



General Assembly

Distr.: General
10 November 2010

Original: English

Human Rights Council

Working Group on the Universal Periodic Review

Tenth session

Geneva, 24 January – 4 February 2010

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

Estonia

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. 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), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	21 October 1991	None	Individual complaints (art. 14): Yes
ICESCR	21 October 1991	None	–
ICCPR	21 October 1991	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	21 October 1991	None	–
ICCPR-OP 2	30 January 2004	None	–
CEDAW	21 October 1991	None	–
CAT	21 October 1991	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
OP-CAT	18 December 2006	None	–
CRC	21 October 1991	None	–
OP-CRC-SC	3 August 2004	None	–

Treaties to which Estonia is not a party: OP-ICESCR³, OP-CEDAW, OP-CRC-AC (signature only, 2003), ICRMW, CRPD (signature only, 2007), OP-CRPD, and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	Yes, except for statelessness conventions

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes
ILO fundamental conventions ⁷	Yes
UNESCO Convention against Discrimination in Education	No

1. The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Estonia to ratify OP-CEDAW and consider ratifying ICRMW.⁸

2. The Committee on Elimination of Racial Discrimination (CERD) encouraged Estonia to ratify ICRMW, and invited Estonia to accede to the UNESCO Convention against Discrimination in Education.⁹

3. In 2010, CERD reiterated its invitation to Estonia to ratify the 1961 Convention on the Reduction of Statelessness and the 1954 Convention relating to the Status of Stateless Persons.¹⁰ The Committee on the Rights of the Child (CRC)¹¹ and the Office of the United Nations High Commissioner for Refugees (UNHCR)¹² recommended that Estonia accede to these conventions. The Committee against Torture (CAT)¹³ and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance¹⁴ also made similar recommendations.

4. CRC encouraged Estonia to ratify CRPD and OP-CRC-AC, which it has already signed.¹⁵

5. CAT recommended that Estonia consider making the declarations under articles 21 and 22 of the Convention.¹⁶

B. Constitutional and legislative framework

6. CEDAW welcomed the entry into force of the Gender Equality Act in 2004¹⁷ and CERD welcomed the adoption of the Equal Treatment Act.¹⁸ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended that Estonia adopt holistic national legislation covering all forms of discrimination.¹⁹

C. Institutional and human rights infrastructure

7. As of 26 October 2010, Estonia does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).²⁰

8. While noting with interest the work of the Chancellor of Justice and the Equal Treatment Commissioner, CERD regretted that no national human rights institution that was fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), existed in Estonia.²¹ The Human Rights Committee (HR Committee) was concerned that the Chancellor of Justice was not sufficiently involved in the promotion and protection of human rights.²² CERD recommended that Estonia continue the consideration of possible options for developing a national human rights institution including by transforming and empowering the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner so as to conform with the Paris Principles and take steps towards accreditation by ICC.²³ CAT recommended

that Estonia should consider establishing a national human rights institution, in accordance with the Paris Principles.²⁴

9. In 2010, CRC recommended that the present office of the Chancellor of Justice be accessible and known to children, and that it conform to the Paris Principles. As an alternative, the Committee encouraged Estonia to set up a separate and independent children's ombudsman.²⁵

10. In 2010, CEDAW was concerned that the national machinery for the advancement of women, i.e., the Gender Equality Department in the Ministry of Social Affairs, might lack authority, decision-making power and financial and human resources to coordinate effectively the Government's work to promote gender equality.²⁶ It was also concerned that the Gender Equality Commissioner was lacking sufficient resources to carry out her/his responsibilities effectively under the Gender Equality Act. In addition, CEDAW was concerned about the delay in the establishment of the Gender Equality Council, under the Gender Equality Act, as an advisory body to the Government on matters relating to the promotion of gender equality.²⁷ The HR Committee expressed similar concerns.²⁸

11. CERD welcomed the establishment of several instruments of dialogue and consultation with minority groups, including the Council of Ethnic Minorities under the Ministry of Culture and the Roundtable of Nationalities.²⁹

D. Policy measures

12. In 2007, CEDAW was concerned that Estonia continued to lack a comprehensive, consistent and sustainable approach to policies and programmes aimed at achieving women's equality with men.³⁰

13. In 2009, The Special Rapporteur on the sale of children, child prostitution and child pornography noted that the Development Plan for Combating Trafficking in Human Beings (2006-2009) set out the strategic objectives for combating human trafficking and determined the main measure and activities for achieving those goals.³¹

14. In 2005, Estonia adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system. Human rights education was part of the National Curriculum for Basic Schools and Upper Secondary Schools and was a compulsory subject in civics.³²

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body³³</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2009	August 2010	Due in 2011	Tenth to twelfth report due in 2013
CESCR	2001	November 2002	–	Second report received in 2008

HR Committee	2008	July 2010	Due in 2011	Fourth report due in 2015
CEDAW	2005	July 2007	–	Fifth to sixth report due in 2012
CAT	2005	November 2007	Received in 2009	Fifth report due in 2011
CRC	2001	January 2003	–	Second to fourth report overdue since 2008
OP-CRC-SC	2008	January 2010	–	–

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	<p>Special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance³⁴ (25–28 September 2007)</p> <p>Special rapporteur on the sale of children, child prostitution and child pornography³⁵ (20–24 October 2008)</p>
<i>Visits agreed upon in principle</i>	–
<i>Visits requested and not yet agreed upon</i>	–
<i>Facilitation/cooperation during missions</i>	<p>The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance expressed his gratitude to the Government for its cooperation and openness throughout the visit and in the preparatory stage.³⁶</p> <p>The Special Rapporteur on the sale of children, child prostitution and child pornography thanked the Government for its cooperation prior to, during and following the visit.³⁷</p>
<i>Follow-up to visits</i>	–
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, one communication was sent. The Government did not reply to the communication.
<i>Responses to questionnaires on thematic issues</i>	Estonia responded to 12 of the 23 questionnaires sent by special procedures mandate holders. ³⁸

3. Cooperation with the Office of the High Commissioner for Human Rights

15. Estonia continuously contributed financially to OHCHR, including to the humanitarian funds, between 2006 and 2010.³⁹

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

16. CEDAW remained concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society, which were reflected in women's educational choices, their situation in the labour market and their underrepresentation in political and public life, and decision-making positions.⁴⁰

17. CERD noted with concern that racial motivation did not constitute an aggravating circumstance for crimes and recommended that Estonia include a specific provision to the Penal Code to ensure that the motive of ethnic, racial or religious hatred is taken into account as an aggravating circumstance in criminal proceedings.⁴¹

18. In 2009, the ILO Committee of Experts on the Application of the Conventions and Recommendations (ILO Committee of Experts) noted that section 10 of the Employment Contracts Act did not prohibit discrimination based on national extraction, colour and social origin and requested Estonia to address discrimination in employment and occupation on all the grounds mentioned in the International Labour Organization Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation.⁴²

19. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance referred to information that the unemployment rate among Russian-speaking persons was almost twice as high as among Estonians and that Russian speakers earned lower average salaries.⁴³

20. While noting the implementation of the "Integration in the Estonian society 2000–2007" programme and the "Estonian Integration 2008–2013" programme, the HR Committee was concerned that the Estonian language proficiency requirements continued to impact negatively on employment and income levels for members of the Russian-speaking minority, including in the private sector.⁴⁴

21. CERD was concerned that the strong emphasis on the Estonian language in the Integration Strategy might run counter to the overall goal of the strategy by contributing to resentment among those who felt discriminated against, especially because of the punitive elements in the language regime. It recommended that Estonia adopt a non-punitive approach to the promotion of the official language and revisit the role of the Language Inspectorate and the implementation of the 2008 regulation on Estonian language proficiency requirements. The Committee also urged Estonia to consider a dual language approach related to the delivery of public services.⁴⁵

22. CERD noted with concern the discrimination reportedly experienced by Roma children in accessing quality education. It recommended that Estonia bring to an end and prevent any segregation of Roma children in the field of education.⁴⁶

23. In 2008, CAT remained concerned at the fact that approximately 33 per cent of the prison population was composed of stateless persons, while they represented approximately 8 per cent of the overall population.⁴⁷ UNHCR made similar observations.⁴⁸ CAT recommended that Estonia should adopt the measures to guarantee that stateless persons and non-citizens are informed of their rights in a language they understand and have access

to the fundamental legal safeguards from the moment they are deprived of their liberty, without any discrimination. CAT reiterated its previous recommendation that Estonia should address the causes and consequences of the disproportionate presence of stateless persons in the prison population.⁴⁹

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

24. In 2010, the HR Committee was concerned that the definition of torture contained in the Penal Code was narrow and not in conformity with the definition provided in article 1 of the Convention against Torture or with article 7 of ICCPR.⁵⁰ In 2008, CAT made a similar observation.⁵¹ The HR Committee recommended that Estonia amend its Penal Code to ensure full compliance with international norms concerning the prohibition of torture.⁵² CAT further recommended that Estonia should ensure that torture is punishable by appropriate penalties which take into account its grave nature.⁵³

25. CAT remained concerned at allegations of brutality and excessive use of force by law enforcement personnel. It recommended that Estonia promptly, thoroughly and impartially investigate all acts of brutality and excessive use of force by law enforcement personnel and bring the perpetrators to justice.⁵⁴

26. While noting that the Chancellor of Justice had been designated as the national protection mechanism pursuant to article 3 of OP-CAT, CAT remained concerned about the Chancellor's independence, mandate and resources, as well as the ability to investigate all complaints of violation of the provisions of the Convention against Torture.⁵⁵

27. According to a 2008 study commissioned by the United Nations Office on Drugs and Crime (UNODC), although substantial efforts have been made to reduce the number of prisoners, Estonia had the highest numbers of citizens per 100,000 population in prisons in the European Union. At the same time, new prisons had been built, and those institutions had better living conditions for prisoners and working conditions for staff.⁵⁶

28. CAT remained concerned about the overall conditions of detention, including with regard to adequate HIV medical care⁵⁷; it was also concerned at the inter-prisoner violence and the insufficient measures taken to prevent and investigate such violence.⁵⁸ The Committee recommended that Estonia should: continue to alleviate the overcrowding of the penitentiary institutions; improve conditions of detention, especially in arrest houses where pretrial detainees are held for long periods in poor and inadequate conditions; provide adequate food to all detainees and improve the health and medical services in detention facilities.⁵⁹

29. Noting with concern the implementation of the legal safeguards of detained persons, CAT recommended that Estonia should ensure that all detained suspects are afforded, in practice, fundamental legal safeguards during their detention, including the right to access a lawyer and an independent medical examination, to inform a relative and to be informed of their rights at the moment they are deprived of their liberty.⁶⁰

30. According to the 2008 UNODC study, hostile attitudes and discrimination against HIV-positive prisoners had been reduced by delivering continuing education about HIV. HIV-positive inmates were no longer segregated and lived together with other inmates. HIV testing in the prison system was voluntary. However, the study described prisons as a setting characterized by multiple health burdens: high spread of blood-borne viruses, other infectious diseases, (tuberculosis, sexually transmitted infections), co-infections, drug addiction and mental diseases. A substantial number of prisoners were suffering from one or more of these health issues. The study concluded that HIV/AIDS and related issues in all custodial settings (police detention, arrest houses, prisons and also within the probation service) should be more actively addressed in drugs and HIV/AIDS strategies and more attention and resources should be paid to their implementation.⁶¹

31. CAT expressed concern about general living conditions in psychiatric institutions and recommended that Estonia should: improve the living conditions for patients in psychiatric institutions; ensure that all places where mental health patients are held for involuntary treatment are regularly visited by independent monitoring bodies; and that alternative forms of treatment, especially community-based treatment, are developed.⁶²

32. CEDAW remained concerned about the prevalence of violence against women, including domestic violence and about the lack of a specific law on domestic violence against women.⁶³ CAT expressed similar concerns and recommended that Estonia should: adopt a specific type of criminal offence for domestic violence; provide protection for victims; and promptly investigate, prosecute and punish all perpetrators of such violence.⁶⁴

33. The Special Rapporteur on the sale of children, child prostitution and child pornography stated that children were increasingly exposed to the risk of commercial sexual exploitation. While the number of reported cases of child prostitution and child pornography was low, the Special Rapporteur was of the view that vigilance was required and efforts should be directed towards prevention.⁶⁵ She regretted that legislation did not provide a complete definition of “child pornography” and recommended that the definition be amended in accordance with OP-CRC-SC. The Special Rapporteur also recommended that legislation clearly stipulate that a child under 18 years of age is unable to consent to any form of sexual exploitation, including child pornography and child prostitution.⁶⁶ CRC made a similar recommendation.⁶⁷

34. While appreciating the measures taken to combat human trafficking, CEDAW remained concerned about the persistence of trafficking in women and girls.⁶⁸ The HR Committee⁶⁹, in 2010, and CESCR⁷⁰, in 2002, expressed similar concerns.

35. A 2010 joint study of UNODC and the Council of the Baltic Sea States Task Force against Trafficking in Human Beings indicated that the Criminal Code did not contain provisions criminalizing the crime of human trafficking and other articles were used to prosecute related crimes.⁷¹ A common understanding of the definition of the crime shared by all practitioners was still lacking and the focus at the operational level was limited to cases connected with sexual exploitation, despite the recent emergence of labour exploitation cases. According to UNODC and the Task Force, the investigation of trafficking cases for labour exploitation within law enforcement agencies appeared not clearly mandated.⁷²

36. UNODC and the Task Force noted a number of special measures that might be used under the Code for Criminal Procedures in court proceedings, including: protection of the identity of victims/witnesses; closed hearings and use of equipment to prevent contact with the defendants. However, such procedures were rarely used for human trafficking cases, which might be due to a lack of awareness of the sensitivity of such cases among criminal justices authorities.⁷³

37. CAT recommended that Estonia should reinforce its legislation and adopt other effective measures to prevent, combat and punish human trafficking, and promptly investigate, prosecute and punish all perpetrators of such crimes.⁷⁴

38. While noting that violence against children was prohibited, CRC recommended that Estonia explicitly prohibit corporal punishment and prevent all forms of physical and mental violence in schools and in institutions.⁷⁵

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

39. CERD was concerned at the near absence of complaints of acts of racial discrimination logged with courts and other relevant authorities and recommended that

Estonia review remedies available to victims to seek redress to ensure that they are effective.⁷⁶

40. The HR Committee was concerned that mentally disabled persons or their legal guardians were often denied the right to be informed about criminal proceedings and charges against them, the right to a fair hearing and the right to adequate and effective legal assistance. The Committee was further concerned by the fact that experts appointed to assess a patient's need for continued coercive treatment worked in the same hospital as the one in which the patient was held.⁷⁷

41. In 2003, CRC was concerned that no special courts were established for criminal proceedings against juveniles.⁷⁸

42. CAT remained concerned about the apparent absence of compensation for victims of torture and other cruel, inhuman or degrading treatment or punishment, as well as with the lack of appropriate measures for the rehabilitation of victims of torture, ill-treatment, trafficking, and domestic and sexual violence.⁷⁹

4. Right to privacy, marriage and family life

43. CEDAW was concerned that a minor between 15 and 18 years of age might legally marry. It was further concerned about the lack of legal protection of the rights of cohabitating women.⁸⁰

44. In 2009, the Special Rapporteur on the sale of children, child prostitution and child pornography noted a significant number of children placed in alternative care institutions and observed a need for Estonia to adopt norms and standards for the follow-up of children placed in, and later released from such institutions.⁸¹ In 2003, CRC was also concerned at the high number of children in institutions.⁸²

45. UNHCR noted that the right to family reunification of stateless persons was less observed in comparison to Estonian citizens.⁸³

46. The Special Rapporteur on the sale of children, child prostitution and child pornography referred to information concerning a trend in the eastern part of Estonia of cases of children not being registered at birth.⁸⁴ UNICEF made similar observations.⁸⁵

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

47. The HR Committee was concerned that few of the applications for an alternative to military service had been approved during the last years and that there was a lack of clear grounds for accepting or rejecting an application for an alternative to military service. It recommended that Estonia clarify the grounds under which applications for an alternative to military service are accepted or rejected and take relevant measures to ensure that the right to conscientious objection is upheld.⁸⁶

48. CERD noted that the Penal Code limited the prosecution of hate speech to acts that resulted in serious consequences. It recommended that Estonia ensure that revision of its Penal Code brings it in line with ICERD by making racially motivated hate speech in all circumstances an offence punishable by law and that it prohibit racist organizations.⁸⁷

49. CEDAW was concerned about the continuing underrepresentation of women in public and political life and in decision-making positions.⁸⁸ It encouraged Estonia to take sustained measures, including temporary special measures, as provided for in the Gender Equality Act, to accelerate women's participation in elected and appointed bodies.⁸⁹

50. CERD noted with concern the low level of participation of minorities in political life and their limited representation in Parliament. It recommended that Estonia redouble its

efforts to ensure greater participation by members of minorities in public life and ensure their participation in the administration at all levels.⁹⁰

6. Right to work and to just and favourable conditions of work

51. The HR Committee was concerned at the prevalence of discrimination against women, in particular in the labour market where the pay gap between men and women was about 40 percent.⁹¹ CEDAW recommended that Estonia adopt measures to decrease and narrow the wage gap between women and men and that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical.⁹² In 2002, CESCR expressed similar concerns.⁹³

52. The HR Committee was concerned that public servants who do not exercise public authority did not fully enjoy the right to strike.⁹⁴ In 2010, the ILO Committee of Experts reiterated that the right to strike might be restricted or prohibited only for public servants exercising authority in the name of the State and expressed the hope that Estonia would ensure the right to strike in the public service in accordance with that principle.⁹⁵

7. Right to social security and to an adequate standard of living

53. In 2009, the World Health Organization stated that the infant mortality rate in Estonia had decreased substantially and remained very low. The main challenge remained premature mortality caused by external causes and lifestyle-related risk factors. In the past decade, a new challenge of addressing communicable diseases such as HIV and multidrug-resistant tuberculosis had emerged. Estonia had kept communicable diseases under control with broad vaccination programmes implemented with high coverage.⁹⁶

54. The 2008 UNODC study indicated that Estonia had a rapidly expanding HIV/AIDS epidemic with the second-highest reported prevalence of HIV in the European region. The epidemic was driven mainly by injection drug use, which was widespread in Estonian prisons, and associated with risky behaviour such as sharing of needles and injection equipment, tattooing and unprotected sexual contacts.⁹⁷ CEDAW recommended that Estonia step up its efforts to prevent and combat HIV/AIDS and improve the dissemination of information about the risks and ways of transmission.⁹⁸

55. CEDAW was concerned that, while the abortion rate had decreased, it remained relatively high. It was also concerned about the increase in HIV-positive women. The Committee urged Estonia to enhance and monitor access to health-care services for women and requested the State to strengthen measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available and without any restriction and by increasing knowledge and awareness about family planning.⁹⁹

56. In 2002, CESCR was concerned that the measures taken by Estonia to address the growing problem of homelessness were insufficient, as they focused solely on providing shelter to the homeless rather than dealing with the underlying causes of homelessness.¹⁰⁰

8. Right to education

57. In 2003, CRC expressed concern that more than 5,000 children did not attend school, and that repetition and drop-out rates were high. It noted that possible reasons for dropouts included: lack of security from bullying, overcrowded classrooms, poor school environment as a result of diminished extra-curricular activities, overburdened teachers and closure of schools in rural areas for economic reasons.¹⁰¹ In 2009, the ILO Committee of Experts, while referring to the CRC concluding observations on possible reasons for the high drop-out rates, requested Estonia to ensure that all children benefit from access to the

free and compulsory education provided for by the Constitution and that they remain in school.¹⁰²

58. In 2008, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance stated that educational reform, which would introduce a mandatory minimum of 60 per cent of courses that needed to be taught in Estonian language, was viewed with concern. He referred to a concern expressed that the reform would result in the decrease in the quality of education, since many students of the Russian-speaking community with poor language skills in Estonian would have to follow a large part of the school curriculum in Estonian language.¹⁰³

59. CRC noted with concern that the implementation of the Education Act did not sufficiently envisage the inclusion of disabled children and that negative societal attitudes towards inclusion persisted.¹⁰⁴

9. Minorities and indigenous peoples

60. In 2010, CERD was concerned about the continuing existence of latent antagonism between ethnic Estonians and ethnic Russians and the low level of contacts between ethnic Estonians and non-Estonians.¹⁰⁵

61. In 2008, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance stated that the Russian-speaking minority was mostly affected by the problem of statelessness as well as language restrictions. He referred to a view expressed by the Russian-speaking community that the existing language policy was an attempt to suppress Russian as a legitimate minority language in the country. The Special Rapporteur mentioned also the Russian-speaking community's concern about their overall situation of social marginalization.¹⁰⁶

62. The Special Rapporteur mentioned that the Roma community suffered from stigmatization and structural discrimination that manifested specifically in the realms of education, employment and cultural stereotypes. In his view, one of the main reasons for the marginalization of Roma citizens was intolerance and lack of acceptance by society at large.¹⁰⁷ Non-European minorities had experienced a surge in racist violence, particularly by extremist groups and intolerance by some individuals concerning their ethnic, religious and cultural diversity.¹⁰⁸

63. The Special Rapporteur referred to information that statelessness remained a central problem that mostly affected the Russian-speaking community, and noted that stateless persons, the majority of whom were born in Estonia, amounted to 8 per cent of the population.¹⁰⁹ While welcoming the steps taken to facilitate naturalization for long-term resident minorities, CERD remained concerned at the high number of persons with undetermined citizenship and at the reported negative perception of the naturalization procedure by applicants. The Committee called on Estonia to examine further the reasons behind the reluctance of potential applicants to engage in the naturalization process with a view to improving the situation.¹¹⁰ CAT recommended that Estonia adopt adequate measures to simplify and facilitate the naturalization and integration of stateless persons and noncitizens.¹¹¹

64. According to UNHCR, the level of Estonian language proficiency of non-Estonians in general and stateless persons in particular remained at a relatively low level. The naturalization procedure was based on two exams, which included assessing the knowledge of the Estonian language. UNHCR recommended that Estonia reduce existing statelessness by easing requirements for naturalization, for example reducing the language requirement by making the exams simpler and waiving this requirement for the elderly.¹¹² CERD urged Estonia to allocate sufficient resources for the provision of free-of-charge language courses

and lessen language requirements for naturalization, particularly for older persons and those who were born in Estonia.¹¹³

65. UNHCR recommended that Estonia undertake a review of nationality legislation to ensure that all children born on the territory who would otherwise be stateless acquire Estonian nationality automatically at birth.¹¹⁴ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance recommended that the language policy should be subject to an open and inclusive debate, in close consultation with ethnic minorities, aimed at finding strategies that better reflect the multilingual character of society.¹¹⁵

66. The Special Rapporteur mentioned that in regions where at least half of the residents belonged to an ethnic minority, the Constitution provided for the right to receive answers from state and local government in the language of that ethnic minority.¹¹⁶ CERD called on Estonia to review its legislation which restricts the use of minority language in public services only to counties where minorities make up half of the population.¹¹⁷

10. Migrants, refugees and asylum-seekers

67. On the basis of the low number of registered asylum-seekers at the border, UNHCR had identified the possible lack of access to the asylum procedure for persons in need of international protection who were being turned away at the border. The concern had been substantiated through reports of apprehensions and forced removals of citizens from a number of countries as well as an increasing number of arrivals in neighbouring countries following the extension of the Schengen zone.¹¹⁸

68. UNHCR noted that while it had received no reports of cases of refoulement, it was not possible to verify this because of the absence of a comprehensive and systematic monitoring system in Estonia.¹¹⁹ It also noted that the accelerated asylum procedure applied by border guards could prevent asylum-seekers from fully presenting their claims, and increase the risk of refoulement to a country where the asylum-seekers might face persecution, torture or inhuman or degrading treatment.¹²⁰ UNHCR recommended that Estonia guarantee full respect of the non-refoulement principle, *inter alia*, through the establishment of an independent monitoring system at the border.¹²¹

69. CAT was concerned that the application of the principle of “safe country” might prevent Estonia from considering all elements of an individual case, thus not fulfilling all its non-refoulement obligations under the Convention against Torture. It recommended that Estonia always assess its non-refoulement obligations on an individual basis.¹²²

70. UNCHR mentioned that the Act on Granting International Protection to Aliens stipulated excessive preconditions for detention and that the grounds for detention provided in the Act were not sufficient reasons to restrict the freedom of movement of asylum-seekers. It also noted with concern that the asylum law permitted the detention of asylum-seekers for an indefinite period of time.¹²³ UNHCR recommended that Estonia, *inter alia*, abolish unreasonable limitations on asylum-seekers’ freedom of movement and establish time limits for the detention of asylum-seekers in the national asylum legislation.¹²⁴

71. UNHCR was concerned that the refugee centre was in a remote and isolated location, which resulted in difficulties in communication between asylum-seekers and legal representatives and interpreters, and difficulties arranging language classes and providing social support.¹²⁵ It recommended that Estonia improve the reception conditions of asylum-seekers by relocating the Illuka Reception Centre to a more appropriate location and guarantee timely and free legal aid to all asylum-seekers, in particular to those who apply for asylum at the border and to those who are in detention.¹²⁶

III. Achievements, best practices, challenges and constraints

72. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance stated that the main challenge was to build a democratic, egalitarian and multicultural society which takes into account the need to reassert the continuity of its national identity, while recognizing and respecting the rights of the minorities.¹²⁷

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

73. In 2008, CAT requested Estonia to provide, within one year, information on its response to the recommendations in paragraphs 10 (administrative detention), 16 (inter-prisoner violence), 20 (trafficking), 22 (statelessness) and 23 (police brutality).¹²⁸ A reply was received in 2009.

74. In 2010, the HR Committee requested Estonia to provide, within one year, information on the current situation and on its implementation of the Committee's recommendations given in paragraphs 5 (Chancellor of Justice) and 6 (discrimination against women).¹²⁹

75. In 2010, CERD requested Estonia to provide information, within one year, on its follow-up to the recommendations contained in paragraphs 11 (reform of the Penal Code), 13 (language regime) and 17 (situation of the Roma).¹³⁰

V. Capacity-building and technical assistance

N/A

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child

	pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/EST/CO/4), paras. 32 and 35.
- ⁹ Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/EST/CO/8-9), para. 21.
- ¹⁰ *Ibid.*, para. 15.
- ¹¹ Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.196), para. 29 (f).
- ¹² UNHCR submission to the UPR on Estonia, p. 11.
- ¹³ Concluding observations of the Committee against Torture (CAT/C/EST/CO/4), para. 22.
- ¹⁴ A/HRC/7/19/Add.2, summary, p. 3.
- ¹⁵ Concluding observations of the Committee on the Rights of the Child (CRC/C/OPSC/EST/CO/1), para. 47.
- ¹⁶ CAT/C/EST/CO/4, para. 26.
- ¹⁷ CEDAW/C/EST/CO/4, para. 4.
- ¹⁸ CERD/C/EST/CO/8-9, para. 6.
- ¹⁹ A/HRC/7/19/Add.2, summary, p. 3.
- ²⁰ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- ²¹ CERD/C/EST/CO/8-9, para. 10.
- ²² Concluding observations of the Human Rights Committee (CCPR/C/EST/CO/3), para. 5.

- 23 CERD/C/EST/CO/8-9, para. 10.
- 24 CAT/C/EST/CO/4, para. 11.
- 25 CRC/C/OPSC/EST/CO/1, para. 22.
- 26 CEDAW/C/EST/CO/4, para. 14.
- 27 Ibid., para. 10.
- 28 CCPR/C/EST/CO/3, para. 6.
- 29 CERD/C/EST/CO/8-9, para. 5.
- 30 CEDAW/C/EST/CO/4, para. 10.
- 31 A/HRC/12/23/Add.2, para. 69.
- 32 See General Assembly resolution 59/113B and Human Rights Council resolutions 6/24, 10/3 and 12/4. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, available from <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>, and an evaluation questionnaire from the Ministry of Education and Research of Estonia dated 4 March 2010, available from <http://www2.ohchr.org/english/issues/education/training/evaluationWPHRE.htm>.
- 33 The following abbreviations have been used for this document:
- | | |
|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
- 34 A/HRC/7/19/Add.2.
- 35 A/HRC/12/23/Add.2.
- 36 A/HRC/7/19/Add.2, para. 3.
- 37 A/HRC/12/23/Add.2, para. 2.
- 38 The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24, and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16 and Corr.1, footnote 29; (m) A/HRC/11/6, annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2.
- 39 OHCHR, *Annual Report 2006*, p. 158; OHCHR, *2007 Report: Activities and Results*, pp. 147 and 162; OHCHR, *2008 Report: Activities and Results*, pp. 174, 179 and 191; OHCHR, *2009 Report: Activities and Results*, pp. 190, 195 and 205; OHCHR, *2010 Report: Activities and Results* (forthcoming).
- 40 CEDAW/C/EST/CO/4, para. 12.
- 41 CERD/C/EST/CO/8-9, para. 12.
- 42 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092009EST111, second paragraph.
- 43 A/HRC/7/19/Add.2, para. 60.
- 44 CCPR/C/EST/CO/3, para. 16.
- 45 CERD/C/EST/CO/8-9, para. 13.
- 46 Ibid., para. 17.
- 47 CAT/C/EST/CO/4, para. 22.
- 48 UNHCR submission to the UPR on Estonia, p. 10.
- 49 CAT/C/EST/CO/4, para. 22.
- 50 CCPR/C/EST/CO/3, para. 7.
- 51 CAT/C/EST/CO/4, para. 8.
- 52 CCPR/C/EST/CO/3, para. 7.

- 53 CAT/C/EST/CO/4, para. 13.
- 54 Ibid., para. 23.
- 55 Ibid., para. 11.
- 56 UNODC, “Evaluation of national responses to HIV/AIDS in prison settings in Estonia” (Vienna, 2008), p. 7, available from www.unodc.org/documents/balticstates/Library/PrisonSettings/Report_Evaluation_Prisons_2008_Estonia.pdf.
- 57 CAT/C/EST/CO/4, para. 19.
- 58 Ibid., para. 16.
- 59 Ibid., para. 19.
- 60 Ibid., para. 9.
- 61 UNODC, Evaluation of National Responses to HIV/AIDS, pp. 7 and 8.
- 62 CAT/C/EST/CO/4, para. 24.
- 63 CEDAW/C/EST/CO/4, para. 16.
- 64 CAT/C/EST/CO/4, para. 21.
- 65 A/HRC/12/23/Add.2, paras. 28 and 81.
- 66 Ibid., paras. 43–44.
- 67 CRC/C/OPSC/EST/CO/1, para. 30.
- 68 CEDAW/C/EST/CO/4, para. 18.
- 69 CCPR/C/EST/CO/3, para. 9.
- 70 Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.85), para. 19.
- 71 UNODC, *Human Trafficking in the Baltic Sea Region: State and Civil Society Cooperation on Victims’ Assistance and Protection* (Vienna, 2010), p. 62. Available from www.unodc.org/documents/human-trafficking/CBSS-UNODC_final_assessment_report.pdf.
- 72 Ibid., pp. 64–65.
- 73 Ibid., p. 68.
- 74 CAT/C/EST/CO/4, para. 20.
- 75 CRC/C/15/Add.196, paras. 30 and 31 (b).
- 76 CERD/C/EST/CO/8-9, para. 18.
- 77 CCPR/C/EST/CO/3, para. 12.
- 78 CRC/C/15/Add.196, para. 50 (a).
- 79 CAT/C/EST/CO/4, para. 18.
- 80 CEDAW/C/EST/CO/4, para. 30.
- 81 A/HRC/12/23/Add.2, para. 19.
- 82 CRC/C/15/Add.196, para. 32.
- 83 UNHCR submission to the UPR on Estonia, p. 10.
- 84 A/HRC/12/23/Add.2, para. 30.
- 85 UNICEF, “Child protection from violence, exploitation and abuse: birth registration”, available from www.unicef.org/protection/index_birthregistration.html.
- 86 CCPR/C/EST/CO/3, para. 14.
- 87 CERD/C/EST/CO/8-9, para. 11.
- 88 CEDAW/C/EST/CO/4, para. 20.
- 89 Ibid., para. 21.
- 90 CERD/C/EST/CO/8-9, para. 14.
- 91 CCPR/C/EST/CO/3, para. 6.
- 92 CEDAW/C/EST/CO/4, para. 23.
- 93 E/C.12/1/Add.85, para. 14.
- 94 CCPR/C/EST/CO/3, para. 15.
- 95 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2010, Geneva, doc. No. (ILOLEX) 062010EST087, second paragraph.
- 96 WHO, *Country Cooperation Strategy at a Glance* (2009), available from www.who.int/countryfocus/cooperation_strategy/ccsbrief_est_en.pdf.
- 97 UNODC, Evaluation of National Responses to HIV/AIDS, p. 7.
- 98 CEDAW/C/EST/CO/4, para. 25.

- ⁹⁹ Ibid., paras. 24–25.
- ¹⁰⁰ E/C.12/1/Add.85, paras. 23–24.
- ¹⁰¹ CRC/C/15/Add.196, para. 42.
- ¹⁰² ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092009EST182, ninth paragraph.
- ¹⁰³ A/HRC/7/19/Add.2, para. 58.
- ¹⁰⁴ CRC/C/15/Add.196, para. 38.
- ¹⁰⁵ CERD/C/EST/CO/8-9, para. 19.
- ¹⁰⁶ A/HRC/7/19/Add.2, paras. 54, 57 and 60.
- ¹⁰⁷ Ibid., para. 81.
- ¹⁰⁸ Ibid., summary, p. 2.
- ¹⁰⁹ Ibid., paras. 12 and 54, see also UNHCR submission to the UPR on Estonia, p. 9, and CEDAW/C/EST/CO/4, paras. 28–29.
- ¹¹⁰ CERD/C/EST/CO/8-9, para. 15.
- ¹¹¹ CAT/C/EST/CO/4, para. 22.
- ¹¹² UNHCR submission to the UPR on Estonia, pp. 10 and 11.
- ¹¹³ CERD/C/EST/CO/8-9, para. 13 (a) and (b).
- ¹¹⁴ UNHCR submission to the UPR on Estonia, p. 11
- ¹¹⁵ A/HRC/7/19/Add.2, summary, p. 3.
- ¹¹⁶ Ibid., para. 24.
- ¹¹⁷ CERD/C/EST/CO/8-9, para. 13.
- ¹¹⁸ UNHCR submission to the UPR on Estonia, p. 3.
- ¹¹⁹ Ibid., p. 3.
- ¹²⁰ Ibid., p. 4.
- ¹²¹ Ibid., p. 7.
- ¹²² CAT/C/EST/CO/4, 19 February 2008, para. 12.
- ¹²³ UNHCR submission to the UPR on Estonia, pp. 4 and 5.
- ¹²⁴ Ibid., p. 7.
- ¹²⁵ Ibid., p. 5.
- ¹²⁶ Ibid., p. 7.
- ¹²⁷ A/HRC/7/19/Add.2, para. 84.
- ¹²⁸ CAT/C/EST/CO/4, para. 30.
- ¹²⁹ CCPR/C/EST/CO/3, para. 18.
- ¹³⁰ CERD/C/EST/CO/8-9, para. 27.
-