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### Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

#### Estonia\*

The present report is a summary of 4 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

## **I. Background and framework**

### **A. Scope of international obligations**

1. European Commission against Racism and Intolerance of the Council of Europe (CoE-ECRI) recommended that Estonia ratify the UNESCO Convention against Discrimination in Education and the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families.<sup>2</sup>

### **B. Constitutional and legislative framework**

2. Sexual Rights Initiative (SRI) informed that there have been Constitutional provisions which guarantee equal rights and freedoms for all women and men living in Estonia, prohibiting discrimination based on several grounds, including sex.<sup>3</sup>

3. The European Committee of Social Rights of the Council of Europe (CoE-ECSR) stated that the Gender Equality Act entered into force in 2004 and aimed at ensuring equal treatment for men and women in all areas of public and private life.<sup>4</sup>

4. Commissioner for Human Rights of the Council of Europe (CoE-Commissioner) noted that the legal reforms had been made to facilitate access to citizenship.<sup>5</sup>

5. CoE-ECRI noted with interest that the new Law on Employment Contracts entered into force in 2009. In this respect, it recommended that Estonia raise awareness of members of minority groups, and employers about the Law and provide training to judges, prosecutors and lawyers on it.<sup>6</sup>

### **C. Institutional and human rights infrastructure**

6. CoE-ECRI noted that the Gender Equality and Equal Treatment Commissioner was entrusted with, inter alia, monitoring compliance with the Equal Treatment Act while the Legal Chancellor was empowered, under the Act, to resolve discrimination disputes through conciliation proceedings.<sup>7</sup> CoE-ECRI recommended that Estonia: take measures to raise awareness, among the public in general and members of minority groups in particular, of the role of the Legal Chancellor and the Gender Equality and Equal Treatment Commissioner; ensure that the Legal Chancellor is provided with the necessary human and financial resources to carry out his/her functions; take steps to assist the Legal Chancellor in opening offices outside Tallinn, including in the Ida-Virumaa County; and enhance the independence of the Gender Equality and Equal Treatment Commissioner through additional resources and staff.<sup>8</sup>

### **D. Policy measures**

7. CoE-Commissioner noted that Estonia was undergoing an important programme of prison construction with the objective of demolishing the establishments inherited from the previous system, which were not in accordance with current European prison standards.<sup>9</sup>

8. CoE-Commissioner noted that Estonia set up its first National Action Plan on Domestic Violence for the period of 2008–2011.<sup>10</sup>

## II. Promotion and protection of human rights on the ground

### Implementation of international human rights obligations

#### 1. Equality and non-discrimination

9. CoE-ECRI noted with appreciation the fact that the Equal Treatment Act entered into force in 2009. It noted that the Act prohibited direct and indirect discrimination and harassment, and provided for pecuniary and non-pecuniary damages in cases of discrimination. However, the Act did not prohibit discrimination based on citizenship or language. CoE-ECRI recommended that Estonia further strengthen the Equal Treatment Act by, inter alia, prohibiting discrimination based on language and citizenship.<sup>11</sup>

10. SRI stated that although the Gender Equality Act was entered into force in 2004 and prohibited gender discrimination, gender disparities persisted. Despite legal guarantees, women faced the effects of structural gender inequality in all spheres of their lives.<sup>12</sup>

11. SRI noted that unmarried women, in particular those with children were segregated in poverty because of the lack of availability of the necessary social services.<sup>13</sup>

12. SRI noted that sexual harassment was rarely reported because of a fear of being fired, isolation and cultural prejudices. There was no special provision on sexual harassment in the Penal Code but was covered by provisions on violation of gender equality.<sup>14</sup>

13. CoE-ECRI stated that the Criminal Code regarding racism was rarely implemented and that measures taken to combat racially-motivated crimes needed to be improved in terms of registration of such crimes by police as well as police's treatment of the victims.<sup>15</sup>

14. CoE-ECRI urged Estonia to amend the Criminal code in order to clearly punish all racist crimes, and recommended the inclusion of a provision specifically prohibiting racist organisations. It recommended also that awareness-raising measures be taken for the public in general and minority groups in particular as well as law enforcement officials, judges and prosecutors on the current legislation against racism.<sup>16</sup>

15. CoE-Commissioner noted that the amendments to the Law on Languages provided the Language Inspectorate with extended powers to recommend the dismissal of employees with insufficient language proficiency and to make people holding language certificates re-sit an exam. In this respect, CoE-Commissioner recommended that steps be taken to ensure that the Law on Languages is implemented carefully in order to avoid causing fear among minorities that they may be discriminated in the labour market due to linguistic aspects. A common language for all the citizens could co-exist with the perpetuation of regional or minority languages.<sup>17</sup> In addition, CoE-ECRI noted that the role of the Language Inspectorate was not the subject of monitoring.<sup>18</sup> It recommended that Estonia establish a monitoring mechanism for the work of the Language Inspectorate.<sup>19</sup>

16. The Committee of Ministers of the Council of Europe (CoE-CM) stated that state language proficiency requirement in employment did not fully take into account the present practical situation in all affected sectors, such as law-enforcement, and in the geographic areas concerned. It recommended that Estonia review the state language proficiency requirements in employment to ensure that they are realistic, clear and proportional.<sup>20</sup>

17. CoE-CM stated that persons belonging to national minorities, in particular women continued to be disproportionately affected by unemployment; and the proportion of persons belonging to national minorities employed in public services was relatively low, in particular in higher levels of administration.<sup>21</sup> Similarly, CoE-ECRI stated that minorities groups continued to lag behind Estonians in the employment and referred to figures of 2007

which indicated that the unemployment level among Estonians was 3.6 percent while among other ethnic groups it was 6.9 percent.<sup>22</sup>

18. CoE-ECRI stated that Roma was vulnerable to discrimination in employment and continued to be the subject of stereotypes and prejudice, sometimes carried by the media.<sup>23</sup> CoE-ECRI stated that it was not aware of any measure taken to integrate Roma in labour market in order to combat discrimination they faced therein.<sup>24</sup> It recommended that Estonia take measures to address the challenges faced by Roma including stereotypes, prejudices and discrimination and to integrate Roma into the employment sector.<sup>25</sup>

19. CoE-ECRI noted that Roma children continued to be placed in specialised schools for disabled children when they were not disabled.<sup>26</sup> CoE-ECRI urged Estonia to remove Roma children who are not disabled from special schools and reintegrate them into mainstream schools.<sup>27</sup>

## **2. Right to life, liberty and security of the person**

20. Joint Submission 1 (JS1) noted that Estonian mental health law permitted admission without consent to a psychiatric hospital where there had been no comprehensive risk assessment of the individual concerned or of any concrete danger posed. Furthermore, there was no tool for assessing one's capacity to give informed consent for admission and treatment.<sup>28</sup> JS1 recommended that the legislation be amended to give meaning to informed consent in Section 11(3) of the Mental Health Act and ensure that no one's liberty is deprived without statutory criteria being met and the conduct of a comprehensive risk assessment.<sup>29</sup>

21. CoE-Commissioner stated that Estonia had a high ratio of prisoners to total number of inhabitants. An Action Plan aimed at reducing crime among youth for the 2007–2009 period was drawn up by the Ministry of Justice. Furthermore, Estonian legislation provided for the use of an electronic surveillance system for the purpose of probationary release with the aim of decreasing the number of prisoners in detention.<sup>30</sup>

22. CoE-Commissioner referred to criticism expressed by prisoners related to the way specific dietary requirements were allocated. He noted that the relevant procedures were not satisfactory as they imposed on prisoners the need to justify or demonstrate their beliefs to clerical authorities and called upon the Estonian authorities to allow inmates a choice of alternative diets.<sup>31</sup>

23. CoE-Commissioner stated that the risk of HIV/AIDS and hepatitis B and C transmissions was high in prisons. He expressed concern about the risk for the spread of transmittable diseases among prisoners.<sup>32</sup>

24. JS1 reported that persons with disabilities who were deprived of their liberty in prison faced major obstacles accessing healthcare. They were deprived of their right to access to rehabilitation services, despite the fact that this right was guaranteed under the national legislation. JS1 further noted that healthcare and rehabilitation services were provided by private institutions and the state only provided regulations on how this must be organised. Hence, persons in state care, such as prisoners, could not access to rehabilitation services. JS1 stressed that the failure to provide adequate medical assistance to these detainees was a violation of the obligation to treat detainees with humanity and respect for the inherent dignity of the human person (article 10 of ICCPR)<sup>33</sup> CoE-Commissioner also noted that access to certain rehabilitation services, especially for long-term inhabitants of closed institutions, was problematic.<sup>34</sup> JS1 recommended that the government take measures to ensure that people with disabilities who are detained are not subjected to discrimination on the basis of their disabilities and to ensure that prisoners with disabilities have adequate access to healthcare, including treatment, rehabilitation and therapy services in accordance with their needs.<sup>35</sup>

25. CoE-Commissioner referred to criticism expressed by the Legal Chancellor related to the conditions of detention in arrest houses who considered the conditions as 'humiliating treatment'. CoE-Commissioner noted that the conditions of detention in an arrest house had not improved since 2003 but had even deteriorated, and that the unacceptable conditions of detention remained.<sup>36</sup> CoE-Commissioner considered it a matter of urgency that suitable solutions be found for inmates detained in arrest houses.<sup>37</sup>

26. SRI stated that violence against women, including marital abuse, was widespread.<sup>38</sup> CoE-Commissioner noted that awareness about violence against women had increased rapidly over the last five years. However, violence against women, including spousal abuse remains a concern. CoE-Commissioner stated that the persistence of traditional stereotypes, taboos, and acceptance of domestic violence remained rooted in the society and culture.<sup>39</sup>

27. SRI noted that neither domestic violence nor marital rape was specifically criminalized, although they could be prosecuted under the Penal Code.<sup>40</sup> CoE-Commissioner noted that the Criminal Code did not distinguish between domestic and other types of violence and domestic violence fell into the category of ordinary violence, *i.e.* crimes against the person.<sup>41</sup> SRI made similar observations and recommended the enactment of specific legislation on violence against women and the reinforcement of existing instruments against domestic and sexual violence and the implementation of judicial mechanisms that allow adequate investigations and punishment of perpetrators.<sup>42</sup>

28. SRI informed that the government has implemented several strategies for combating domestic violence, including a National Cooperation Network against domestic violence (2008); a country-wide hotline for female victims of violence (opened in March 2008), and the creation of 9 shelters along the country for women victims of domestic violence, with or without children. However, SRI noted that these efforts had not been successful in combating domestic and sexual gender violence because of the lack of: a) effective prevention programmes; b) adequate professional support to victims; c) enactment of specific legislation and; d) awareness-raising campaigns aimed at eliminating stereotypes and traditional behaviour that perpetuates gender violence.<sup>43</sup> SRI recommended the implementation of a national plan against gender violence.<sup>44</sup> CoE-Commissioner recommended Estonia to continue its efforts to stop domestic violence including by promoting training and public awareness programmes, and supporting the establishment of more shelters specially dedicated to victims.<sup>45</sup>

29. CoE-Commissioner noted that trafficking in human beings became a serious issue for Estonian society. The Victim Support Act was amended to offer psychological, legal and social assistance to victims of violence. CoE-Commissioner stated that Estonia did not have a special legal act against trafficking in human beings and this activity was covered as a criminal offence by several provisions in the Criminal Code. CoE-Commissioner encouraged the Government to continue its efforts in identifying and rescuing victims, apprehending and prosecuting traffickers, collecting data, and combating trafficking in human beings as well as protecting victims.<sup>46</sup>

30. Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported that corporal punishment was lawful in the home.<sup>47</sup> CoE-ECSR also noted that the corporal punishment of children was not prohibited within the family.<sup>48</sup> GIEACPC stated that provisions against violence and abuse in the Child Protection Act (1992), the Family Law (1994), the Code of Administrative Offences and the Penal Code (2002) were not interpreted as prohibiting all corporal punishment in childrearing. GIEACPC noted that there was no explicit prohibition of corporal punishment in schools, though it was considered unlawful under the Child Protection Act and the Basic Schools and Upper Secondary Schools Act. In the penal system, corporal punishment was unlawful as a sentence for crime. It was considered unlawful as a disciplinary measure in penal institutions, but it was not explicitly prohibited. There was no explicit prohibition of

corporal punishment in alternative care settings.<sup>49</sup> CoE-Commissioner recommended that Estonia prohibit explicitly any kind of violence against children, including corporal punishment.<sup>50</sup>

**3. Administration of justice, including impunity, and the rule of law**

31. JS1 stated that a person who had committed a crime while in a state of 'mental incompetence' was dealt with under section 393 of the Estonian Code of Criminal Procedure, which allowed the court to order an assessment of their psychiatric condition and their ability to participate in the court hearing. When a court-appointed psychiatrist carrying out this assessment concluded that the individual was not fit to take part in their own hearing, it was often the case that the judge automatically followed their opinion, and as a result individuals were denied any participation in their criminal hearing from the very outset, without having the possibility to even meet the judge.<sup>51</sup> JS1 further noted that the individual concerned may not even be aware that criminal proceedings have been initiated against them because they were not informed of this, and in many cases they did not receive the court ruling resulting from the proceedings which may entail forensic treatment. JS1 recommended that the government take appropriate measures to provide sufficient guarantees to persons deemed mentally unfit to participate in criminal proceedings brought against them.<sup>52</sup>

32. JS1 reported that although a lawyer paid by the state was usually appointed to defend a person who had committed a crime while in a state of mental incompetence; it was common for the lawyer not to personally meet the client. According to JS1, they often failed in fulfilling their professional duty with due diligence. JS1 recommended that the government take measures to provide effective legal representation to persons with mental disabilities in civil and criminal proceedings and establish a system of monitoring to ensure that legal representatives meet with and represent the rights and interests of their clients.<sup>53</sup>

33. CoE-Commissioner noted that the new State Legal Aid Act entered into force in 2005 with the purpose to ensure the availability of competent legal services to all persons and widened the possibility of receiving free legal aid for pre-trial procedure, procedures carried out by administrative authorities and execution proceedings. While welcoming the adoption of the legal aid mechanism, CoE-Commissioner noted several difficulties that were raised as to the implementation of the law, including insufficient allocations for the administrative management of the legal aid system and low compensation paid to advocates providing free legal assistance. CoE-Commissioner hoped that these implementation issues would be resolved through a constructive dialogue between the Estonian authorities and the Bar Association.<sup>54</sup>

34. CoE-Commissioner noted the entry into force of the amendments to the Mental Health Act in 2006. The most significant change concerned involuntary treatment lasting longer than 48 hours which could now only be exercised based on a court ruling. The involuntary treatment cases were heard in civil courts and the court ruled for placement mainly as an interim measure, providing legal protection and with an initial duration of three months, extendible up to a maximum of six months. An application for placement, as a permanent measure, might be filed with a court only by a local government. However, an application to apply an interim measure to place a person into a psychiatric hospital might be filed by a chief doctor or the deputy chief doctor of the psychiatric hospital. CoE-Commissioner referred to information on difficulties which remained in implementation of these provisions. It appeared that judges, due to time constraints, sometimes took a written ruling of placement without meeting the persons concerned. Such meetings generally occur after the ruling.<sup>55</sup>

35. JS1 informed that while patients undergoing coercive treatment were entitled to regular reviews to assess their continued need for treatment, there were no guidelines or

rules on violence and risk assessment. The experts appointed for the assessment were doctors who worked in the same hospital where the patients were treated. This placed patients at a substantial disadvantage as the expert could not be considered impartial.<sup>56</sup> JS1 recommended that the government decrease conflicts of interest by abolishing the court practice of appointing experts, to evaluate a forensic patient's continued need for treatment, from the same hospital in which the patient is detained.<sup>57</sup>

36. JS1 noted that there was no clear and consistent legislation or practice enabling persons who were unlawfully detained under civil law, including in hospitals or social welfare institutions, to seek redress and compensation for this detention (in contrast to clear legislation on unlawful detention in criminal cases).<sup>58</sup> JS1 recommended that the government amend legislation to provide a right to compensation for persons unlawfully detained under civil commitment law, including in hospitals and social welfare institutions.<sup>59</sup> JS1 noted that the Government failed to amend its legislation on remedies for unlawful deprivation of liberty in civil commitment cases which it had committed to under the friendly settlement of the *M.V v Estonia* (2008) before the European Court of Human Rights.<sup>60</sup>

#### **4. Freedom expression and right to participate in public and political life**

37. CoE-ECRI noted with concern that hate speech was only punishable where substantial damage had been caused to the victim's rights (resulting in danger to the life, health or property of person) and considered that the Criminal Code did not, in fact, punish hate speech independently of specific consequences.<sup>61</sup> According to CoE-ECRI, it appeared that no media had been prosecuted for incitement to racial hatred against Roma under the Criminal Code, although they were allegedly a vehicle for prejudices against Roma, associating them with various crimes and supporting their exclusion.<sup>62</sup>

38. JS1 noted that the legislation stipulated that if an adult was restricted in their legal capacity and a guardian was appointed to manage the person's affairs, then the adult lost his/her right to vote.<sup>63</sup> These restrictions on the right to vote were based exclusively on the legal capacity status of a person and did not take account of their actual capacity to make decisions on political matters. JS1 stated that the restrictions led to a clearly discriminatory situation in which restrictions imposed on a person's political rights had no other justification than that person's mental disability. JS1 reminded that the right to take part in public affairs should not be removed from people with disabilities and people with disabilities should be encouraged to be politically active so as to advocate for their rights. It recommended that Estonia abolish the denial of the rights to vote for persons deprived of their legal capacity.<sup>64</sup>

#### **5. Right to work and to just and favourable conditions of work**

39. SRI stated that equal pay for equal work did not exist in practice, even though the difference has decreased slowly. The gender pay gap was 30.3 per cent in 2007, one of the widest in Europe. SRI noted that in private and public sectors, chances for women to be fired were higher than for men, especially in the case of enterprise reorganization. SRI recommended that the Government take special measures to encourage women's advancement in public and private life, and particularly facilitate equality in the labour sphere, including legislative amendments and gender mainstreaming policies to eliminate gender stereotyped roles, in line with CEDAW observations.<sup>65</sup>

40. CoE-ECSR stated that the civil servants were denied the right to strike.<sup>66</sup>

## **6. Right to social security and to an adequate standard of living**

41. CoE-ECSR stated that the amount of social assistance granted to a person in need was inadequate. It further noted that the unemployment benefit, the national pension and the minimum old age and disability pensions were manifestly inadequate.<sup>67</sup> CoE-Commissioner noted information that the disability benefit had not been increased since 2001 and remained low.<sup>68</sup>

42. CoE-Commissioner stated that the HIV-prevention was carried out according to the national HIV and AIDS strategy and its Action Plan which identified targeted activities for vulnerable groups such as injecting drug users, persons involved in prostitution, vulnerable youth and detainees. All HIV-positive people got free of charge monitoring of their health condition and free antiretroviral treatment. CoE-Commissioner expressed hope that Estonia would continue and develop its programmes to decrease the spread of HIV by, inter alia, increasing methadone and other drug substitution programmes, developing needle exchange points and disseminating prevention guidelines.<sup>69</sup>

43. SRI noted that although the Government had not adopted a national programme on sexual and reproductive health, family planning services were provided by obstetrics and gynaecology services in hospitals and polyclinics, as well as in primary health care services.<sup>70</sup> SRI referred to a high percentage of unwanted pregnancies among young women and girls, the lack of a broad-reach sex education plan, and the lack of adequate access to contraceptive facilities and methods, especially for Russian-speaking women, minorities and rural women.<sup>71</sup> SRI recommended that the government ensure access to sex education in primary and secondary schools, and universities and take measures to promote awareness-raising campaigns on sexual and reproductive health and rights, aimed especially at rural women and Russian-speaking women.<sup>72</sup>

## **7. Right to education**

44. CoE-Commissioner noted that in the school year of 2007/2008 the transition to Estonian as the main language of instruction in Russian-speaking upper-secondary schools started and according to the Basic Schools and Upper Secondary Schools Act, teaching in Estonian would be progressively introduced in the curriculum of Russian-speaking upper-secondary school.<sup>73</sup> CoE-ECRI noted that the implementation of the reform, established by the Basic Schools and Upper Secondary Schools Act had highlighted the need for further training of teachers in Russian-speaking schools to prepare them for these reforms.<sup>74</sup> Similarly, CoE-CM noted that the envisaged transfer to Estonian as the main language of instruction in secondary schools, involving at least 60 percent of instruction in Estonian, had not been adequately prepared by the authorities.<sup>75</sup> CoE-ECRI stressed the importance of ensuring that all children received quality education and that the above reforms not result in lowering the standard of education received by Russian-speaking pupils.<sup>76</sup> CoE-ECRI recommended that Estonia take all possible measures to ensure the quality of education while strengthening Estonian language instruction to Russian-speaking children and respecting their identity.<sup>77</sup>

45. CoE-ECRI stated that a high dropout rate and late entry into the school system continued to be noted among Roma children.<sup>78</sup> CoE-ECRI recommended that Estonia take measures to combat the high school dropout rate of Roma children and to ensure that they start attending school at the mandatory age.<sup>79</sup>

46. CoE-Commissioner noted that children with special needs had the right to study in a mainstream school in the area where they live or to attend the nearest school meeting their educational requirements. However, in practice, this right was often not realised for children with disabilities. According to CoE-Commissioner, many mainstream schools did not enrol children with disabilities on the grounds that they could not provide the needed



support services. Due to a lack of equipped schools and despite the wish of most parents, children with disabilities could not in many cases attend a mainstream school near to their home and had to be placed in specialised institutions far from their family. CoE-Commissioner encouraged the Government to further its efforts to facilitate the integration of children with disabilities in mainstream schools as much as possible.<sup>80</sup>

## 8. Minorities and indigenous peoples

47. CoE-ECRI noted that there was no law on the rights of national minorities. While commending the Government for the adoption of the Equal Treatment Act, CoE-ECRI noted that the Act did not address issues such as minorities' right to develop their culture, language, religion, tradition and customs. CoE-ECRI also stated that the Law on Cultural Autonomy for National Minorities had shortcomings, including the fact that only citizens might benefit from it although many non-Estonians were stateless.<sup>81</sup> CoE-CM noted that the Law remained unchanged despite the fact that it was generally considered to be ineffective.<sup>82</sup> CoE-ECRI recommended that Estonia adopt a law on the rights of national minorities and amend the Law on Cultural Autonomy for National Minorities in consultation with representatives of minority groups.<sup>83</sup>

48. CoE-ECRI noted that one of the goals of the Estonian Integration Strategy 2008–2013 was improving the level of command, at all levels, of the Estonian language among persons whose mother tongue was not Estonian. CoE-ECRI recommended that Estonia continue and strengthen measures taken to provide Estonian language courses to non-Estonian speakers and that steps be taken to provide more good quality and free language courses at all levels and in all the regions where they are necessary.<sup>84</sup>

49. CoE-ECRI referred to one of the goals in the Estonian Integration Strategy 2008–2013 which was set to ensure that the majority of people whose mother tongue was not Estonian regularly receive information from Estonian media sources and trust them. It recommended Estonia to fully implement this goal.<sup>85</sup>

50. CoE-ECRI encouraged Estonia to continue implementing the Estonian Integration Strategy 2008–2013. It strongly recommended that representatives of minority groups and civil society actors be involved in the process as well as in its evaluations and any adjustments thereto.<sup>86</sup>

51. CoE-Commissioner mentioned the important progress made in relation to the naturalisation process in the past years. The rate of annual naturalisation had been significantly increased.<sup>87</sup> The Law on Citizenship, which was amended in 2004, provided that the State reimburses the fee for Estonian language training for persons who have passed the naturalisation examination. According to CoE-Commissioner, the length of the overall naturalisation process had been shortened. However, CRC stated that the number of non-citizens was still high and the risk of alienation was present.<sup>88</sup>

52. While noting the measures taken to reduce the number of stateless people, CoE-ECRI noted that further measures were necessary to that end, as that group comprises approximately 8 per cent of the population. It recommended that Estonia continue measures taken thus far to reduce the number of stateless persons, in full consultation with representatives of the concerned persons.<sup>89</sup> CoE-ECRI also recommended that Estonia ensure that stateless parents are made aware of the possibility of requesting citizenship for their under 15-year-old children and that the language requirements for the acquisition of Estonian citizenship be facilitated or scrapped for older generations of non-citizens in order to enable them to acquire Estonian citizenship more easily.<sup>90</sup>

53. CoE-ECRI noted that the Citizenship Act provided that Estonian citizenship shall not be granted or restored to a person who has been employed or is currently employed by foreign intelligence or security services, or has served as a professional member of the

armed forces of a foreign state or has been assigned to the reserve forces thereof or has retired there from nor shall it be granted or restored to his or her spouse. CoE-ECRI recommended that Estonia take measures to ensure that the situation of retired military and security personnel and their spouses who wish to acquire Estonian citizenship is examined without any discriminatory impediments.<sup>91</sup>

#### 9. Migrants, refugees and asylum-seekers

54. CoE-ECRI noted that Estonia continued to receive very few asylum applications even though it has joined the Schengen Area. It referred to problems such as the lack of lawyers to provide quality legal assistance, the lack of sufficient number of NGO's dealing with asylum issues and the lack of interpretation (especially into languages such as Kurdish, Turkish and Arabic). It also noted that as the Illuka Centre for Asylum Seekers was located in a remote forest area, it was difficult for lawyers to access it.<sup>92</sup> CoE-ECRI recommended that Estonia take measures to improve asylum seekers' access to legal assistance as well as to interpretation and translation services. It also recommended that Estonia take steps to ensure that asylum seekers are not deprived of their liberty, unless no other viable option is available and that the legislation concerning the asylum procedure be strengthened to ensure asylum seekers' full ability to put their case at the border.<sup>93</sup>

### III. Achievements, best practices, challenges and constraints

N/A

### IV. Key national priorities, initiatives and commitments

N/A

### V. Capacity-building and technical assistance

N/A

#### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

#### *Civil society*

|        |   |
|--------|---|
| GIECPC | Global Initiative to end all corporal punishment of children  |
| JSI    | Estonian Patient's Advocacy Association (EPAA), Tallinn, Estonia and Mental Disability Advocacy Centre (MDAC), Budapest, Hungary  |
| SRI    | Sexual Rights Initiative, a coalition including Action Canada for the Population and Development; Mulabi – Latin American Space for Sexualities and Rights; Creating Resources for Empowerment and Action India; The Polish Federation for Women and Family Planning and others |

#### *Regional Inter-Governmental Organisations*

|     |  |
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| CoE | Council of Europe, UPR Submission, <ul style="list-style-type: none"> <li>• Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Estonia, Committee of Ministers, adopted 15 February 2006</li> <li>• Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for</li> </ul> |
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Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007

- European Commission against Racism and Intolerance, Fourth report on Estonia adopted on 15 December 2009, 2010
- Factsheet: Estonia and European Social Charter, Department of the European Social Charter, Directorate General of Human Rights and Legal Affairs, June 2010.

- <sup>2</sup> CoE -ECRI Report on Estonia Adopted on 15 December 2009 pp. 11–12, para. 9.
- <sup>3</sup> SRI, p. 1.
- <sup>4</sup> CoE- Factsheet: Estonia and European Social Charter, Department of the European Social Charter, Directorate General of Human Rights and Legal Affairs, June 2010, p. 2.
- <sup>5</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 4, para. 10.
- <sup>6</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 20, paras. 56–57.
- <sup>7</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 19, para. 48.
- <sup>8</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 22, paras. 64–66.
- <sup>9</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p.6, para. 25.
- <sup>10</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 14, para. 70.
- <sup>11</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 19, paras. 46, 47 and 49.
- <sup>12</sup> SRI, p. 3.
- <sup>13</sup> SRI, p. 4.
- <sup>14</sup> SRI, para. 6.
- <sup>15</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 8.
- <sup>16</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009 p.18, paras. 41–44.
- <sup>17</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 5, paras. 17–18.
- <sup>18</sup> Co-ECRI Report on Estonia Adopted on 15 December 2009, p. 8.
- <sup>19</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 14, para. 24.
- <sup>20</sup> CoE-CM, p. 2.
- <sup>21</sup> CoE-CM, p. 2.
- <sup>22</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 8.
- <sup>23</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 8.
- <sup>24</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 35, para. 132.
- <sup>25</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 37, para. 138.
- <sup>26</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 8.
- <sup>27</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 36, para. 140.
- <sup>28</sup> JS1, p. 1.
- <sup>29</sup> JS1, p. 7.
- <sup>30</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, July 2007, p. 6, paras. 25–26.
- <sup>31</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 7, para. 29.
- <sup>32</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 8, para. 34.
- <sup>33</sup> JS1. p. 3.
- <sup>34</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe,

- Commissioner for Human Rights, July 2007, pp. 11–12, paras. 54–55.
- <sup>35</sup> JS1, p. 7.
- <sup>36</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 8, paras. 37–38.
- <sup>37</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 10, para. 45.
- <sup>38</sup> SRI, para. 5.
- <sup>39</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 14, paras. 68–72.
- <sup>40</sup> SRI, para. 5.
- <sup>41</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 14, para. 69.
- <sup>42</sup> SRI, p. 4.
- <sup>43</sup> SRI, pp. 3–4.
- <sup>44</sup> SRI, pp. 4–5.
- <sup>45</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 17, para. 86.
- <sup>46</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, pp. 13–14, paras. 60, 62–64 and 66.
- <sup>47</sup> GIEACPC, p. 2.
- <sup>48</sup> CoE- Factsheet: Estonia and European Social Charter, Department of the European Social Charter, Directorate General of Human Rights and Legal Affairs, June 2010, p. 4.
- <sup>49</sup> GIEACPC, p. 2.
- <sup>50</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 17, para. 86(16).
- <sup>51</sup> JS1, p. 3.
- <sup>52</sup> JS1, pp. 3–4.
- <sup>53</sup> JS1, pp. 3–7.
- <sup>54</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 10, para. 47.
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- <sup>61</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 17, para. 35.
- <sup>62</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 36, para. 133.
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- <sup>68</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the

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- <sup>69</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 16, paras. 82, 84 and 85.
- <sup>70</sup> SRI, p. 4.
- <sup>71</sup> SRI, P. 4.
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- <sup>73</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 5, para. 20.
- <sup>74</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 8.
- <sup>75</sup> CoE-CM, p. 2.
- <sup>76</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 25, para. 79.
- <sup>77</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 9.
- <sup>78</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 8.
- <sup>79</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 37, para. 139.
- <sup>80</sup> Memorandum to the Estonian Government: An assessment of the progress made in implementing the 2004 recommendations of the Commissioner for Human Rights of the Council of Europe, Commissioner for Human Rights, July 2007, p. 12, paras. 56–58.
- <sup>81</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 16, paras. 29, 30, 32 and 33.
- <sup>82</sup> CoE-CM, p. 2.
- <sup>83</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 16, paras. 29, 30, 32 and 33.
- <sup>84</sup> CoE-ECRI Report on Estonia Adopted on 15 December 2009, p. 15, paras. 26–27.
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