality between women and men. Denmark noted the concern of the Committee against Torture over the 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 issue of statelessness and language restrictions of the Russian-speaking minority. Denmark made recommendations.

41. Germany commended Estonia on its Integration Strategy for 2008-2013 and its cooperation with the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) 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 trafficking, in particular the Victim Support Act, and asked for details on the guidelines and handbook published in this regard, and suggested that they be shared with interested stakeholders. Germany made recommendations.

42. Norway supported the steps taken to strengthen the command of the Estonian language among the non-Estonian-speaking population. Norway positively noted the introduction of the Gender Equality Act and the establishment of the Commissioner for Gender Equality and Equal Treatment, however, it noted that financial and human resources to effectively carry out responsibilities under the Act were lacking. 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 protecting the rights of its national minorities. It welcomed Estonia's efforts to combat gender violence, in particular the Plan for the Reduction of Violence, as well as the efforts to combat discrimination on the grounds of gender identity and sexual orientation. It enquired about the supervision methods of the body in charge of "Language Inspection". 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 CRPD, and asked about the possible obstacles to the prompt ratification of this instrument, which was signed by Estonia in 2007. France noted that stateless persons represented 8 per cent of the population, and asked about the measures taken to encourage these persons living on a permanent basis in Estonia to obtain Estonian citizenship. France made recommendations.

46. Turkey praised Estonia's transition to democracy following its regaining of independence in 1991. Turkey appreciated the new Equal Treatment Act and hoped for its

full implementation together with the Gender Equality Act. Turkey encouraged Estonia to continue the naturalization process by providing the necessary assistance to citizenship applicants. Turkey also welcomed Estonia's efforts to combat human trafficking and to protect the rights of children. Turkey made a recommendation.

47. Argentina welcomed the measures taken to address discrimination against minorities. It commended Estonia's achievements with regard to human rights education in primary and secondary school curricula, and training for civil servants. It noted with appreciation the measures taken to combat gender violence. Argentina made recommendations.

48. Latvia noted with interest the transition from Russian-speaking schools to partial instruction in Estonian, and considered that this model of bilingual education was effective for improving the knowledge of the 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 enquired about the penitentiary system and Estonia's efforts to improve detention conditions. 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 contribution to international human rights and humanitarian-related organizations. It highlighted Estonia's cooperation with the United Nations 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 taken 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 the steps taken towards gender equality, and women and children's rights, but was concerned about the lack of resources of the Gender Equality Commissioner, and the definition of torture in the Penal Code. Hungary noted the increased cases of human trafficking. Hungary enquired about plans to ratify the Convention against Stateless Persons and to ease naturalization requirements. Hungary made recommendations.

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

53. The Government planned to strengthen measures to ensure gender equality. It has started implementing the new programme to promote gender equality for 2010–2013, which includes awareness-raising initiatives targeting employees and employers. Estonia has also joined the Europe-wide community of practice on gender equality. The delegation acknowledged the lack of resources available to the Commissioner on Gender Equality and Equal Treatment. To address this issue, the Ministry of Social Affairs, in cooperation with the Commissioner, has implemented joint projects.

54. The delegation stated that 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 the active participation of persons with disabilities in public life through the provision of relevant services. Social welfare programs were in place to assist persons with disabilities in overcoming the 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 adoption in 2011. The amendments aim, inter alia, to bring the crime of hate speech in line with international standards, make ethnic, racist and religious hatred an aggravating circumstance, and include the specific crime of human trafficking.

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

58. Slovakia commended Estonia's cooperation with the United Nations 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 establishing the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the Action Plan to implement Security Council resolution 1325. The United States welcomed Estonia's commitment to fight trafficking in persons and its support for victims, and enquired about the enactment of legislation on trafficking in persons. The United States welcomed the gender equality measures but remained concerned about the pay gap between men and women. The United States enquired about the long-term plan to improve conditions for detainees 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 that Estonia faced, and asked Estonia to elaborate on the legislation, practice, and steps taken within the scope of regional cooperation. It also noted that Estonia did not have a national human rights institution accredited by the International Coordinating Committee. It commended Estonia for the steps taken to improve the status of women, however, noted that gender inequality persisted. Bosnia and Herzegovina made recommendations.

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

62. Ecuador noted the challenges that 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 whether there was any Government participation, and if the Foundation depended on any governmental authority. Ecuador made recommendations.

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

64. Australia commended Estonia for action taken against human trafficking and welcomed the entry into force of the Equal Treatment Act in 2009. However, Australia remained concerned over 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 at 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, the degree of racial discrimination, xenophobia and other related intolerance against racial, linguistic and ethnic groups – especially the Roma, violence against women, sexual exploitation of children, 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 has resulted in positive changes by creating tolerance and maintaining ethnic diversity in society. Estonia has implemented integration programmes since 2000. The new strategy was adopted in 2008 for the period 2008-2013, and covers three main areas: education and culture; social and economic; and legal and political. One of the main goals of the strategy is to increase contacts among people of different cultural backgrounds, and increase the participation of minorities in political and economic affairs. The plans for implementing the strategy had been developed with various stakeholders, and targets specifically youth, unemployment issues of minorities, and social exclusion. Various consultative bodies on minority issues that function at the State and regional levels, include representatives of national minorities.

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

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

69. The delegation stated that it was possible to use other languages, such as Russian, in police stations, medical institutions, social services and local governments, as well as in banks and businesses. In some regions, local governments also provide services in other languages. Additionally, Estonian language courses are provided for minorities, and 4,000 persons participated in such courses in 2010.

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

71. Estonia provides inclusive and high-quality education. Students' learning progress and results in schools are high, regardless of their economic background.

72. Regarding questions raised about the Roma community, the delegation stated that Estonia had a small number of Roma – about 500 persons, according to data of the last census. However, Estonia acknowledged that the Roma faced some problems. Estonia does not have segregated schools, and Roma students can only be placed in special schools with the consent of their parents or legal guardians. Some steps have been 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 corporal punishment explicitly. Estonia has 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 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, together with an NGO, has implemented a pilot project to provide legal aid by lawyers specialized in asylum law. Another NGO has already provided legal aid and represented asylum-seekers both in the administrative procedures and in court. Translation and interpretation were also granted free of charge to all applicants. Asylum-seekers are also allowed to practice their religions freely. While the number of applicants has been small in the past, there is a tendency to increase.

75. The delegation stated that the issue of stateless persons was a serious challenge, and that Estonia has done its best to address the issue, and continues to work to achieve further progress in this area. The delegation stated that the phenomena of neo-Nazism did not exist in Estonia, and that the events in which people pay their respect to those who died in the war should not be seen as acts of neo-Nazism.

76. In conclusion, the delegation thanked the Working Group for the open dialogue and for comments and suggestions provided by the States. It hoped that in the subsequent 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 forward its candidacy for membership in the Human Rights Council in 2012 in order to continue contributing to human rights work.

II. Conclusions and/or recommendations

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

77.1. Speed up efforts to ratify CRPD and its Optional Protocol (OP-CRPD) (Slovenia);

77.2. Ratify and implement CRPD (United Kingdom of Great Britain and Northern Ireland);

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

77.4. Ratify CRPD as soon as possible (France);

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- 77.5. Ratify CRPD, in accordance with the commitment formulated in paragraph 128 of its national report (Chile);
- 77.6. Complete the ratification of CRPD and OP-CRC-AC (Ecuador);
- 77.7. Consider ratifying CRPD (Algeria);
- 77.8. Consider ratifying OP-CRC-AC and CRPD (Brazil);
- 77.9. Conclude as soon as possible the ratification of CRPD as well as OP-CRC-AC (Spain);
- 77.10. Ratify CED, OP-CRC-AC and CRPD (Argentina);
- 77.11. Sign and ratify CED (Ecuador);
- 77.12. Amend the Penal Code to ensure full compliance with international norms on prohibition of torture (Islamic Republic of Iran);
- 77.13. Review and revise the Code of Civil Procedure, as necessary, to ensure that persons with disabilities are not deprived of their right to vote on the basis of disability (Canada);
- 77.14. Amend the Criminal Code, as announced in the national report, 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 emphasized by the Committee on the Elimination of Racial Discrimination (Bosnia and Herzegovina);
- 77.20. Take the necessary steps to establish a national human rights institution in accordance with the Paris Principles on 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 the relevant institutions, including the Office of the Chancellor of Justice (Malaysia);
- 77.23. Start consultations with its national human rights institutions to request accreditation from the International Coordinating Committee (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 equal and full enjoyment of human rights by all, in accordance with its international obligations (Sweden);
- 77.27. Continue efforts to protect and promote the rights of the child (Lithuania);
- 77.28. Strengthen its efforts to raise awareness among its citizens on the provisions contained in the Equal Treatment Act, and to ensure its full implementation as well as that of the Gender Equality 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 the recommendations of the Committee 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 to address the inequalities that persist despite legal guarantees (Australia);
- 77.31. Develop policies and programmes to provide women with equal opportunities in the labour market, education and 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 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Disaster Assessment and Coordination (UNDAC) team, and the International Committee of the Red Cross (ICRC), among others (Malaysia);
- 77.33. Reinforce the measures to fight against the sexist stereotypes affecting women in particular, and stress the promotion of equal opportunity, namely through the full implementation of the laws on gender equality and equal treatment (Morocco);
- 77.34. Continue efforts to advance gender equality in all spheres, by 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 equal treatment, in accordance with the commitment formulated in paragraph 153 of its national report (Chile);
- 77.38. Promote equal employment opportunities for women and all of its national minorities (Thailand);
- 77.39. Continue its efforts to combat violations of women's rights, including 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 programmes and promulgate domestic laws aimed at combating all contemporary forms of racism, racial discrimination, xenophobia, linguistic discrimination and related forms of intolerance (Argentina);
- 77.42. Consider taking necessary measures to prevent and combat discrimination towards minorities, and positively consider the recommendation of the Committee on the Elimination of Racial Discrimination 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 labour market and education sector (Russian Federation);
- 77.44. Introduce a prohibition in legislation on the functioning of racist organisations, bring the Criminal Code in line with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), so as to criminalize 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. Conduct awareness-raising programmes on gender identity and sexual orientation for civil servants, including the security forces and bodies (Spain);
- 77.48. Review all necessary measures 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 formulate a definition of torture in conformity with article 1 of the Convention against Torture (CAT) (Czech Republic);
- 77.51. Adopt the definition of torture used in article 1 of CAT (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 prisoners' access to essential services, including health care 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 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, provide protection for its victims, and swiftly prosecute 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, addressing 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 appropriately sanction trafficking in human beings (Republic of Moldova);

77.65. Reinforce protection 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 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 task force 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 psycho-social disabilities are informed about criminal proceedings and charges against them, and enjoy the right to a fair hearing, and 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 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 more actively promote 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 to reinforce 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 the State language among the 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 such cases from arising in the future (Ecuador);
- 77.86. Take effective steps to ensure greater participation 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 implement the relevant policy instruments to ensure their enjoyment of the rights as enshrined in the Estonian Constitution (Finland);
- 77.88. Continue its efforts to improve 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 those in detention (Slovakia);
78. Estonia considers that the recommendations in paragraphs 77.13, 77.43, 77.54, 77.57, 77.60, 77.74, 77.75 and 77.88 above have already been implemented, and the recommendation in paragraph 77. 24 is in the process of implementation.
79. The following recommendations will be examined by Estonia, which will provide responses in due course, but no later than the seventeenth session of the Human Rights Council in June 2011.

- 79.1. **Sign and ratify CED as soon as possible, and fully recognize the competence of the Committee on Enforced Disappearances (France);**
- 79.2. **Consider ratifying OP-CEDAW (Brazil);**
- 79.3. **Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), OP-CEDAW, OP-CRPD, and CED (Spain);**
- 79.4. **Ratify OP-CEDAW (Argentina);**
- 79.5. **Sign and ratify OP-ICESCR, and OP-CEDAW (Ecuador);**
- 79.6. **Recognize the competence of the Committee against Torture as provided for in articles 21 and 22 of CAT (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 (Denmark);**
- 79.9. **Make efforts to obtain accreditation for a national human rights institution that complies with the Paris Principles from the International Coordinating Committee (Poland);**
- 79.10. **Expedite action to establish 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 to adopt 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 the sale of children, child prostitution and child pornography (Islamic Republic of Iran);**
- 79.16. **Amend legislation to change the 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 ICRMW (Morocco) (Turkey);**
 - 80.2. **Consider acceding to ICRMW (Azerbaijan);**
 - 80.3. **Consider ratifying ICRMW 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 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness (Bosnia and Herzegovina);**
 - 80.5. **Ratify ICRMW (Argentina);**
 - 80.6. **Sign and ratify ICRMW (Ecuador);**

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- 80.7. Create an Ombudsman for the issues of national minorities (Russian Federation);
- 80.8. Establish a separate and independent institution for safeguarding children rights (Norway);
- 80.9. Set up an action plan to combat discrimination, in particular on the 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 labour market (Australia);
- 80.11. Accord the same rights and responsibilities to same-sex partners as those accorded to partners of the opposite sex (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 the 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 on a permanent basis in the territory of Estonia and wish to become a citizen, grant, as a matter of urgency, the right to citizenship to all children born in Estonia of so-called non-citizens, without exception, lift the prohibition on access of membership in political parties to so-called non-citizens who have permanent residency in the country and are citizens of countries which are not members of the European Union, as well as provide non-citizens the passive right to vote in municipal elections (Russian Federation);
- 80.18. Adopt a law on the rights and the status of national minorities, sign the European Charter for Regional or Minority Languages, as well as ratify Protocol no. 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Russian Federation);
- 80.19. Ensure the right of national minorities living in territories of compact residences to receive services from the State and municipality in their mother tongue, accede to the UNESCO Convention against Discrimination in Education, reconsider the decision on the closure of gymnasiums that have 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 having been 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 United Nations in Geneva;
 - Ms. Anne-Ly Reimaa, Undersecretary for International Relations, Ministry of Culture;
 - Ms. Dea Hannust, Director of the Human Rights Division, Ministry of Foreign Affairs;
 - Ms. Eva-Maria Liimets, Director of International Organisations, Ministry of Foreign Affairs;
 - Ms. Ruth Annus, Head of the Department of Migration and Border Policy, Ministry of Internal Affairs;
 - Ms. Anniki Tikerpuu, Head of the Department of Children and Families, Ministry of Social Affairs;
 - Mr. Christian Veske, Chief Specialist, Gender Equality Department, Ministry of Social Affairs;
 - Ms. Triin Raag, Chief Specialist, Social Welfare Department, Ministry of Social Affairs;
 - Mr. Kalmar Kurs, Head of the Public and Foreign Relations Department, Ministry of Education and Science;
 - Ms. Maie Soll, Counsellor, General Education Department, Ministry of Education and Science;
 - Ms. Krõõt Paloma Tupay, Counsellor, Office of Public Law, Ministry of Justice;
 - Ms. Piret Urb, Desk Officer on Human Rights, Permanent Mission of Estonia to the United Nations in Geneva
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