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Estonia

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I. Methodology

1. The report has been drawn up by the Estonian Ministry of Foreign Affairs in accordance with the Human Rights Council guidelines in 2010. It is based on Estonian national reports on implementing human rights instruments, national action plans on human rights and their implementing reports, as well as opinions provided by other government agencies and non-governmental organisations. The report covers the human rights developments which have mostly received attention in the recent years either in Estonia or internationally in relation to Estonia.

2. The report was sent for feedback and comments to NGOs dealing with human rights in Estonia and was also published on the Internet forum created specifically for direct participation by individuals in the process of government.

II. Legal and organisational framework for promoting and protecting human rights

3. Estonia is a parliamentary republic with the supreme power of the state vested in the people. Fundamental rights are enshrined in the Constitution. Fundamental rights and freedoms may only be restricted by law and the restriction must be proportionate.

A. Legislation

4. Under § 3 of the Estonian Constitution, the state authority is exercised solely pursuant to the Constitution and laws which are in conformity with it.

5. Legislative power lies with the Riigikogu, the Estonian parliament, which adopts laws in conformity with the Constitution. Draft Acts can be initiated by the Riigikogu itself or submitted by the Government of the Republic. For an Act to enter into force, it must be proclaimed by the President of the Republic. Only Acts which have been published have binding effect.

6. The Government of the Republic, ministers and local authorities may pass legislation on the basis of the laws and to implement them.

B. International law

7. Estonia acceded to eleven United Nations human rights instruments already before the entry into force of the Constitution in 1992. To date, Estonia has acceded to most of the international and regional human rights agreements. Estonia regularly submits reports on implementing the conventions and complies with the case-law of the European Court of Human Rights.¹

8. Estonia has issued a standing invitation with regard to all the special UN human rights procedures and has received visits from several special rapporteurs in the recent years. Estonia has also recognised the competence of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination to receive and hear individual complaints.²

9. Estonia is a candidate for a member of the Human Rights Council for 2012–2015.

10. Estonia is also a member of the Organisation for Economic Cooperation and Development, the Council of Europe and the European Union and participates actively in

the human rights related activities of these organisations, with special emphasis on the rights of women.

11. By regular voluntary donations made during a period of approximately ten years within multilateral development cooperation, Estonia has provided support to programmes and funds aimed at protecting human rights, including the rights of women, and promoting the situation of women and girls.³

12. Within humanitarian cooperation, Estonia has provided consistent support to the UN Office for the Coordination of Humanitarian Affairs, the UN Disaster Assessment and Coordination team, the International Committee of the Red Cross, and the UN High Commissioner for Refugees, helping these organisations in their work for improving the situation of women and girls affected by humanitarian crises. In addition to regular donations, Estonia has made targeted contributions to resolving situations in specific countries.

13. Within bilateral development cooperation, Estonia has supported improving the situation of women and children by providing support, inter alia, to Georgia, Ukraine, Moldova and Afghanistan.

C. Institutions

14. The **Riigikogu** is the unicameral parliament of Estonia, having the main legislative function. Only the Riigikogu is competent to establish restrictions on the exercise of rights and freedoms. In addition, the parliament also exercises supervision over the executive authority. If necessary, the constitutional affairs committee of the parliament issues an opinion on conformity of a draft Act with the fundamental rights.

15. The **President of the Republic** is the head of state in Estonia. The President is neither professionally nor politically dependent on any political party. The President may refuse to proclaim an Act passed by the Riigikogu, including for the reason that the Act is considered to be contrary to the Constitution.

16. The **Government of the Republic** holds executive power. One of the main tasks of the Government is legislative drafting; the ministries also submit proposals for ensuring the exercise of rights and freedoms as well as restricting them. The Government is also responsible for ensuring implementation of international treaties.

17. **Local government** authorities manage issues of local life and, as a rule, the Government of the Republic may not directly interfere with their activities. As a rule, local authorities themselves cannot establish restrictions on the exercise of rights and freedoms, but in certain cases, e.g. with regard to social welfare issues, they are responsible for ensuring compliance with fundamental rights.

18. Administration of justice.

Judicial power is separate from other powers and their areas of influence. Under the Constitution, everyone whose rights and freedoms are violated has the right of recourse to the courts, as well as the right, while their case is before the court, to petition for any relevant law, other legislation or procedure to be declared unconstitutional. The courts are independent in their activities and administer justice in accordance with the Constitution and the laws.

19. § 3 of the Courts Act establishes the guarantees for the independence of judges.⁴

20. Most cases are initiated in the courts of first instance and parties to the proceedings have two possibilities of appeal: once to the court of appeal against a decision of the first instance court, and then to the Supreme Court against a decision of the court of appeal;

however, the Supreme Court serves as the court of cassation, i.e. it does not collect or assess evidence.

21. The Supreme Court also functions as the court of constitutional review which verifies the constitutionality of the Acts passed by the Riigikogu. If an Act is contrary to a provision of the Constitution or its intended meaning, the Supreme Court may declare the Act to be unconstitutional and thus invalid. Within the review proceedings, the Supreme Court also verifies compliance of Acts with the requirements of international law.

22. Most complaints against Estonia submitted to the European Court of Human Rights are related to the length of proceedings, and some violations in this respect have been found.

23. On this basis, several draft legal acts were submitted to the parliament in 2009 concerning the length of proceedings, including the possibility to request speeding up the proceedings. In criminal cases it is already now possible to remedy the length of proceedings when delivering the judgment, for example by reducing the sentence or by terminating the court proceedings on grounds of purposefulness. The relevant case-law exists. It should be noted that under § 25 of the Constitution, bringing a claim for damages in the court against the state is always possible

24. Individuals are entitled to a defence counsel in criminal or misdemeanour proceedings and to a representative in other court proceedings. State legal aid is offered for natural or legal persons who due to their financial situation are unable to pay for competent legal services.

25. One of the tasks of the Prosecutor's Office is to represent public prosecution in criminal proceedings. Prosecutors are independent in performing their functions and act only on the basis of the law and in accordance with their beliefs.

26. The Chancellor of Justice is not part of the legislative, executive or judicial power in Estonia and it is also not a political or a law enforcement body. The institution of Chancellor of Justice has been established under the Constitution and the Chancellor performs his or her functions in accordance with the Constitution and his or her conscience.

27. Under the Constitution, the Chancellor of Justice is an independent official who reviews legislation of the legislative and executive powers and of local authorities for conformity with the Constitution and the laws⁵.

28. An important function of the Chancellor of Justice is to act as an ombudsman. On this basis, the Chancellor must monitor whether state agencies comply with the principle of guaranteeing fundamental rights and freedoms and the principle of good administration; the Chancellor also supervises the activities of local government agencies and bodies, legal persons in public law, and private persons performing public functions. Since 2007, the Chancellor also functions as the national preventive mechanism established under the Optional Protocol to the UN Convention for the Elimination of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

29. The Gender Equality and Equal Treatment Commissioner is an independent and impartial expert who acts independently, monitors compliance with the Equal Treatment Act and the Gender Equality Act and performs other functions entrusted to him or her by the law.

30. The Commissioner receives applications from individuals and expresses opinion on possible cases of discrimination; analyses the impact of laws on the situation of groups of persons. The Commissioner also assists individuals with submission of complaints concerning discrimination and expresses opinions on possible cases of discrimination on the basis of applications submitted by individuals or on his or her own initiative.⁶

31. One of the tasks of the Gender Equality and Equal Treatment Commissioner is also to introduce and promote the principle of equal treatment among the general public. Finding additional financial resources for this is one of the main obligations for the state in further developing the institution of the Commissioner.

32. In addition, there are other state and non-governmental bodies in Estonia dealing with disputes and issues of human rights, for example labour dispute settlement committees, courts of honour of professional associations and the Public Media Council (*avaliku sõna nõukogu*).

33. Estonia has several institutions dealing with the protection of human rights but none of them are accredited to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. It has been recommended that Estonia should consider establishing a national human right institution which would be in line with the “Paris Principles. The Estonian government appreciates the roles of NHRIs in introducing human rights and monitoring the human rights situation and finds that such an institution could be created in Estonia by developing the activities of one of the existing institutions. By substantive functions, the closest to such an institution is the Chancellor of Justice.

D. Human rights education

34. Human rights issues were introduced into Estonian school curricula only relatively recently, after the regaining of Estonia’s independence. Currently, these topics are covered as part of the civic studies syllabus in basic schools and upper secondary schools. In addition, the curriculum contains human rights as an elective subject⁷. In connection with this, the Institute of Human Rights has highlighted the need for human rights training and in-service training for teachers. Human rights as an elective subject also exists in the curriculum of higher educational institutions.

35. During human rights courses, for example to public servants (as well as journalists, police officers, social and medical workers), the relevant main international instruments are also always introduced. Officials from the Office of the Chancellor of Justice regularly explain the fundamental rights of individuals for officers in custodial institutions and emphasise inadmissibility of torture and inhuman or degrading treatment. In addition, during the recent years several NGOs in Estonia have delivered lectures and drawn up projects on issues of human rights protection.

36. In 2010, the Human Rights Committee expressed concern that Estonia has not disseminated the Committee’s reports and recommendations among the wider public. Estonia has taken note of the problem and the Committee’s recommendations and conclusions from 2010 were introduced to the public through the media. All the recommendations have been translated and forwarded to state agencies responsible for the respective issues as well as to NGOs, and there are plans to organise regular meetings to discuss their implementation.

III. Implementation of human rights

A. Democracy, freedom of speech, freedom of association

37. The Estonian Constitution stipulates that Estonia is an independent and sovereign democratic republic where the supreme power of state is vested in the people who exercises the power through elections of the Riigikogu and through referendums. The state authority

is exercised solely pursuant to the Constitution and laws which are in conformity with it. Participation in voting may be restricted by law for Estonian citizens who have been convicted by a court and are serving sentences in penal institutions. Elections are free, general, uniform and direct. Voting is by secret ballot. The Constitution is supplemented by the European Parliament Election Act, the Local Government Council Election Act, the Referendum Act, and the Riigikogu Election Act.

38. Estonian citizens who are at least 18 years old are eligible to vote in all elections, including referendums. Citizens of other European Union member states are eligible to vote in local council elections and European Parliament elections. Citizens of non-EU member states or stateless persons living in Estonia can vote in local council elections but cannot run as candidates to the council. Since 2005, Estonian voters can also vote electronically.

39. On the initiative of the Network of Estonian Non-profit Associations, an agreement on good election practice was drawn up before the European Parliament elections in 2009 in order to contribute to carrying out meaningful and ethical campaigns.

40. Besides elections and referendums, opportunities for direct participation by individuals and associations in the process of government have been created, for example through the Internet participation forum. Draft legislation is published on the relevant e-law forum. Founding of companies and non-profit associations is easy through the company registration portal which is a web-based environment and can be used by all persons who have the Estonian, Portuguese, Finnish or Belgian ID card.

41. Various interest groups are consulted in drafting development plans and strategies. In 2005, the Government in cooperation with NGOs drew up the document "Good practice of involvement to improve the quality of decisions and their social legitimacy by involving NGOs as well as the private and public sector in the decision-making process.

42. Consultation with interest groups and the public has become particularly important in dealing with environmental issues.

43. Estonia has acceded to Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. The right to participate in environment related decision-making is taken into consideration when organising activities under the planning and environmental impact legislation.

44. A new civil society development plan is being drawn up.

45. Everyone has freedom of conscience, religion and thought. Everyone has the right to freely disseminate ideas, opinions, beliefs and other information. This right may be restricted by law to protect public order, morals, and the rights and freedoms, health, honour and good name of others. Everyone has the right to freely obtain information disseminated for public use. There is no censorship. These provisions of the Constitution are supplemented by the Churches and Congregations Act and the Public Information Act.

46. Everyone has the right to form and join non-profit associations and unions. Membership of associations and unions of employees and employers is free. Only Estonian citizens may belong to political parties. Organisations, unions, and political parties whose aims or activities are directed at changing the constitutional order of Estonia by force, or which are otherwise in conflict with the law providing for criminal liability, are prohibited. Everyone has the right, without prior permission, to assemble peacefully and to conduct meetings. Since 2008, it is also possible to organise a registered public assembly upon minimum advance notice (two hours).

47. The UN Human Rights Committee and the Committee on the Elimination of Racial Discrimination have recommended that Estonia should also consider granting persons with undetermined citizenship the right to belong to political parties. In this respect, the

Government considers it necessary to note that the right to belong to political parties is legally linked to Estonian citizenship – a political party is a voluntary political association of citizens with the aim to express political interests of its members and supporters and to exercise state authority and local government. Political parties have been established for the purpose of obtaining a mandate for exercising public authority with the support of voters. Considering that only Estonian citizens can run for the Riigikogu, belonging of persons with undetermined citizenship to political parties would not conform to this aim. However, there are no restrictions on other rights of these persons to express their political views and beliefs.

48. Everyone has the right to the inviolability of private and family life. The home is inviolable. Everyone has the right to confidentiality of messages sent or received by them by post, telegraph, telephone or other commonly used means. State agencies may not gather or store information about the beliefs of an Estonian citizen against the citizen's free will. An Estonian citizen (as well as a foreign citizen and a stateless person staying in Estonia) has the right to access information about himself or herself held in state agencies. The rights enshrined in the Constitution are supplemented by the Personal Data Protection Act and the Public Information Act.

49. Compliance with the rights is monitored by the Data Protection Inspectorate which acts independently under the Personal Data Protection Act. It has the right to verify compliance with the laws and issue precepts and adopt decisions for this purpose. At the same time, for example the EU Agency for Fundamental Rights has pointed to the need to strengthen the activities of the Data Protection Inspectorate. Estonia has also been criticised for limited use of criminal law measures for data protection and for the fact that, in case of a violation, claiming of compensation is complicated due to the requirement of the burden of proof.

B. Right to life and security of the person

50. Under § 16 of the Constitution, everyone has the right to life. This right is protected by law. No one may be arbitrarily deprived of their life. Since 1991, Estonia applied a moratorium on the execution of the death penalty. The death penalty was completely abolished in 1998 when Estonia ratified Protocol No. 6 to the Convention on Human Rights and Fundamental Freedoms.

51. Under § 20 of the Constitution, everyone has the right to liberty and security of the person, and a person may be deprived of liberty only in the cases and pursuant to procedure provided by law⁸.

52. No one may be deprived of their liberty merely on the ground of inability to fulfil a contractual obligation.

53. Regardless of the type of proceedings, deprivation of liberty for more than 48 hours must be decided by a court.

C. Discrimination, racism xenophobia

54. § 12 of the Constitution establishes a general prohibition of discrimination and separately the punishability of incitement of national, racial, religious or political hatred, violence or discrimination. In addition, under § 9 of the Constitution, the rights, freedoms and duties of each and every person as set out in the Constitution are equal for Estonian citizens and for citizens of foreign states and stateless persons in Estonia.

55. There is no genocide, apartheid or racial segregation in Estonia. Punishments for genocide (§ 90) and crimes against humanity (§ 89) are established in the Penal Code.

56. The provisions of the Constitution are supplemented by the Gender Equality Act and the Equal Treatment Act. The Equal Treatment Act entered into force in 2009 and guarantees the protection of persons against discrimination on the basis of nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation. The Act establishes the principle of equal treatment, tasks in implementing and promoting it and in resolving discrimination disputes. In addition, the prohibition of discrimination is also established in some special Acts, for example the Employment Contracts Act.

57. On the basis of the Act, the institution of Gender Equality and Equal Treatment Commissioner has been established, which was already described above. The Commissioner is an independent and impartial expert who acts independently.

58. The competence of the Chancellor of Justice who acts under the Chancellor of Justice Act also includes resolving of discrimination disputes and implementing of the principles of equality and equal treatment.

59. As the Equal Treatment Act is still relatively new, there is not much implementing practice accompanying it, and the awareness of individuals about possibilities arising from the Act is also small. Both the United Nations and the Council of Europe institutions have pointed out the need to raise public awareness of the principle of equal treatment and the activities of the institutions tasked with its implementation. One of the main tasks of the first Equal Treatment and Gender Equality Commissioner in Estonia was launching of the institution and informing the public about it. It is planned to continue the awareness raising activities, including equal treatment information campaigns aimed for the wider public as well as for specific groups such as employers; information within the campaigns is disseminated both in Estonian and Russian; for example, in 2010, the Human Rights Centre carries out the campaign *Erinevus rikastab* (Richness in diversity), aimed at decreasing homophobia and racism.

60. In the recent years, there has been an intensive public debate in Estonia on the issue of same-sex partnerships. The current Family Law Act establishes unequivocally that a marriage can only be contracted between a man and a woman. However, the Ministry of Justice has analysed non-marital relationships and different possibilities for regulating them. During the debates a partnership law has been mentioned as one of the possibilities but it has not yet been drafted.

61. At the same time, several institutions (including the Gender Equality and Equal Treatment Commissioner and the Chancellor of Justice) were involved in resolving a dispute concerning payment of local family benefits (child allowances) to a same-sex couple. The dispute ended with a decision of the court of appeal which declared unlawful the local government initial decision to refuse payment of the benefit. The local gay and lesbian community has expressed hope that the decision will pave the way to recognition of the rights of same-sex couples and will eventually lead to amendment of the legislation.

62. § 151–153 of the Penal Code establish punishments for violation of the principle of equal treatment, including for incitement of hatred. In Estonia, the constitutional order is protected by the police, more specifically the Security Police Board. The Security Police Board is obliged to prevent, suppress and detect illegal activity of individuals as well as extremist groups (including incitement of racial hatred).

63. In Estonia, very few criminal offences are committed on grounds of ethnicity, culture, language or religion. The relevant institutions deal with the prevention and monitoring of the situation, combating and detection of illegal activities of extremist-minded groups or individuals. The Riigikogu regularly approves criminal policy

development principles which stipulate that the aim of criminal policy is to ensure the safety of society through prevention of offences and reacting to them, through reduction of damage caused by the offences and by dealing with the offenders. Criminal policy is also carried out with the help of development plans approved by the Government; recently the Government approved the Development Plan for the Reduction of Violence 2010–2014.

64. Equal opportunities and avoiding of exclusion due to ethnicity is also included as a strategic principle in the Integration Strategy 2008–2013, adopted by the Government in 2008. One of its aims is to promote the sense of belonging to Estonian society among all permanent residents of Estonia through sharing of democratic values.

65. It has been recommended that Estonia should specify the anti-discrimination provisions in the Penal Code and improve their implementation. Estonia admits that implementing § 151 (Incitement of hatred) of the Penal Code has proved ineffective primarily because of the requirement of resulting damaging consequences (i.e. there should be a danger to the life, health or property of a person). Proving of a causal link between hate speech and the resulting damaging consequences is impossible in most cases and therefore such acts have been punished either as offences against person or property. Estonia intends to amend the Penal Code, so that incitement of hatred would not be linked to the requirement of damaging consequences. It is also planned to establish the motive of hatred as an aggravating circumstance in case of all the offences.

D. Torture, inhuman and degrading treatment

66. Under § 18 of the Constitution, no one may be subjected to torture or to cruel or degrading treatment or punishment.

67. Under the Penal Code, torture and physical abuse are offences punishable by up to three years' imprisonment.

68. Estonia has regularly received visits from the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and submitted reports and replies to additional questions under the Convention against Torture. We also actively participate in the work of the Subcommittee on Prevention of Torture.

69. It has been pointed out that § 122 of the Penal Code is not fully in compliance with the definition provided for in the UN Convention for the Elimination of Torture and other Cruel, Inhuman or Degrading Treatment. Estonia intends to amend the Penal Code to bring it in line with the Convention.

E. Gender equality and the rights of women

70. As already indicated above, the general principle of equality is enshrined in § 12 of the Constitution. This is supported by the Gender Equality Act which entered into force in 2004. The Act establishes the prohibition of discrimination based on gender in all areas of society, the obligation of promoting gender equality and compensation of damage. The amendments of the Act of 2008 are related to the adoption of the Equal Treatment Act. The main purpose of the amendments in 2009 was to ensure better protection of individuals against discrimination, for example the definition and regulation of sexual harassment was introduced.

71. In addition to the above-mentioned Gender Equality and Equal Treatment Commissioner, the main body responsible for implementing the Act is the gender equality department of the Ministry of Social Affairs which cooperates with the analytical

departments of the Ministry, in particular in areas of social and employment policy. The department also cooperates closely with the department of children and families.

72. In order to ensure that all the parties increase the effectiveness of implementing the Gender Equality Act and its use for protecting the rights of individuals, Estonia continues the awareness raising activities as also recommended by several UN bodies.⁹

73. According to Eurostat, Estonia has the highest gender pay gap among the EU member states. Within an ESF programme, the Ministry of Social Affairs has also commissioned a comprehensive survey on the gender pay gap. The aim of the survey is to analyse the gender pay gap in Estonia (reasons, detailed statistics, etc) and develop proposals for political measures to help reduce the gap. The results will be disclosed in 2011. In 2010, a media campaign in Estonian and Russian is to be carried out to reduce gender stereotypes and it focuses on increasing equal opportunities of women and men on the labour market. Also, various activities will take place with the aim to promote gender equality within organisations. For this, gender equality consultants were trained and seminars for employers are organised. Support is also given to the activities of the job-related gender equality network in Estonia.

74. In view of the fact that the CEDAW Committee has made recommendations to Estonia considering issues of violence against women, we would like to point out some activities undertaken in this respect.

75. Based on the existing surveys on the nature of violence in couple relationships in Estonia, in April 2010 the Government adopted the Development Plan for the Reduction of Violence for 2010–2014, which also contains the topic of family violence and violence against women. To prevent this and to assist the victims, the development plan lays down priorities and sets out specific implementing activities to prevent family violence (informing the public, increasing legal awareness), to develop possibilities for assisting the victims (surveys, training of specialists, services and procedural rules for providing assistance to victims) and to improve the investigation of cases of family violence and protecting victims in criminal proceedings. The implementing plan also deals with the fight against trafficking in human beings, which includes both prevention and victim assistance, a telephone hotline against human trafficking, improving of statistics concerning victims and improving the activities of law enforcement authorities. The Ministry of Justice is responsible for implementing the plan.

76. The topic of intimate partner violence is integrated in the curricula of Tallinn and Tartu Health Care Colleges.

77. Estonian authorities closely cooperate with non-governmental organisations in guaranteeing the rights of women. The Estonian Women's Studies and Resource Centre (ENUT) has carried out several projects on gender sensitivity of the Estonian education system and gender-sensitive budgeting.

78. In 2010, open bidding rounds were carried out within the ESF measure "Promoting gender equality". Support was granted to nine projects which will be implemented in 2011 and which focus on informing about gender equality and implementing this principle among the general public and more specifically at school and in employment.

79. Estonia actively participates in the United Nations intergovernmental discussions on implementing the Beijing Declaration and Platform both in the General Assembly, in ECOSOC and the Commission on the Status of Women (in the latter also being a full member 2011–2014). In 2007–2009 Estonia held the chairmanship of the UNIFEM Consultative Committee dealing with promoting the situation of women and, as one of the co-facilitators, helped to lead the negotiations on the UN system-wide coherence reform in 2009–2010, as a result of which an agreement was reached on creating the UN composite

gender entity UN Women. Estonia supports the Security Council resolution 1325(2000) and the principles and implementation of its follow-up resolutions.

F. Rights of children

80. The principle of protecting children in Estonia has always given priority to the interests of the child. Child protection is ensured by national, local and social authorities. Since 1 January 2009, there is a common European helpline 116,111 which can be used to notify about a child in danger. All the authorities and institutions dealing with the promotion of welfare of people living in Estonia must observe the interests of the child in their activities

81. The national contact point for unaccompanied and trafficked children is in the Ministry of Social Affairs.

82. The main burden of child protection lies on local authorities which organise child protection, provide assistance on their respective territories and must ensure access to the required services for children and families. Local authorities have special child protection officials or social workers responsible for issues of child protection. The state provides financial assistance to local government bodies for improving the quality and accessibility of the existing services and developing new services¹⁰. In local authorities which do not have a child protection worker the relevant tasks are performed by a social worker or another authorised official. In 2008, there were a total of 162 child protection workers in 227 local authorities. In accordance with the concept of child protection, Estonia wishes to bring child protection up to the level where there is one child protection worker per 1000 children.

83. An important role in child protection in Estonia is played by non-governmental organisations which in close cooperation with the state help to guarantee the rights of children and provide services to children and families. The main organisations active in this field are the Estonian Union for Child Welfare, the Estonian Children's Fund and the Estonian National Committee for UNICEF. The Chamber for the Protection of Interests of the Child unites various NGOs (non-profit associations, foundations, funds, research institutions) dealing with the issues of children and families in Estonia who wish to participate actively in protecting the interests of children and families and contribute to developing the state's child and family policy.

84. § 10 of the Child Protection Act importantly establishes the principle of non-discrimination. Children have an equal right to receive assistance and care and to develop, regardless of their gender or ethnic origin, regardless of whether they live in a two-parent family or single-parent family, whether they are adopted or under curatorship, whether they are born in wedlock or out of wedlock, or whether they are healthy, ill or disabled. The child also has the right to participate in the development of child protection programmes either personally or through a representative selected by the child. The principle of taking the child's opinion into consideration and the principle of involvement are reflected in § 11 and § 16 of the Child Protection Act. At the same time, child protection activists in Estonia, the Institute of Human Rights and the Chancellor of Justice have pointed to the need to modernise the Child Protection Act. Therefore, the Ministry of Social Affairs has started analysing the Child Protection Act and drawing up the concept for the new Act.

85. Supervision over compliance with the rights of children is exercised by the Chancellor of Justice within his competence.

86. In 2009, a discussion on creating the institution of children's ombudsman took place. Various debates and roundtable discussions on the issue were held. In May 2009, the Riigikogu legal affairs committee held a public meeting to discuss the creation of the

institution. As a result of this, all the participants agreed with the need for such an institution but no final decision on its creation has yet been adopted.

87. In Estonia, several strategy documents on children have been adopted. On 16 October 2006 the Government approved the Strategy for Guaranteeing the Rights of Children for the period 2004–2008. The aim of the strategy is to implement the principles enshrined in the UN Convention on the Rights of the Child and its additional protocols.

88. At the end of 2009 the implementing report of the Strategy for Guaranteeing the Rights of Children 2004–2008 was prepared, summarising the main activities carried out within the strategy and their results, and assessing the process of carrying out the strategy, and its impacts. The report proposed to continue strategic planning in the area of the rights of the child in combination with underlying principles of family policy and establish an integrated development plan on children and families.

89. The Strategy for Guaranteeing the Rights of Children 2004–2008 was the first development plan which focused on the welfare and life of children, and one of its important outcomes is also improved cooperation between different areas and ministries in ensuring the rights of children. In the course of implementing the strategy, several other development plans and strategy documents on the rights and welfare of children were also drawn up. For example, in 2005 the Government approved the conception of child protection aimed at creating an integrated system for protecting the rights of children and obtaining proposals for amending laws and regulations in this area (e.g. the Family Law Act). In 2010, the Ministry of Social Affairs has started drawing up the development plan for children and families 2011–2020, which aims to ensure better protection of the rights of children as well as raising the quality of life of families.

90. The state's priorities also include national minorities. The State's Integration Strategy 2008–2013 specifically highlights educational activities for children and activities outside the formal education system.

91. Since 2008, the Ministry of Social Affairs has been coordinating the activities of the cooperation group on safer internet for children. In 2010, Estonia joined the EU Safer Internet Programme and on 1 September a 20-month project "Raising awareness for safer usage of the Internet in Estonia" was launched under the leadership of the Estonian Union for Child Welfare.

92. In the recent years, various training events have been organised to boost institutional capacity by raising the awareness and qualification of experts dealing with children and young people. Special attention is given to developing the skills of police officers, prosecutors and judges in dealing with children. Regular training for specialists and officials has been provided to offer them information about the rights of the child, human trafficking, sexual harassment and other issues relating to violence. Child protection workers, social workers, psychologists, medical workers, teachers and workers of care institutions have received training to deal with sexually harassed or trafficked children.

93. Several campaigns and information activities have been carried out and debates in the media have been organised in order to raise the awareness of the public about noticing mistreatment of children and notifying and preventing it.

94. Since 2004, training events for parents have been organised by the NGO *Perekoolitusühing Sina ja Mina* and various other organisations. Supporting of parenthood is one of the three main topics covered by the Development Plan for Children and Families 2011–2020.

95. Since 2004, when the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was ratified, national development plans have focused more on the prevention of mistreatment of children,

trafficking in children, child prostitution and child pornography and on combating these phenomena. The Development Plan for Combating Trafficking in Human Beings 2006–2009 contained separate measures for preventing trafficking in children. Since 2010, the tasks relating to prevention of trafficking in children and assisting unaccompanied children are included in the Development Plan for the Reduction of Violence 2010–2014. The development plan focuses on the prevention and reduction of violence against children, youth violence and crime, domestic violence and human trafficking. The core of combating violence against children in the following years will be school bullying in its different forms, violence in child care institutions, exploitation of children on the Internet, sexual crimes against children, and early detection of these problems and assistance to children who have become victims.

G. Trafficking in human beings

96. The first Development Plan for Combating Trafficking in Human Beings was valid for 2006–2009. The main focus of the plan was on assistance to victims and training of experts and raising awareness of the problem of human trafficking. As this was the first development plan of this kind in Estonia, it is understandable that the focus was on creating a cooperation network and special attention was given to persons who have the initial contact with victims and to assistance provided by them. In 2010, the Government approved the implementation report of the development plan.¹¹

97. During the operation of the development plan, two victim shelters and a rehabilitation centre for trafficked women and women involved in prostitution were created. Since 2006, more than 400 women have received assistance there. The rehabilitation centre Atoll was created in 2005. Since 2004, the NGO Living For Tomorrow operates a helpline for prevention of human trafficking.

98. A handbook and guidelines have been drawn up to ensure better reaction to cases of human trafficking and better identification of victims. These have been sent to all the institutions dealing with victims. The handbook and the guidelines also include a list of contact points which people may address to receive assistance.

99. Under the Victim Support Act, all persons who have fallen victim to negligence, mistreatment or physical, mental or sexual abuse are entitled to victim support. Victims of crime can also obtain compensation. The Victim Support Act and the national victim support system is also applied to victims of human trafficking.

100. Several surveys on human trafficking have been carried out analysing the situation in Estonia, the causes of human trafficking, awareness and attitudes of secondary and vocational school pupils to human trafficking and attitudes of Estonian inhabitants to prostitution and to women involved in it. The results of the surveys have been taken into account in planning the activities under the new development plan.

101. Since 2010, human trafficking is covered in a separate part of the Development Plan for the Reduction of Violence 2010–2014. The new development plan pays more attention to activities for reduction of labour exploitation and smuggling of illegal immigrants and for improvement of border control in respect of unaccompanied minors. A separate aim is developing the methodology for collecting statistics concerning victims of trafficking.

102. Estonia is active in the regional Task Force against Trafficking in Human Beings within the Council of the Baltic Sea States.

103. In 2007, amendments to legislation entered into force which enable victims of human trafficking to receive a temporary residence permit and a victim of human

trafficking from abroad may apply for a temporary residence permit in Estonia for the duration of the criminal proceedings.

104. On 3 February 2010, Estonia signed the Council of Europe Convention on Action against Trafficking in Human Beings.

105. In the last three years, there have been no cases of trafficking in children in Estonia.¹² However, the current official crime statistics do not fully reflect the problem of human trafficking as the statistics only include proceedings initiated under the specific sections of the Penal Code (e.g. enslavement, mediation of prostitution). Improving the collection of statistics is one of the objectives under the development plan for the reduction of violence.

106. Based on the analysis prepared by the Ministry of Justice, amendment of the Penal Code has been initiated. The amendments will introduce a separate provision on human trafficking as a criminal offence, as has also been recommended by the Special Rapporteur on the sale of children, child prostitution and child pornography Najat M'jid Maalla.

107. To raise the awareness among the general public and tourists visiting Estonia about human trafficking, the Ministry of Foreign Affairs has highlighted this topic and the potential dangers in its information leaflets and disseminates the relevant information at tourism fairs, in airports, travel agencies and elsewhere. The Ministry of Foreign Affairs also trains Estonian diplomats and consular officials to recognise and assist victims of human trafficking abroad, as they are often the first contact person for the victims.

H. National minorities, integration, citizenship, refugees

108. Under § 49 of the Constitution, everyone has the right to preserve their national identity. Under § 50, national minorities have the right, in the interests of national culture, to establish self-governing agencies under conditions and pursuant to procedure provided by the National Minorities Cultural Autonomy Act. In addition, § 12 of the Constitution prohibits discrimination on the basis of nationality and language.

109. According to the data from the 2000 census, there are representatives of more than a hundred ethnic groups living in Estonia. The majority of the people living in Estonia are ethnic Estonians. The largest national minority group on the Estonian territory are Russians, followed by Ukrainians, Belarusians, Finns and other nationalities. The formation of the current Estonian population has significantly been affected by historical events. Before World War II, Estonians made up 88 per cent of the population. During World War II, the situation changed radically and the current situation was most affected by the state's policy of population resettlement from different regions of the Soviet Union since 1945. As immigrants, these persons did not automatically receive Estonian citizenship after the restoration of independence of the Republic of Estonia and they had a possibility to apply for the citizenship of Estonia or of the Russian Federation as the legal successor of the Soviet Union.

110. Estonia considers integration of aliens into its society an issue of national importance. Integration of the Estonian population is a long-term process with the ultimate goal of a culturally diverse society where the permanent population has a strong Estonian state identity, shares common democratic values and communicates in the Estonian language in the public sphere, and where all individuals would be able to realise themselves and feel secure by participating in the economic, social, political and cultural life of society. Since 2000, the Estonian Government has adopted and implemented integration programmes to achieve this¹³. In 1998, a special foundation was created for dealing with integration issues, currently named the Integration and Migration Foundation "Our People".

111. The latest integration monitoring survey indicates that the interest in applying for Estonian citizenship (or citizenship of any country) has significantly decreased after the Russian Federation's decision to waive visa requirement for holders of the Estonian Alien's Passport. Further surveys confirm that the reasons for not applying for citizenship are mostly practical in nature and the increased difficulties for travelling to Russia after obtaining Estonian citizenship is one major reason. It should still be noted that the proportion of persons with undetermined citizenship among the Estonian population has dropped from 32 per cent in 1992 to 7.3 per cent in May 2010.

112. In accordance with the recommendations of various United Nations and Council of Europe bodies, several representative bodies have been established for consultation with national minorities, including the National Minorities Council under the Ministry of Culture and the Youth Chamber of National Minorities in Estonia created as part of the Council in 2010, the national minorities roundtable established under the Estonian Cooperation Assembly in May 2010, and advisory chambers at local authorities.

113. Estonia has taken several measures to promote naturalisation and further reduce the number of persons with undetermined citizenship. Particular attention is paid to minors under 15 years old for whom parents can apply for Estonian citizenship by simplified procedure. The active information campaign launched in 2007 is targeted primarily for parents of such children.

114. As a result of the information campaign, children under 15 years old make up the majority of all the citizenship applicants and practically no cases of refusal of citizenship to them occur.

115. As the requirement of the Estonian language proficiency has been indicated as one of the obstacles in applying for citizenship, in addition to the procedure for compensation of the costs of language learning, opportunities for studying Estonian free of charge have also been expanded¹⁴. This way the Estonian language training also contributes to creating better opportunities for individuals on the labour market.

116. Several UN and other bodies have recommended that Estonia should amend the National Minorities Cultural Autonomy Act or adopt a general Act on national minorities. Nevertheless, the Estonian Government is of the opinion that the rights of national minorities are guaranteed already under the existing legislation, in particular by the Constitution under which everyone is equal before the law and the rights, freedoms and duties of each and every person are equal for Estonian citizens and for citizens of foreign states and stateless persons in Estonia. The Government finds that, instead of a declarative Act reiterating these rights, its primary focus should be on ensuring implementation of the existing legislation and effective protection of the rights. The most important consideration in doing this is cooperation between national minorities and the state in implementing the relevant programmes. Organising activities stipulated under the National Minorities Cultural Autonomy Act – teaching of the mother tongue, organising cultural events, creating funds, grants and scholarships for promoting the culture and education of national minorities, etc – is also possible for those ethnic groups who cannot apply for cultural autonomy. Currently there are 300 registered national cultural societies and associations in Estonia who receive support to cover their operating expenses from the state's budgetary resources since 1991.

117. Estonia offers the possibility to acquire education both in Estonian and in Russian. A national Russian-language radio channel, partially Russian-language television channel and Russian Theatre in Tallinn are funded from the state budget.

118. Estonia is a party to the Council of Europe Framework Convention for the Protection of National Minorities which has thus become part of domestic law in Estonia. In 2010, Estonia submitted its third report on implementing the Convention.

119. Since 1997, Estonia is a party to the 1951 Geneva Convention relating to the Status of Refugees and its 1967 New York Protocol, and is thus obliged to protect aliens who meet the conditions established in these Conventions.

120. On 1 July 2006, the Granting International Protection to Aliens Act entered into force, replacing the previous Refugees Act. The Act transposed into Estonian legislation the EU directives on the rights of refugees, asylum seekers and displaced persons¹⁵ and established rules on granting temporary protection to aliens.

121. The Estonian legislation relating to the status of refugees is in compliance with international requirements. The Estonian authorities have close cooperation with several international organisations, including the Office of the UN High Commissioner for Refugees.

I. Persons with disabilities and elderly persons

122. Under the Constitution, persons with disabilities are under the special care of the state and local authorities.

123. People with disabilities are united under the Estonian Chamber of Disabled People which is an umbrella organisation of associations of people with disabilities. The Chamber has 46 member organisations. It was founded in 1993 and its membership has grown constantly.

124. The aim of the Chamber is to fight social exclusion and discrimination in guaranteeing the constitutional rights (health, education, employment). To achieve this, activities are carried out supporting the independence of people with disabilities, their social, economic and employment-related inclusion and participation in society.

125. Important issues concerning people with disabilities are discussed in the cooperation council which was convened in 2003. Participating in the work of the council are representatives from the Ministry of Social Affairs and the organisation of people with disabilities. The task is to ascertain the necessary services, priorities and the extent of funding through dialogue and cooperation. All the draft legislation is also submitted for approval to the Chamber of Disabled People.

126. In order to avoid exploitation and harassment of people with disabilities and violence against them, regular measures are taken to raise the awareness among different target groups and representatives of different spheres of life. Special attention is given to informing people with disabilities about their rights through distributing information and improving access to training and documents.

127. The Human Rights Committee in its recommendations to Estonia in 2010 pointed to the need to ensure the rights of persons with mental disability in judicial proceedings. The Government pays serious attention to these recommendations. The Riigikogu is debating a draft Act initiated by the Government to amend the Code of Criminal Procedure and other relating Acts. The amendments also contain several changes to ensure better protection of fundamental rights. Inter alia, in drawing up the draft, recommendations of the Chancellor of Justice for the protection of rights of individuals within proceedings for the application of coercive psychiatric treatment have been taken into account.

128. Estonia is also preparing to accede to the Convention on the Rights of Persons with Disabilities.

129. Preparing people for coping in later life is one of the bases for social policy in Estonia¹⁶. Problems of elderly people are closely related to raising the standard of living

and guaranteeing human rights. Welfare of the elderly depends first and foremost on their social integration in which economic security plays the primary role.

130. Estonian policy on the elderly is based on the international principle “society for all”, which means that society consists of people of different ages who should have the opportunity to participate in the life of society regardless of their age. The policy on the elderly focuses on goals relating to the status and living conditions of the elderly people, the relevant strategy and types of action. One of its main goals is to create a flexible system of services to improve the coping ability of elderly people.

131. The aims of the Estonian policy on the elderly people are as follows:

- to integrate the policy on the elderly to other areas of social policy (employment, education, housing, etc), considering Estonia’s membership of the European Union and taking into account problems of coping and health among the elderly people, as well as psychological, cultural, religious and other important problems;
- to ensure the standard of living maintaining the dignity of the elderly people and an equal status as compared to other age groups in society;
- to consider age discrimination as an unethical practice, to promote political and social participation of the elderly people in society;
- to enhance the knowledge of ageing and of maintaining the health behaviour, physical, mental and social capacity which helps to extend the average life expectancy;
- to explain to the elderly people the importance of self-help, to promote inter-generational solidarity, mutual understanding and cooperation;
- to appreciate elderly people as bearers of traditions, cultural heritage and mental values, as well as assurers of the national identity;
- to create opportunities for independent coping of the elderly and for their emotional welfare; to explain extensively the need for constant self-education which ensures more informed participation in the life of society;
- to ensure a suitable living environment for the elderly people in need of immediate assistance and to contribute to their rehabilitation;
- to call on the media to cover problems of the elderly, their coping and participation in society.

J. The pension system, family allowances and labour market measures

132. Estonia has acceded to the European Social Charter and every year the Ministry of Social Affairs submits a report on fulfilling the obligations under the Charter. Social security covers different areas: pension, health insurance, unemployment insurance, funeral benefit, benefits to people with disabilities and support to victims of crime.

133. According to the Estonian pension system both state and the individual contribute to the pension¹⁷.

134. The purpose of family benefits in Estonia is to compensate partially the costs of raising a child, child care and education to families¹⁸. The state pays family benefits to all the children until 16 years of age. If a child is attending basic school, upper secondary school, or a vocational educational establishment based on basic education, they are entitled to receive family benefits up to the age of 19. Also, tax exemptions to families with children are granted.¹⁹

135. The purpose of the parental benefit introduced in 2003 is to help to reconcile work and family life. The parental benefit maintains for a parent their average wage for the previous calendar year, as due to taking care of the child the parent temporarily interrupts employment. All parents are entitled to a parental benefit. The right arises from the day following the last day of the maternity leave and it ends when 575 days have passed from the beginning of the maternity leave.

136. The subsistence benefit is the state's aid to persons in need and it is paid by the local government. A person living alone or a family whose monthly net income, after the deduction of the fixed expenses connected with dwelling, is below the subsistence level has the right to receive a subsistence benefit. The level of the subsistence benefit is established by the Riigikogu in the state budget for each budgetary year. The subsistence level is established based on minimum expenses made on consumption of foodstuffs, clothing, footwear and other goods and services which satisfy the primary needs. It has to be admitted that due to economic downturn the number of households in need of the subsistence benefit has almost doubled.

137. To alleviate poverty, local authorities also use social services and other types of social assistance depending on the situation. For example, emergency social assistance is provided to persons who find themselves in a socially helpless situation due to the loss or lack of means of subsistence. Emergency social assistance is provided to a person until they are no longer in a socially helpless situation due to the loss or lack of means of subsistence.

138. Under § 29 of the Constitution, everyone has the right to freely choose their area of activity, profession and place of work. The rate of the minimum wage is established by the Government in accordance with the agreement submitted by social partners.

139. All employees in Estonia are covered by unemployment insurance, which is a type of compulsory insurance to guarantee compensation to employees in case of unemployment, collective redundancy and insolvency of employers. Unemployment benefits are financed from the money received from unemployment insurance payments. The provision of labour market services and benefits²⁰ is regulated by the Labour Market Services and Benefits Act. The suitable labour market services for each client are selected in accordance with individual needs of each person. In addition to unemployed persons, local offices of the Unemployment Insurance Fund also provide assistance to persons intending to change jobs and to employers.

140. In December 2008, the new Employment Contracts Act was adopted which entered into force on 1 July 2009. The new Act proceeds from the principle of flexicurity and brings Estonian labour law in line with the private law principles and increases the transparency of the legal environment. Several Acts that had been in force so far were replaced by one integrated Act which enables employers and employees to understand more easily their rights and obligations. The new Act facilitates partnership relations between employees and employers and motivates the parties to reach agreements between themselves.

141. Since the end of 2008, the effects of the global economic crisis began to be felt on the Estonian labour market and were reflected in a rapid decrease of employment and an increase of the number of unemployed persons²¹. Considering the situation, in 2010 the state has mostly directed its resources to measures facilitating the creation of jobs and avoiding long-term unemployment. The preferred measures include wage subsidies, start-up subsidies and practical training, as well as measures supporting active attitude. In 2010, the conditions for wage subsidies were also made more flexible.

142. The Ministry of Social Affairs is reviewing the Labour Market Services and Benefits Act to make counselling and job mediation for unemployed persons more efficient and client-centred. According to the 2010 OECD report on the Estonian labour market and

social policy, during the crisis and in a situation of a budgetary crisis it is important to focus on effective and detailed counselling concerning job seeking and job mediation.

143. The Ministry of Economic Affairs and Communications is implementing measures to promote entrepreneurship and entrepreneurial initiative which help to prevent joblessness and at the same time alleviate existing unemployment.

144. Information about labour market measures and relevant legislative amendments is provided during information days organised in Estonian regions. Nationwide information campaigns have also been organised.

K. Education

145. Under § 37 of the Constitution, everyone has the right to education. Education is compulsory for school-age children to the extent specified by law, is free of charge in state and local government general education schools. In order to make education accessible, the state and local authorities must maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law. Parents have the final decision in the choice of education for their children.

146. The Constitution is supplemented primarily by the Education Act and other legislation establishing that a child must attend school if he or she will have attained 7 years of age by 1 October of the current year. Pupils must attend school until they have acquired basic education or attained 17 years of age. According to Statistics Estonia, the proportion of young people aged 18-24 who have interrupted their studies without having acquired basic education is approximately 15 per cent. As failure to comply with compulsory school attendance and dropping out of school is a problem, the new Basic Schools and Upper Secondary Schools Act which entered into force on 1 September 2010 pays more attention to school attendance and its enforcement on the level of parents, school and local government.

147. All children with disabilities and children in need of special assistance have the right to acquire education corresponding to their abilities. Therefore, the new Basic Schools and Upper Secondary Schools Act pays more attention to ensuring education suitable for children with special educational needs, for example through drawing up an individual curriculum and providing various support services.

148. Under the Constitution, everyone has the right to receive instruction in Estonian. However, the language of instruction in national minority educational institutions is chosen by the educational institution. Currently, it is possible to receive basic and secondary education in Estonian or Russian; approximately 19 per cent of pupils attend schools with Russian as the language of instruction; in addition, in private schools it is possible to study in Finnish and English. Vocational education can be acquired in Estonian and Russian. In several specialities, higher education is also available in Russian. The Government finances all the schools on an equal basis regardless of their language of instruction.

149. In the recent years, considerable attention has been given to the transfer of Russian-speaking schools to partial instruction in Estonian which started in 2007. As of the academic year 2011/2012, all the schools in Estonia must teach at least 60 per cent of the subjects in Estonian. The Government has determined five subjects – Estonian literature, civic education, music, Estonian history and geography – which must be taught in Estonian, the remaining subjects are determined by each school itself.

150. The Ministry of Education and Research provides financial support to all the Russian-speaking schools which teach more than just the compulsory subjects in Estonian.

Study materials to support teaching in Estonian have been prepared, all the schools have received support to purchase study materials for Estonian literature, civic education and music in Estonian. As various surveys and direct communication with the schools have indicated that preparedness of teachers in Russian-speaking schools to teach subjects in Estonian may be insufficient, in-service training courses for teachers are constantly organised²².

151. In January 2010, the Government approved the new basic and upper secondary school curricula. The national curricula contain different syllabuses for Estonian and Russian-speaking schools for the subject of language and literature. On the upper secondary school level, there are also different syllabuses for the subject of language and literature depending on the language of instruction, including the syllabus of Estonian as the second language. The Russian language is taught in Russian-speaking schools as a mother tongue and in literature classes more attention is paid to Russian literature. The new national curriculum also deals with cultural diversity, and the task of all teachers both in Estonian and Russian-speaking schools is to support the cultural identity of pupils and develop tolerance towards other cultures and ethnic groups.

IV. Achievements and shortcomings

152. In a relatively short period of time – in less than twenty years – Estonia has been able to create a well-functioning system of administration of justice following the principles of a democracy based on rule of law. There is no reason to doubt the independence and impartiality of the Estonian judges; rarely there is also reason to talk about the infringement of the right to a fair trial.

153. With the new Equal Treatment Act adopted in 2009, Estonia made an important step in the process of guaranteeing equal opportunities and preventing discrimination in the whole society. As the next step, full implementation of the Gender Equality Act and the Equal Treatment Act must be ensured.

154. The process of naturalisation in Estonia has been successful: from approximately 500,000 (492,000) aliens in 1992 the number has now dropped to less than 100 000. In particular measures aimed at the parents of children with undetermined citizenship have been extremely successful. However, the Government continues efforts to increase motivation among citizenship applicants by offering free language courses, organising information work and continuing the individual approach to citizenship applicants.

155. Within the first Development Plan for Combating Trafficking in Human Beings 2006–2009, a functioning domestic cooperation network on human trafficking was created, the primary capacity for assisting victims was developed and international cooperation was started. The challenge is the reduction of crimes relating to human trafficking. The Development Plan for the Reduction of Violence launched in 2010 also focuses on this.

156. As an important achievement, we would also like to note the adoption and implementation of the Strategy for Guaranteeing the Rights of Children 2004–2008. Further challenges include paying greater attention to prevention instead of dealing with the consequences. The Chancellor of Justice and several NGOs have pointed to the need to create the institution of children's ombudsman.

157. Among the measures taken to overcome the economic crisis, wage subsidies have been effective in Estonia, having helped to ensure employment for more than 4000 persons. Another positive sign is the fact that the growth of unemployment slowed down in 2010. However, possibilities for financing active labour market measures have to be found.

V. Obligations

158. The Estonian Government confirms its dedication to the full protection of human rights on the local as well as international level.

159. Estonia is a candidate to become a member of the Human Rights Council in order to improve the distribution of information about human rights and their protection. In international organisations as well as in our bilateral relations we continue to pay particular attention to the rights of women and children.

160. Estonia will step up its efforts in the area of equal treatment and gender equality, especially with regard to the rights of women, in integrating national minorities to Estonian society and in improving the guarantees in the administration of justice.

161. The government continues dealing with the shortcomings pointed out in this report. The state's strategies and action plans described in this report will continue to be implemented and developed further.

162. Estonia will also continue to submit regular reports on implementing the human rights instruments, and will disseminate information on special human rights procedures and cooperate with them.

Notes

¹ Under § 3 of the Estonian Constitution, generally recognised principles and rules of international law are an inseparable part of the Estonian legal system. Ratified international treaties become directly applicable in Estonia. Under the Constitution, in case of a conflict between Estonian laws and international treaties ratified by the Riigikogu, the provisions of the international treaty apply. Estonia shall not enter into international treaties which are in conflict with the Constitution.

² Estonia is also considering recognising the competence of the Committee on the Elimination of Discrimination against Women.

³ Office of the UN High Commissioner for Human Rights, the UN Children's Fund, the UN Development Programme, the UN Population Fund, the UN Development Fund for Women, and the UN Girls' Education Initiative.

⁴ Judges are appointed for life; judges may be removed from office only by a court judgment; criminal charges against a judge of a court of the first instance and a court of appeal may be brought during their term of office only on the proposal of the Supreme Court *en banc* with the consent of the President of the Republic; criminal charges against a justice of the Supreme Court may be brought during their term of office only on the proposal of the Chancellor of Justice with the consent of the majority of the members of the Riigikogu.

⁵ The Chancellor's independence is guaranteed through the establishment of the institution under the Constitution and through the Chancellor of Justice Act, the grounds and procedures for appointing the Chancellor to office and for release from office, limitations on the Chancellor's activity (e.g. the prohibition to belong to a political party, engage in business etc), requirements for the officials working in the Chancellor's Office (e.g. prohibition to belong to a political party), and the budget (decided by the parliament).

⁶ The Commissioner is an institution which is separate from the Chancellor of Justice. Nevertheless, the law requires both to cooperate with other persons and institutions in order to promote equality and equal treatment. The main difference between the procedures carried out by the two institutions lies in the obligatory nature of the outcome. The Chancellor's conciliation proceedings are voluntary and both parties to the dispute must agree to initiating the proceedings. If the parties agree, the Chancellor forms an opinion whether discrimination has taken place or not. If the parties consent with the Chancellor's opinion and enter into a relevant agreement, performance of the agreement becomes binding on them. The Commissioner, however, may express an opinion on possible discrimination only upon a request by one of the parties, but the opinion is not legally binding on the other party.

⁷ In 2009, the Estonian Union for Child Welfare and the Estonian Institute of Human Rights drew up

study materials on human rights.

- ⁸ 1) to execute a conviction or detention ordered by a court;
 - 2) in the case of non-compliance with a direction of the court or to ensure the fulfilment of a duty provided by law;
 - 3) to combat a criminal or administrative offence, to bring a person who is reasonably suspected of such an offence before a competent state authority, or to prevent his or her escape;
 - 4) to place a minor under disciplinary supervision or to bring him or her before a competent state authority to determine whether to impose such supervision;
 - 5) to detain a person suffering from an infectious disease, a person of unsound mind, an alcoholic or a drug addict, if the person is dangerous to himself or herself or to others;
 - 6) to prevent illegal settlement in Estonia and to expel a person from Estonia or to extradite a person to a foreign state.
- ⁹ For better implementation of the Gender Equality Act, two publications have been issued. For the wider public, the Gender Equality Act is explained in a clear and simple short overview published in Estonian and Russian. A commented edition of the Gender Equality Act is meant for lawyers, judges and other legal experts. Comments are also intended to assist ministries and local authorities in implementing the gender mainstreaming strategy and employers in meeting the obligations imposed by the Act. In the next period of the programme “Promoting gender equality”, training seminars on these issues are also planned. At the end of 2010, a longer collection of analytical articles on the subject in Estonian and Russian will be issued.
- ¹⁰ In 2008, there were a total of 162 child protection workers in 227 local authorities. In accordance with the concept of child protection, Estonia wishes to bring child protection up to the level where there is one child protection worker per 1,000 children.
- ¹¹ During the four years of existence of the development plan, approximately seven million kroons have been spent on financing earmarked activities instead of the initially planned approximately five million. Initially, money for several large initiatives, for example for launching the hotline and shelters for victims of human trafficking and provision of rehabilitations services, was received from the European Commission and through international projects of Nordic countries, but by now the funding obligations are covered from the state budget and this is an important achievement.
- ¹² In 2009, 116 criminal offences either directly or indirectly related to human trafficking were registered in Estonia. Under the human trafficking provisions, 22 persons were convicted and two were acquitted.
- ¹³ After the end of the first programme Integration in Estonian Society 2000–2007, in 2008 the Government adopted the Estonian Integration Strategy 2008–2013. The strategy is supported by the implementing plan, the performance of which is discussed annually by the Government.
- ¹⁴ In autumn 2009 a programme funded from the European Fund for the Integration of Third-Country Nationals was launched. This enables to offer Estonian language courses for all persons with undetermined citizenship or citizens of third countries, regardless of whether they subsequently sit the citizenship examination or not.
- ¹⁵ 2001/55/EC, 2003/9/EC, 2003/86/EC, 2004/83/EC, 2005/85/EC.
- ¹⁶ In Estonia, elderly people make up about 15.9% of the population and according to the UN Population Prospects, by 2030, the elderly population in Estonia may constitute even one fourth. This imposes additional requirements on the health care and social welfare system.
- ¹⁷ Pillar I: The state pension means a pension based on the principle of solidarity through which the current taxpayers pay pension to the current pensioners. State pension insurance ensures people’s income in the case of old age, incapacity for work or loss of a provider. There are two kinds of state pensions in Estonia: pensions depending on a person’s work contribution (old-age pension, incapacity for work pension, and survivor’s pension) and a national pension, i.e. the minimum pension. The minimum pension rate in 2010 is 2009 kroons.
Pillar II: The mandatory funded pension is based on pre-financing, i.e. an employed person himself or herself collects their pension by paying 2% of their wages to the pension fund. The state adds to this 4% on account of the 33% social insurance tax paid on the person’s wages. Although during the period of economic crisis, in 2009 and 2010 the Government suspended the payment of its share of contributions, the state’s payments will continue to the full extent in 2012 and, in case of persons who had continued to make their own payments during the suspension period, the state’s contribution will increase.

Pillar III: Supplementary funded pension is a voluntary private pension which allows for additional savings to maintain the habitual standard of life also in the old age.

- ¹⁸ The types of family benefits are as follows: childbirth allowance, child allowance, child care allowance, single parent's child allowance, conscript's child allowance, allowance of a child under guardianship or foster care, start in independent life allowance, adoption allowance, and parent's allowance of a family with seven or more children.
- ¹⁹ First, Estonian inhabitants can deduct from their annual income the education costs (including interest paid on student loan) of children under 26 years old or foster children. Secondly, one of the parents (or the person maintaining the child) can also deduct from 2009 additional non-taxable income as of the second child in the family under 17 years old.
- ²⁰ Labour market benefits include the unemployment allowance, grants paid to unemployed persons who participate in labour market training, work practice or coaching for working life; and transport and accommodation benefit.
- ²¹ Among the hardest hit were sectors employing mostly men (construction, processing industry) and consequently the drop in employment of men was particularly sharp. In 2009, the number of new recipients of unemployment insurance benefits (54,970) increased more than three-fold as compared to 2008.
- ²² As the transfer has only lasted for a few years, it is currently not possible to say with full certainty how it has affected the quality of education provided in Russian-speaking schools. However, the results of school leaving examinations of pupils of Russian-speaking schools have been above average and, according to employers, young people with a knowledge of several languages also have better opportunities on the labour market as compared to those who only know Estonian.
-