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**Statement by Mr. Sander Soone, Political Director of the Ministry of Foreign Affairs of Estonia, at the Consideration of the UPR outcomes for Estonia at the 17th Session of the Human Rights Council
Geneva, June 9, 2011**

Mr President

Excellencies

Dear colleagues and representatives of civil society

Ladies and gentlemen

I am honoured to present Estonia's statement for consideration of the outcome of the first Universal Periodic Review of Estonia.

I would first like to take this opportunity to extend our appreciation to the UPR Working Group for organising and facilitating the presentation of Estonia's UPR country report on the 2nd of February this year. I would like to thank the President of the Council, the Secretariat, the member states participating and the Troika – Zambia, Belgium and Ecuador, the representatives of civil society and other national stake holders for your hard work.

We highly value the contributions of the countries that took the floor and thus made possible the actual constructive interactive dialogue. We also found the written questions submitted by nine states prior the UPR helpful for our preparation. Hopefully the written answers provided by us to all these questions enhanced the substantive discussions that followed. Through the UPR dialogue we were able to find assurance that several steps taken by Estonia to further the promotion and protection of human rights have resonated positively in other countries as well. On the other hand, we appreciate the peer review for indicating areas where improvement needs to take place.

Since the review in February we have disseminated the Report of the Working Group on the Universal Periodic Review to our ministries, civil society organisations and other national stakeholders. Relevant actors have been consulted as to the implementation of the recommendations that were made - especially those recommendations that were not conclusively endorsed by Estonia immediately following the interactive dialogue.

Mr President,

Altogether Estonia received 124 recommendations made by representatives of the 37 states that took the floor during the interactive dialogue, some of which had submitted written questions beforehand. We promptly supported 88 of these recommendations, of which another 8 had already been implemented and one was in the process of being implemented. We rejected 20 recommendations and 16 were left for further consideration after the initial dialogue.

I would first like to express our positions regarding the recommendations that had been left open for consideration after the initial interactive dialogue. Second, I will address various issues that were referred to during the initial reporting session. And third, I will provide updates on the relevant activities that Estonia has pursued since the UPR report was submitted and discussed in February.

I will provide Estonia's positions on the 16 recommendations that were examined. All the recommendations received due consideration and many of the recommendations are already in the process of being implemented.

Thus, in addition Estonia has accepted another 6 recommendations and is committed to their implementation.

We have accepted the recommendation for the signing and ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (CED), and are pleased to inform that the preparations for accession are underway.

We accept the recommendation for ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW), and are able to announce that the analysis of the domestic legislation has started with a view to the ratification of the mentioned Optional Protocol.

We accept the recommendation to expedite action to establish the Gender Equality Council. This issue will be put on the national agenda this year.

We accept recommendations made to increase the resources allocated to the Commissioner for Gender Equality and Equal Treatment. We can state that efforts have been made to find additional funding for the Commissioner up to the year 2015. However, the actual allocation of resources depends on ongoing budget negotiations and approval.

We accept the recommendation to pay special attention to acts of violence against homosexuals. We give attention to and condemn all forms of violence, and have in place the respective legislative and policy instruments. Estonia is committed to taking measures to enhance the level of public awareness and protection of the rights of lesbian, gay, bisexual and transgender persons. Awareness-raising activities with regard to

tolerance towards the LGBT community are carried out in co-operation with the Human Rights Centre campaign Diversity Enriches.

And last but not least, we accept the recommendation to speed up the process to adopt the Development Plan for Children and Families 2011-2020. Estonia would like to inform you that the adoption of the Development Plan has been included in the work of the Ministry of Social Affairs.

With regard to the remaining 10 recommendations under consideration, let me comment some of them. Our position concerning all recommendations is stated in the written response.

Estonia at this stage cannot give a definite answer to the recommendation to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).

Estonia notes that it is committed to ratifying the Convention of the Rights of Persons with Disabilities (CRPD) this year. However, at this stage, no definitive answer can be given regarding the recommendation to sign and ratify the Optional Protocol to the Convention of the Rights of Persons with Disabilities (OP-CRPD).

We regret that, at the current stage, it is not possible for us to give a definitive response to the recommendation to recognise the competence of the Committee against Torture (CAT). The analysis regarding this is still underway in Estonia. Estonia will report to the Committee on the implementation of the Convention Against Torture later this year.

We also regret that, at this point, we are not able to give a definitive answer regarding recommendations to obtain accreditation for a national human rights institution (NHRI) that complies with the Paris Principles from the International Coordinating Committee. We are of the opinion that although no institution in Estonia is currently accredited or in the process of accreditation as an NHRI, the institution of the Chancellor of Justice already fulfils this role, being in compliance with the Paris Principles. The Chancellor of Justice also acts in the role of the national preventive mechanism provided for in the OP-CAT since 2007 and as the children's ombudsman since 2011.

We, at this moment, cannot give a definitive answer to the recommendation to develop policy instruments based on the Yogyakarta Principles to combat discrimination against sexual minorities. However, we note that this recommendation has been taken into the work schedule, and we will be able to confirm definitive actions regarding the development of relevant policies at a later stage.

We cannot fully accept the recommendation to adopt a National Action Plan as well as a specific law to combat the sale of children, child prostitution, and child pornography. We are of the opinion that it is not strictly necessary to adopt a specific law, as the current Penal Code already includes all the mentioned acts as punishable pursuant to criminal procedure: namely provisions on the sale or purchase of children, child stealing, disposing minors to engage in prostitution, aiding prostitution involving minors, use of minors in the manufacture of pornographic works and manufacture of works involving child pornography, or making child pornography available. Furthermore, offences against the sexual self-determination of children are criminalised in Estonia. Also, Estonia

already possesses national instruments for dealing with crimes against children. The fight against crimes against children is a priority issue in the national Guidelines for Development of Criminal Policy until 2018. This is a framework document approved by a decision of the Parliament. It includes long-term goals that the ministries and other authorities have to follow in their decision-making. Additionally, in April 2010 the Estonian government approved the Development Plan for Reducing Violence for the years 2010-2014. One of the aims of this plan is the reduction and prevention of violent crimes committed against children, including sexual crimes. This development plan holds a holistic approach to fighting various forms of violence; it also includes objectives to fight and prevent human trafficking and domestic violence.

Ladies and Gentlemen,

Concerning the 88 recommendations formulated during the interactive dialogue that Estonia already endorsed during the review in February, we would like to reiterate our commitment to ratify the Convention of the Rights of Persons with Disabilities (CRPD) this year already, and in the near future also the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC).

I would further like to emphasise Estonia's continuous plight to fight various forms of violence. Among these, the **fight against human trafficking** has been one of the priority areas. We have in place a national coordinator in the field of action against human trafficking. The national network against human trafficking convenes several times per year. The network involves a wide range of representatives from ministries, civil

society actors, and international organisations. Estonia also participates in the European Union network against human trafficking and the Council of Baltic Sea States Task Force Against Trafficking in Human Beings. Estonia has participated in several joint investigation teams processing cross-border cases of human trafficking. In 2010, Estonia focused on the identification and mapping of the scope of human trafficking connected with labour exploitation. Recently we have elaborated a new form for collecting data on human trafficking victims in order to receive more reliable data and thus provide better protection to victims and prevent future trafficking. Moreover, I am pleased to inform that the amendment to the Penal Code to introduce a separate provision on trafficking in human beings is underway and is expected to be adopted this year.

Within the framework of the Development Plan for Reducing of Violence, Estonia has recently also placed emphasis on the issue of **internet safety for children**. Since the beginning of this year, there is a web-based hotline where persons can notify about illegal material, for example the inappropriate depiction of children, and also report inappropriate content which is accessible to children. Within the first few months since its inception, 80 notifications have been made. Information on internet safety is accessible via telephone hotline and also on-line. The mentioned activities are part of the campaign "Wisely in Internet" which is run by the Estonian Union for Child Welfare. Regarding various forms of violence against children, school bullying remains an issue that will be under close attention.

Further, Estonia continues to hold consultations with a view to seeking accreditation to the national human rights institution (**NHRI**) responsible

for the promotion and protection of human rights in accordance with the Paris Principles, as suggested in several recommendations.

We would like to note that concerning recommendations regarding the protection of children rights, we were able to indicate progress in this field already in the UPR dialogue phase. By now the functions of the **children's ombudsman** have been integrated with the existing institution of the Chancellor of Justice, who also operates as an ombudsperson. Although the Chancellor of Justice was already dealing with children's rights earlier, in order to provide more visible and enhanced protection to the rights of children, in February this year the Parliament approved amendments to the Chancellor of Justice Act to foresee the task of the Chancellor of Justice to act as the children's ombudsman in compliance with article 4 of the UN Convention on the Rights of the Child (CRC). The Chancellor of Justice is competent to investigate cases of infringement of the rights of the child and to make the relevant inquiries; to prepare and disseminate opinions, recommendations and reports on all issues relating to the promotion and protection of the rights of children; to promote the harmonisation of the national legislation, regulation and practice with the CRC; and to fulfil various other functions relating to the rights of the child.

Ladies and gentlemen,

Estonia would further like to express its commitment to take measures to enhance the level of public awareness and protection of the rights of lesbian, gay, bisexual and transgender (**LGBT**) people. Throughout this week cultural events are taking place in Tallinn under the umbrella of the festival "Broadening of one's own world". The Estonian, Latvian and

Lithuanian LGBT NGOs organised this festival in cooperation with the Baltic LGBT organisation "Baltic Pride". The festival is also supported by the "Richness in Diversity" project, which is financed by the European Union, the Human Rights Centre at Tallinn University of Technology, and the Ministry of Social Affairs.

With regard to one of the recommendations to ensure that "the right of the conscientious **objection to military service** is upheld, and clarify the grounds for acceptance or rejection of such claims", we would like to note that the right to object to military service for religious or moral grounds is provided in the Constitution and the Defence Forces Service Act. The procedure for objection to military service is conducted by the Defence Resources Agency and is carried out according to the principles of administrative procedure. The right of discretion of the Agency is complemented by the obligation to deliberation of reasoned and justified interest, taking into account material circumstances etc. Moreover, the person concerned has the right to submit an appeal to the administrative court or a challenge to the Defence Forces Service commission.

With regard to the equal access to employment for men and women and all minorities, it may be noted that **equal access to all employment opportunities** is guaranteed for both men and women. We are also able to cite that the employment rate of women in the 4th quarter of 2010 was 61% with the overall rate being 63.3%. This is a considerably high level. As to the recommendation concerning labour market and education sector discrimination based on ethnicity, we assure that restrictions on the labour market are not determined by nationality but by language proficiency when it is required in the public interest. Language training is foreseen and promoted to remove this labour market access restriction.

Knowledge of many different languages, especially Russian, is a clear advantage in today's labour market in Estonia.

Estonia's policies on **national minority, integration and citizenship** issues were comprehensively explained in our report. We would like to take this opportunity to state that Estonia considers national minority integration an issue of national importance.

People with undetermined citizenship residing in Estonia are eligible to apply for Estonian citizenship (and in many cases Russian citizenship) but, for various reasons, have decided not to do so.

We would like to stress that undetermined citizens are granted basically the same rights as citizens of Estonia, with the exception of the possibility to actively or passively vote in Parliamentary elections. No one is denied of the possibility to apply for Estonian citizenship.

With this in mind, Estonia continues to apply several measures to promote naturalisation and thereby reduce the number of undetermined citizens - Estonia conducts wide-spread counselling for parents about the possibility of applying for Estonian citizenship for their child who has been born with undetermined citizenship. Estonia continues to compensate for language training for persons applying for citizenship, etc.

The general aim of integration is to facilitate the existence of a culturally diverse society where all individuals are able to realise themselves and feel secure by participating in the economic, social, political, and cultural life of the society. To this aim, Estonia has since the year 2000 adopted

and implemented integration programmes. Various activities are supported under the National Minorities Cultural Autonomy Act – teaching in one's mother tongue, organising of cultural events, creating grants to promote culture and education of national minorities. Several representative bodies have been established for consultation with national minorities; most recently the national minorities' roundtable was established under the Estonian Cooperation Assembly.

Before closing my statement, I would like to emphasize - as we did in February, that the promotion and protection of human rights is Estonia's national priority. Estonia supports the human rights institutions of the United Nations and the integration of human rights into all UN activities. Estonia believes that the UN Human Rights Council represents the goal of UN member states to advance and develop universal human rights issues, whereas the UPR process is clearly its corner stone.

The same way, as Estonia cooperates with and supports the bodies and mechanisms of the Human Rights Council, we continue to support the functioning of the Office of the high Commissioner for Human Rights (OHCHR) and have issued a standing invitation to all UN special procedures. Estonia will work to enhance the dialogue with the Special Procedures to discuss and disseminate their work.

Estonia advocates the promotion of an open dialogue with civil society, contributing to the advancement of human rights, based on our experience of working in cooperation with the civil society on policy formulation and implementation.

As a part of these efforts, Estonia is presenting its candidature to the United Nations Human Rights Council for the period 2012 – 2015 in order to more actively contribute to the Council's work for the promotion of human rights.

By submitting its candidature, Estonia confirms its determination to enhance its commitments to the promotion and protection of human rights and its determination to contribute to the work towards this goal at the international level, through an effective and credible Human Rights Council. Estonia pledges to work with all Council members in an open, constructive, and cross-regional manner to achieve these goals.

Estonia will also present at a later stage, in accordance with resolution 60/251 of the General Assembly, its voluntary commitments and pledges setting out its commitment to uphold and advance internationally the highest standards of human rights and contribute to the effective promotion and protection of human rights at the UN level.

Thank you for your attention. We are now looking forward to the comments of other countries and civil society organisations.

Thank you