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### Human Rights Council

Working group on the universal periodic review

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### Draft report of the Working Group on the Universal Periodic Review<sup>1</sup>

Estonia

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<sup>1</sup> The final document will be issued under the symbol A/HRC/17/17. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its tenth session from 24 January to 4 February 2011. The review of Estonia was held at the 15<sup>th</sup> meeting on 2 February 2011. The delegation of Estonia was headed by H.E. Mr. Alar Streimann, Secretary General of the Ministry of Foreign Affairs. At its 17<sup>th</sup> meeting held on 4 February 2011, the Working Group adopted the report on Estonia.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Estonia: Belgium, Ecuador, Zambia.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Estonia:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/10/EST/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/EST/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/EST/3).
4. A list of questions prepared in advance by Belgium, Czech Republic, Denmark, Germany, Lithuania, Netherlands, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Estonia through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation indicated that Estonia had been a committed member of the international community by being a founding member of the League of Nations and a member of the United Nations after restoring its independence in 1991 as well as by participating in human rights activities of other international and regional organisations. Estonia had acceded to eleven UN human rights instruments even before the entry into force of its Constitution and had by now acceded to most of the major international and regional human rights agreements.
6. The delegation stated that the Manifest for All the Peoples of Estonia, which declared the independent Republic of Estonia in 1918 included a provision on the protection of ethnic minorities' rights, which was also recognized after the 1991 independence. It noted that a strong and engaged civil society was an essential part of Estonia's actions to protect and promote human rights for all and that freedom of expression was important to achieve that aim.
7. The delegation noted its close cooperation with the UN human rights treaty bodies, including by recognising the competence of the Human Rights Committee and the Committee on Elimination of Racial Discrimination to receive individual complaints. Estonia had issued a standing invitation to all human rights special procedure mandate holders and received visits from several special rapporteurs. Estonia had been working towards becoming a member of the Human Rights Council for the first time to contribute particularly in achieving gender equality, freedom of expression and the rule of law. The

delegation stated that Estonia considered the Universal Periodic Review (UPR) a unique process to improve the human rights situation as well as an opportunity to exchange best practices. It thanked all states that submitted advance questions.

8. The integration of national minorities into Estonian multicultural society with more than 260 state-supported ethnic groups had been an integral part of the protection and promotion of human rights. Estonia had implemented a number of integration programs since 2000, including the latest integration programme for 2010 to 2013 which was elaborated in close co-operation with the representatives of ethnic minorities and put equal opportunities and the involvement of all people in developing the society, regardless of their ethnicity, at its core, with particular attention given to youth. Since 2009, the Estonian Ministry of Culture had been responsible for the implementation of the integration programme.

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

10. In respect to the promotion of gender equality, the delegation informed that Estonia adopted its national action plan for the implementation of the UN Security Council resolution 1325 on "Women, Peace and Security" for 2010–2014, which included measures to increase awareness and knowledge of the gender perspective and women's needs in conflict resolution. The delegation noted the establishment of the Gender Equality and Equal Treatment Commissioner, an independent and impartial expert who monitored compliance with the provisions of law, advised government institutions on the implementation of legislation, and received applications from individuals concerning discrimination.

11. The delegation referred to the results of the 2009 survey indicating that the general awareness of gender inequality was not very high although the level of awareness had increased somewhat during the last four years. The results of the study had been used to assess the existing gender equality policy and to develop new policy measures where needed.

12. The delegation indicated a number of steps undertaken to combat domestic violence, including the review of the first results of the implementation of the National Action Plan for the Reduction of Violence for 2010 to 2014, the criminalisation of violation of a temporary restraining order. It also referred to Estonia's continuous efforts to fight against human trafficking, including several awareness-raising activities, the provision of shelter and rehabilitation to victims that had been carried out in co-operation with women's organisations and with increased financial support of the government.

13. The role of women's organisations as well as other non-governmental organisations had been constantly growing and the government had supported building the capacity of the NGOs as well as NGO-run gender equality projects through a programme funded jointly by the Ministry of Social Affairs and the Open Society Institute in Estonia. NGOs had been active in working out and implementing policies and programmes as well as in preparing the national report for the UPR. Moreover, Estonia planned to make the use of the internet forum a compulsory part of the elaboration of any government proposal by making public every piece of legislation from the initial proposal until its adoption.

14. The delegation highlighted that the pervasive use of electronic solutions in all areas had made an immense difference in society and that the advantages of the digital era had stimulated people, regardless of their ethnic background, to take an active role in the governance of Estonia.

15. While referring to the recommendations on the establishment of a national human rights institution, the delegation explained that the Chancellor of Justice had already fulfilled the role of the national human rights institution in compliance with the Paris principles because: the Chancellor of Justice was not part of the legislative, executive or judicial power; the independence of the Chancellor of Justice was provided for in the Constitution and guaranteed by appointment and dismissal procedure, defined mandate and requirements for the staff and budget; the Chancellor of Justice has a wide range of competences to deal with the issues of fundamental rights. In addition to the functions of the ombudsman, the Chancellor also performed the function of supervision over the constitutionality of legislation and was entitled to give his opinion on any draft legislation. The office of the Chancellor of Justice also fulfilled the role of national preventive mechanism provided for in the OPCAT.

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

17. Estonia has started preparations for ratifying several international human rights instruments, including CRPD and UNESCO convention against discrimination in education, CED and OP-CRC-AC.

18. The delegation regarded discussion during the interactive dialogue as a valuable contribution to domestic debate that would be taken into account in drafting new action plans and legislation.

## **B. Interactive dialogue and responses by the State under review**

19. During the interactive dialogue, 37 delegations made statements. A number of delegations welcomed the comprehensive presentation of the national report of Estonia. Several delegations expressed also their gratitude to Estonia for providing written responses to the advanced questions. Recommendations made during the dialogue are to be found in section II of the present report.

20. **The Russian Federation** stated that Estonia's human rights policy was a failure. Estonia had a large number of stateless persons, which constituted 7 percent of the population and who were deprived of their basic rights. It stated that another serious problem was the increase, inter alia, in manifestation of neo-Nazism and xenophobia, vandalising the statues and persecuting veterans of the Great Patriotic War and of Soviet governing bodies. The Russian Federation made recommendations.

21. **Brazil** noted the Gender Equality Act and the Equal Treatment Act. It referred to the CEDAW's concerns at the lack of a specific law on domestic violence was of concern. Brazil was also concerned about discrimination against Roma. Brazil encouraged Estonia to positively consider CAT's recommendation for protection of the rights of stateless persons and non-citizens. Brazil also highlighted UNHCR recommendation on asylum seekers' freedom of movement. Brazil made recommendations.

22. **Algeria** welcomed the establishment of the Chancellor of Justice and the Commissioner on Gender Equality. It also noted the adoption of plans and strategies for the promotion and protection of human rights. It asked about the measures taken by the Government to attenuate the impact of the recent economic and financial crisis on the enjoyment of economic, social and cultural rights. It also inquired about the measures taken to combat discrimination against women and linguistic minorities. Algeria made recommendations.

23. **Finland** asked about measures that Estonia had taken or had been taking to safeguard the implementation of the Equal Treatment Act in order to protect all persons against discrimination on the basis of nationality, race, colour, religion or other beliefs, age, disability or sexual orientation. Finland also inquired about Estonia's measures, for equal opportunities of Roma children for quality education as well as its intention to prohibit the use of corporal punishment. Finland made recommendations.

24. **The Republic of Moldova** welcomed the commitment of the Government towards the World Programme on Human Rights Education and noted that human rights education was part of the core curricula in primary and secondary education. It noted with satisfaction Estonia efforts to combat trafficking in human beings but expressed concerns regarding the cases of child prostitution and pornography. It referred to the issue of equal representation of women in national bodies. The Republic of Moldova made recommendations.

25. **Morocco** welcomed the priority given by the Government to the efforts of integration in society. It commended Estonia for its efforts regarding the adoption of measures for gender equality. It welcomed Estonia commitment to human rights and humanitarian action, shown particularly through its voluntary contributions to various funds. Morocco made recommendations.

26. **Belgium** welcomed the positive measures taken regarding gender equality and equal treatment. However, it noted with concern the lack of a global and coherent approach in these measures. It asked about a national plan of action aimed at reducing gender inequalities and raising public awareness in this regard as well as the measures taken to reduce the salary gap between men and women. Belgium asked about the measures taken to strengthen respect for diversity and combat discrimination against homosexuals. Belgium made recommendations.

27. **Lithuania** stated that it shared with Estonia the latest history experience and considered that Estonia's development of human rights protection and promotion system in a short period of twenty years was a major achievement. It indicated that there were areas where additional attention was still needed, however, that the general thrust of policies and practice, which was firmly set at further advancement of human rights, must be recognised. Lithuania made recommendations.

28. **Thailand** commended Estonia for its commitment to promote and protect human rights through education and training. Thailand welcomed the entry into force of the Equal Treatment Act and hoped for its full implementation. Thailand noted the standing invitation extended to all Special procedures and inquired about the follow-up made to the recommendations received from the Special Rapporteur on the sale of children, child prostitution and child pornography. Thailand made recommendations.

29. **Slovenia** was concerned by the reports that mentally disabled persons or their legal guardians were often denied the right to be informed about criminal proceedings and charges against them. Slovenia also noted that Roma children continued to be placed in

specialized schools for disabled children, although they were not disabled. The right to vote was also denied to persons deprived of their legal capacity, and disability pensions/benefits were inadequate and low. Slovenia made recommendations.

30. **Canada** commended Estonia for its engagement in combating trafficking in human beings and for signing the Council of Europe Convention on Action against Trafficking in Human Beings. It welcomed Estonia's efforts to improve the integration of immigrants and refugees. It noted positively the efforts to prevent family violence through the adoption of the Development Plan for the Reduction of Violence. It also welcomed the fact that Estonia signed the Convention on the Rights of Persons with Disabilities and encouraged Estonia to ratify and implement it. Canada made recommendations.

31. **Poland** expressed appreciation for the measures taken by Estonia to develop institutional and legal human rights infrastructure. Poland made recommendations.

32. **Ghana** noted that none of Estonia's institutions dealing with the protection of human rights was accredited to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Ghana welcomed the steps taken to address discrimination, however, highlighted CEDAW's concern about the delay in the establishment of the Gender Equality Council. Finally, Ghana applauded Estonia's commitment to secure the protection of children. Ghana made recommendations.

33. **The Czech Republic** was concerned about allegations of brutality and excessive use of force by law enforcement personnel. Czech Republic made recommendations.

34. **The United Kingdom of Great Britain and Northern Ireland** encouraged Estonia to ensure full implementation of the Equal Treatment Act in the spheres of employment, education, prisons and healthcare. It asked for further information on equal rights for disabled persons and discrimination on the basis of race or sexual orientation. It encouraged Estonia to expand the work and funding of the Legal Chancellor and Gender Equality and Equal Treatment Commissioner. The United Kingdom of Great Britain and Northern Ireland made recommendations.

35. The delegation informed that Estonia had started the preparation for the ratification of CRPD, as well as considered ratifying the OP- CRC- AC and the UNESCO Convention against discrimination in education. Estonia might consider in future the ratification of the OP-CEDAW, but it had not been considering yet the ratification of ICRMW, the European Charter on Regional or Minority Languages, as well as the Protocol no. 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe.

36. As to the establishment of the NHRIs, the delegation informed that Estonia considered the mandate of the Chancellor of Justice was largely in conformity with the Paris Principles therefore Estonia did not consider establishing a new national human rights institution but it would expand the mandate of the Chancellor of Justice to meet fully the Paris Principles, rather than to create a new institution. Estonia did not consider establishing a special Ombudsman on national minorities as the issues of discrimination against national minorities could be already addressed by the Chancellor of Justice or the Commissioner of Gender Equality and Equal Treatment.

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

