

Estonia

Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate the index is described at the end of this document.

Geneva, 9 April 2013



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/Estonia>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

3 stakeholders' reports were submitted for the UPR. 4 NGOs were contacted. 1 UN agency was contacted. The Permanent Mission to the UN was contacted. A National Human Rights Institution (NHRI) does not exist.

2 NGOs responded to our enquiry. 1 UN agency responded. The State under Review also responded to our enquiry.

The following stakeholders took part in the report:

1. **State** of Estonia
2. **UN Agency:** (1) United Nations High Commissioner for Refugees (UNHCR)
3. **NGOs:** (1) Estonian Patient Advocacy Association (EPAA) (2) Global Initiative to End All Corporal Punishment of Children (GIEACPC)

IRI: 25 recommendations are not implemented, 24 recommendations are partially implemented, and 58 recommendations are fully implemented. No answer was received for 23 out of 130 recommendations and voluntary pledges (a full list of unanswered recommendations is available at the end of this document).



2. Index

Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
7	Algeria	Disabilities,International instruments	fully impl.	page 22
40	Algeria	Racial discrimination	fully impl.	page 11
97	Algeria	NHRI	not impl.	page 58
10	Argentina	Disabilities,Enforced disappearances,International instruments,Rights of the Child	partially impl.	page 23
41	Argentina	Racial discrimination	fully impl.	page 11
59	Argentina	Women's rights	fully impl.	page 54
93	Argentina	International instruments,Women's rights	not impl.	page 31
30	Australia	Women's rights	fully impl.	page 48
55	Australia	Detention conditions	partially impl.	page 38
57	Austria	Detention conditions	partially impl.	page 39
86	Austria	Minorities,Racial discrimination	fully impl.	page 19
39	Azerbaijan	Human rights education and training,Women's rights	fully impl.	page 48
72	Azerbaijan	Trafficking	fully impl.	page 33
102	Azerbaijan	Rights of the Child	fully impl.	page 57
45	Belgium	Sexual Orientation and Gender Identity	partially impl.	page 41
104	Belgium	Sexual Orientation and Gender Identity	fully impl.	page 42
19	Bosnia & Herzegovina	NHRI,Treaty bodies	fully impl.	page 58
35	Bosnia & Herzegovina	Women's rights	fully impl.	page 48
111	Bosnia & Herzegovina	International instruments	not impl.	page 32
8	Brazil	Disabilities,International instruments,Rights of the Child	fully impl.	page 23
42	Brazil	Minorities,Racial discrimination,Rights of the Child,Treaty bodies	fully impl.	page 28
61	Brazil	Women's rights	fully impl.	page 54
90	Brazil	International instruments,Women's rights	fully impl.	page 31
3	Canada	Disabilities,International instruments	partially impl.	page 22
13	Canada	Disabilities	not impl.	page 11
63	Canada	Human rights education and training,Rights of the Child,Women's rights	partially impl.	page 54
65	Canada	Trafficking	fully impl.	page 33
5	Chile	Disabilities,International instruments	fully impl.	page 22
29	Chile	Minorities,Treaty bodies,Women's rights	partially impl.	page 24
37	Chile	Women's rights	fully impl.	page 45
79	China	Right to education	fully impl.	page 10
20	Czech Republic	NHRI	partially impl.	page 58
50	Czech Republic	International instruments,Torture and other CID treatment	fully impl.	page 32
54	Czech Republic	Detention conditions	partially impl.	page 37
74	Czech Republic	Human rights violations by state agents	partially impl.	page 41
49	Denmark	Minorities,Right to education,Rights of the Child	partially impl.	page 15



rec. n°	Rec. State	Issue	IRI	page
98	Denmark	NHRI	not impl.	page 58
6	Ecuador	Disabilities,International instruments,Rights of the Child	fully impl.	page 23
11	Ecuador	Enforced disappearances,International instruments	not impl.	page 24
17	Ecuador	NHRI	not impl.	page 57
36	Ecuador	Women's rights	partially impl.	page 52
48	Ecuador	Rights of the Child	partially impl.	page 53
75	Ecuador	Human rights violations by state agents	partially impl.	page 41
85	Ecuador	Other	not impl.	page 18
94	Ecuador	ESC rights - general,International instruments	not impl.	page 31
95	Ecuador	International instruments,Women's rights	not impl.	page 31
24	Finland	NHRI,Rights of the Child	fully impl.	page 43
58	Finland	Rights of the Child,Torture and other CID treatment	not impl.	page 53
87	Finland	Minorities,Right to education,Rights of the Child	fully impl.	page 20
103	Finland	Minorities,Sexual Orientation and Gender Identity	partially impl.	page 42
4	France	Disabilities,International instruments	fully impl.	page 22
89	France	Enforced disappearances,International instruments	not impl.	page 24
96	France	International instruments,Torture and other CID treatment,Treaty bodies	not impl.	page 31
14	Germany	Trafficking	fully impl.	page 33
16	Ghana	NHRI	fully impl.	page 57
100	Ghana	Women's rights	fully impl.	page 55
51	Hungary	International instruments,Torture and other CID treatment	not impl.	page 30
68	Hungary	Trafficking	fully impl.	page 39
69	Hungary	Trafficking	fully impl.	page 33
12	Iran	Torture and other CID treatment	not impl.	page 32
60	Iran	Rights of the Child,Women's rights	not impl.	page 54
66	Iran	Trafficking	partially impl.	page 33
76	Iran	Human rights violations by state agents	fully impl.	page 41
105	Iran	National plan of action,Rights of the Child	partially impl.	page 62
81	Latvia	Right to education	fully impl.	page 10
83	Latvia	Other	fully impl.	page 17
27	Lithuania	Rights of the Child	fully impl.	page 44
34	Lithuania	Women's rights	fully impl.	page 48
22	Malaysia	International instruments	not impl.	page 58
32	Malaysia	Other	fully impl.	page 62
62	Malaysia	Women's rights	not impl.	page 54
64	Moldova	Trafficking	fully impl.	page 39
78	Moldova	Women's rights	fully impl.	page 55
80	Moldova	Human rights education and training	not impl.	page 10
21	Morocco	NHRI	partially impl.	page 58
33	Morocco	Women's rights	fully impl.	page 48
31	Netherlands	Women's rights	fully impl.	page 51
46	Netherlands	Human rights education and training,Sexual Orientation and Gender Identity	fully impl.	page 42
82	Netherlands	Civil society,Minorities	fully impl.	page 16



rec. n°	Rec. State	Issue	IRI	page
71	Norway	Trafficking	fully impl.	page 40
101	Norway	Women's rights	fully impl.	page 56
70	Poland	Trafficking	fully impl.	page 33
99	Poland	NHRI	not impl.	page 59
43	Russian Federation	Racial discrimination	fully impl.	page 14
44	Russian Federation	International instruments,Racial discrimination	fully impl.	page 30
124	Russian Federation	Migrants	not impl.	page 21
77	Slovakia	Freedom of religion and belief	partially impl.	page 7
84	Slovakia	Minorities	fully impl.	page 18
88	Slovakia	Asylum-seekers - refugees	partially impl.	page 21
1	Slovenia	Disabilities,International instruments	fully impl.	page 21
56	Slovenia	Detention conditions,Disabilities	partially impl.	page 38
73	Slovenia	Disabilities	partially impl.	page 40
9	Spain	Disabilities,International instruments,Rights of the Child	fully impl.	page 23
23	Spain	NHRI	not impl.	page 58
25	Spain	Women's rights	fully impl.	page 43
47	Spain	Human rights education and training,Sexual Orientation and Gender Identity	fully impl.	page 42
91	Spain	Enforced disappearances,International instruments,Women's rights	not impl.	page 31
92	Spain	Disabilities,ESC rights - general,International instruments	partially impl.	page 31
26	Sweden	General	partially impl.	page 59
52	Sweden	Detention conditions	fully impl.	page 34
15	Thailand	NHRI	not impl.	page 57
28	Thailand	Women's rights	fully impl.	page 44
38	Thailand	Minorities,Women's rights	fully impl.	page 7
2	United Kingdom	Disabilities,International instruments	fully impl.	page 21
18	United Kingdom	NHRI	not impl.	page 57
53	United States	Detention conditions	fully impl.	page 36
67	United States	Trafficking	fully impl.	page 33

3. Feedback on recommendations

CP Rights

Recommendation n°77: *Ensure that the right of conscientious objection to military service is upheld, and clarify the grounds for acceptance or rejection of such claims* (Recommended by *Slovakia*)

IRI: *partially implemented*

State of Estonia response:

The right of conscientious objection to military service is regulated by the Estonian constitution and the Military Service Act. A person who refuses to serve in the Defence Forces for religious or moral reasons has a duty to perform alternative service pursuant to the procedure prescribed by the Military Service Act. Duration of the alternative service may be from 8 to 12 months and its nature is civilian. According to the Military Services Act the alternative service cannot be activities that require carrying a gun.

ESC Rights

Recommendation n°38: *Promote equal employment opportunities for women and all of its national minorities* (Recommended by *Thailand*)

IRI: *fully implemented*

State of Estonia response:

Although Estonia is not a very popular destination country as regards employment mobility, Estonia is introducing adaptation trainings, support networks and integration programmes for new migrants in order to promote their equal employment opportunities.

On matters of gender equality:

A project “Mainstreaming gender perspective into state budget” was carried out from October 2010 to April 2012 within the framework of the EU PROGRESS Programme (2007-2013) in co-operation of the Ministry of Social Affairs and the Gender Equality and Equal Treatment Commissioner to train employees of ministries and government agencies in gender budgeting and to compile a gender budgeting manual for the public sector. The aim of the project was to provide government officials involved in the process of preparation and execution of the state budget with knowledge and skills on how to integrate the aspect of gender equality and to provide them with a broader knowledge on European and national policy on gender equality.

With the co-financing of European Social Fund, Ministry of Social Affairs launched in 2013 an awareness-raising campaign called “Stereotype” in order to draw attention to



and encourage youngsters to be aware of and give up gender stereotypes in everyday life situations. The campaign consisted of several activities, among them career days for boys and girls, which were aimed at youngsters aged 15-19 with a view to help them make gender stereotype free educational and career choices. During the events boys were introduced to typically “female professions”, e.g. nurse and girls to typically “male professions”, e.g. ground engineer. In television and internet 7 video clips with women and men in different gender-discriminative situations were shown [[available online](#)]. The campaign got a very positive feedback and the humorous video clips that challenge viewer to create a change have been acknowledged internationally as good practices.

Measures are being implemented also in the framework of a pre-defined project of the Gender Equality and Equal Treatment Commissioner under programme for promoting gender equality and reconciliation of work and family life co-financed from the Norwegian Financial Mechanism 2009-2014. The project is being carried out in 2013-2015 and is targeted at increasing the effectiveness of legal protection against discrimination by raising rights awareness and helping victims of discrimination directly through strategic litigation as well as increasing the capacity of officials assisting discrimination victims. The project also supports implementation of gender mainstreaming obligations under the Gender Equality Act.

In August 2012 the Estonian legislation was changed so that spouses, engaged in the activities of the business of the self-employed worker, have a voluntary possibility for the same social protection as the self-employed workers. In order for this social protection to be provided, the self-employed worker has to register his or her spouse as a spouse engaged in the activities of the business of the self-employed worker in the register of taxable persons and pay social tax for the registered spouse. The social protection thereby provided includes e.g. state pension insurance and health insurance, which in turn includes benefit for temporary incapacity for work (sickness benefit, maternity benefit, adoption benefit and care benefit).

According to changes made to the Insurance Activities Act that came into force in May 2013, while the differences between the insurance premiums and insurance indemnities of women and men cannot be caused by the use of sex of a person as a factor in the assessment of the insured risks, an insurance undertaking is permitted in the assessment of insured risks in sickness insurance to take into account the risks, which are characteristic only to men or only to women, and to differentiate, if necessary, to the extent of the specified risks the insurance premiums and insurance indemnities of women and men. Neither pregnancy nor maternity can affect the size of the insurance premiums and insurance indemnities.

In October 2013 the Estonian Government established Gender Equality Council, set forth in the Gender Equality Act and functioning as an advisory body to the Government. Its main responsibilities are advising the Government in matters related to strategies for the promotion of gender equality, approving general objectives of gender equality policy and presenting opinions to the Government concerning the compliance of national programmes with the obligation of gender mainstreaming. The Council met in November to discuss topics to concentrate on in the coming years,



among which e.g. gender pay gap, gender balance in decision making, gender stereotypes in media, educational and court system and violence against women were mentioned.

Development plan “Integrating Estonia 2020” addresses issues of cultural diversity of different nationalities in Estonia; the need to preserve this diversity. It is based on principles laid out in the Constitution. The measures in development plan will facilitate the integration of national minorities and the society to be more inclusive. The measures work to make all residents of Estonia to feel safely in Estonian society; to learn and to use Estonian language. The measures further facilitate national minorities to upkeep their native languages and cultures and grow knowledge of other national minorities. The development plan further aims to create platforms to help concentrate vital and useful information in different languages. This measure is also addressed to recent arrivals in Estonia – students, spouses, employees.

The Ministry of Social Affairs continues working on the further implementation of Gender Equality Act also by developing the regulation for employers that will set the procedure of collection and a list of data that has to be collected in such a form as to enable presenting and analysing this data by sex. Collecting the data provides the employer with knowledge of gender dynamics in the company and gives a necessary overview of the situation in case there is a doubt of discrimination.

In December 2011 the Government of the Republic adopted new „Rules for Good Legislative Drafting and Technical Rules for Drafts of Legislative Acts“ which foresees an obligation of impact analysis of draft legislation. According to these rules also a social impact has to be analysed which should include an analysis of an impact of the planned regulation on gender relations. An accompanying methodology of impact assessment was adopted in December 2012 and is applied also in case of preparing strategic documents.

In September 2011, Estonian Parliament adopted a decision with a proposal to the Government to prepare an action plan to reduce gender pay gap in Estonia. The action plan was prepared by the Ministry of Social Affairs and the plan and the topic of gender pay gap was discussed at the cabinet meeting of the Government in July 2012. The action plan was approved and in autumn 2012 introduced to the Parliament. The approved action plan is based on the assumption pointed out also in the gender pay gap study of 2010 that there is not one specific reason behind the gender pay gap in Estonia but its causes are diverse. The activities are mostly implemented with the financial support from the Estonian European Social Fund programme “Promoting Gender Equality 2011-2013” and the gender equality and work-life balance programme financed from the Norwegian Financial Mechanism 2009-2014, executed in 2013-2015.

The Ministry of Social Affairs is currently implementing the Estonian European Social Fund programme “Promoting Gender Equality 2011-2013”.

Several studies and analysis (on topics such as gender-based and sexual harassment at workplace, flexibility in measures aimed at supporting reconciling work



and family life and the work-life balance possibilities of national minorities, but also the fourth Gender Equality Monitor) have been recently carried out. In the framework of this programme also awareness raising events were organised on the topic of gender pay gap, a media campaign to tackle gender stereotypes was carried out and trainings have been held for legal professionals, employers, representatives of employees. Additionally, in spring 2014, around the Estonian Equal Pay Day in April, regional events are planned to take place that address the problem of gender pay gap.

The Ministry of Social Affairs is co-ordinating implementation of a gender equality and work-life balance programme financed from the Norwegian Financial Mechanism 2009-2014, being carried out in 2013-2015. Under the programme three types of projects are being implemented – 2 pre-defined projects, 4 large-scale open call projects and small-grant scheme projects. The pre-defined projects are carried out by the Statistics Estonia and by the Gender Equality and Equal Treatment Commissioner, first of them aiming to develop a new concept for gathering and analysing gender pay gap statistics and the second to improve protection of victims of discrimination and implementation of gender mainstreaming strategy. Two of the projects chosen to be financed in the framework of open calls aim to integrate gender equality issues into higher education curricula, two to improve possibilities for reconciling work and family life. Small-grant scheme project competition will be carried out in Spring 2014.

Recommendation n°79: *Continue to adopt measures to effectively reduce the drop-out rate of students so as to ensure comprehensive realization of the right to education* (Recommended by China)

IRI: fully implemented

State of Estonia response:

To support students, educational support services' network has been developed (incl. special educational, psychological, social pedagogical and career counselling).

Recommendation n°80: *Take new measures to continue to reinforce human rights education and training* (Recommended by Moldova)

IRI: not implemented

State of Estonia response:

Human rights as a topic are integrated into National Curriculum of Estonia. Both knowledge and competences about human rights are expected as a learning result.

Recommendation n°81: *Continue the implementation of bilingual education with adequate resources* (Recommended by Latvia)

IRI: fully implemented

State of Estonia response:

Quality in the implementation of bilingual education is well covered in national language immersion program. Special targeted national centre of language immersion is continuously supported by the Ministry of Education and Research of Estonia.

Minorities

Recommendation n°13: *Review and revise the Code of Civil Procedure, as necessary, to ensure that persons with disabilities are not deprived of their right to vote on the basis of disability* (Recommended by Canada)

IRI: *not implemented*

EPAA response:

Code of Civil Procedure still enables to limit the right to vote. In cases of plenary incapacitation the right to vote is limited automatically without any consideration of a judge. In case of partial incapacitation the consideration during court procedure is very shallow. It is not acknowledged that there is no potential dangerousness or possible harm to society if a person with disability or lacking capacity is exercising a right to vote.

State of Estonia response:

The right to vote in Estonia does not depend upon whether a person is disabled or not. A person must be of at least 18 years of age to vote. In order to vote, a person must be entered in the list of voters, which means that they must have the address of their residence entered in the population register. If a person is not able to go voting to the polling place for health reasons for example, he/she may apply for voting at home. Furthermore, it is also possible to vote electronically and with a mobile phone. Estonia has ratified the CRPD and its OP which entered into force in Estonia on 29 of June 2012.

Recommendation n°40: *Reinforce the fight against all forms of racism and discrimination* (Recommended by Algeria)

IRI: *fully implemented*

State of Estonia response:

Draft amendments to the Penal Code have been circulated for approval and will be presented to the Parliament in 2014.

Recommendation n°41: *Continue its efforts to establish programmes and promulgate domestic laws aimed at combating all contemporary forms of racism, racial discrimination, xenophobia, linguistic discrimination and related forms of intolerance* (Recommended by Argentina)

IRI: *fully implemented*

State of Estonia response:

With regards to raising awareness on the Equal Treatment Act and principles of non-discrimination, Ministry of Social Affairs has been co-financing the European Commission PROGRESS programme “Diversity Enriches” project of Tallinn Technical University since 2010. The project tackles all grounds of discrimination named in the Equal Treatment Act.

In 2014 Ministry of Social Affairs starts the amendment of Equal Treatment Act to abolish the hierarchy of protection depending on the ground of discrimination. Currently ETA divides the protected areas depending on the basis of discrimination.



It covers discrimination based on religion or belief, age, disability and sexual orientation only in the area of employment (as required by EU Directive 2000/78/EC), while discrimination based on racial or ethnic origin and colour is additionally covered in the areas of services and social security (as required by the EU Directive 2000/43/EC). Draft amendments to the Penal Code have been circulated for approval and will be presented to the Parliament in 2014.

At the end of 2012 the Estonian Government approved the commencement of drafting the new integration strategy for the new programming period (2014-2020). The Steering Group for the new strategy includes 8 Ministries, representatives of state institutions and local governments.

Expert Committee are formed mainly of persons with immigrant background in order to engage different target groups and stakeholders in the formulation and implementation of integration policy. Involvement was created through several discussion platforms, so that in the drafting process, the strategic partners in the field of integration were reached a common understanding of strategic objectives and the roles and responsibilities in striving towards the objectives.

[Trilingual web portal](#) was created to inform and engage the wider public. The new Strategy of Integration and Social Cohesion in Estonia will be completed by May 2014 and after its approval by the government it will be implemented and regularly monitored.

Given the diversity of the target populations of the integration policy and the current socio-economic situation of Estonian society, three different broader lines of action may be differentiated in the field of integration. Firstly, improvement of all society's openness and shaping of attitudes to embrace integration. Secondly, continuing support to poorly integrated permanent residents of foreign origin in their active social integration. Thirdly, support for the adaptation and integration of new immigrants.

As a horizontal field, integration requires cross-sectoral cooperation. Integration is addressed as a multi-way process, where the preservation of the ethnic identity and culture of ethnic groups is supported and more equal opportunities for subsistence and participation in social life are created through improving state language skills. There are no separate strategies for specific ethnic groups; the Integration Strategy is implemented to include all the ethnic groups in the society.

Ministry of Education and Research supports systematically both formal and non-formal learning activities which lead to more coherence integration of society (language learning; multilingual activities etc). The activities are based on systematic analysis and scientific research of so far implemented activities.

According to EIM 2011 (the integration monitoring of the society of Estonia), proficiency in the state language of non-Estonian speaking residents is improving slowly but definitely. In parallel with the transition of Russian-language upper secondary schools to the state language, knowledge of Estonian and the level of Estonian-language tuition has gradually improved in kindergartens and basic schools



with Russian-language teaching. A positive trend, according to EIM 2011, is that compared to 2008, the number of people preferring no citizenship at all has dropped from 16% to 6%. Since 2013, all upper secondary schools with Russian-language tuition have transferred to the teaching of subjects in Estonian; in 2014, transition to Estonian-language tuition will begin at the vocational education level. However, about 20% of the Estonian school population is still in Russian schools at the basic education level. Hence, there are some distinct activities in the realm of education, which are directed towards integration: extension of integrated subject and language teaching (incl. the development of language immersion programmes), support to the teaching of Estonian language and Estonian-language tuition in Russian schools and to pupils in Estonian-language schools whose mother tongue differs from the tuition language. Integration is supported both by the planned training of teachers and school principals as well as other activities under the life-long learning programme. In future, more attention should be paid to the approximation of schools with different tuition languages through joint activities.

The Language Education Policy Profile attempts to build on, and strengthen, reforms that are already underway in Estonia. There are constitutional guarantees of support for minority groups who wish to maintain their own language and culture. “Sunday schools” supported from the state exist for many of the ethnic minorities languages in Estonia.

Observing the quality of state language learning among non-Estonian speaking pupils in public schools is one of the priorities of the Ministry of Education and Research of Estonia. If the quality is below national expectations (i.e. poor exam results, not qualified teachers etc.), national level case-based measures are implemented.

The sectoral development plan “Integrating Estonia 2020” supports practical contacts between people, especially young people, living in different regions and having different linguistic and cultural backgrounds, and involves people with foreign background and their organisations (incl. folk culture societies) in active social life (incl. through involvement at the local level). Furthermore, support is provided to cooperation, training and media activities of organisations, which have contacts with the target group in local governments with a high number of residents with different ethnic backgrounds, where such activities support the perpetuation in society of values and attitudes oriented at openness and mutual understanding.

Estonian Ministry of Culture had formed the informal national Roma working group of the officials from several ministries, local governments and Roma representatives. The aim of the working group is to discuss the problems related to Roma and offer solutions to these problems. Two main tasks are underlined: first, information and data gathering and research about the Roma people and raising public awareness about Roma, their culture, living conditions, etc. Ministry of Education and Research has launched a research project to gather information about the amount of Roma students and their problems in education system. Main problems are teachers' insufficient preparation for supporting Roma students in education system and low involvement of parents.



The exhibition about Roma was launched in 2012 which gives an overview of Estonian Roma history, culture and everyday life in by word and image. The material and information collected during the exhibition preparation process is very valuable to create better awareness about Roma and have thus longer term social impact

The development plan “Integrating Estonia 2020” is based on the Estonian Constitution under which everyone has the right to preserve his or her ethnic identity, and no one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or on other grounds.

Recommendation n°43: Take specific measures to eliminate discrimination based on ethnicity in the labour market and education sector (Recommended by Russian Federation)

IRI: fully implemented

State of Estonia response:

Estonia continues providing free Estonian language courses for third-country nationals and people with undefined citizenship, who are unemployed or with fewer opportunities (pensioners, persons with lower-income, young parents etc). During the Language Learning Development Programme 2011-2013 additional language studies for students of vocational education institutions and adult students of upper secondary schools continued. Refresher training for teachers of vocational educational institutions, development of counseling in the multicultural learning system for vocational education institutions, language studies for employees of public and third sector organizations also continued. Supported was language learning with a mentor and language clubs. Consistent career counseling at vocational education institutions and at information and counseling centers was provided. Career trainings were organised for employed adults in Tallinn, Narva, Sillamäe, Kohtla-Järve and Jõhvi. The purpose of these courses was to increase awareness of employees with lower level of education and insufficient knowledge of Estonian language about lifelong learning opportunities and labour market conditions.

Since February 2014 two counselling centres for third-country nationals were opened - in Tallinn and in Narva. The advisory centre of Tallinn is located in the National Library of Estonia. The Advisory Centre of Narva is located in the Information Service of the City Government of Narva. The Centre provides information about everything integration-related what might be of interest to the main target group, starting from rights, freedoms and limitations to labour market, education, public health service, free Estonian language studies etc.

The language immersion programme is constantly gaining popularity. As of the beginning of the year 2014, 51 kindergartens and 35 schools, with the total of around 6000 pupils, participate in the programme.

The support person service for new immigrants was established at the end of 2012. Within the frames of the service the target group is offered both [web-based](#) and on-the-spot counselling. The support service is offered based on particular adaptation needs of each new immigrant.



Ministry of Education and Research implement special integration measures for foreign background immigrants, who have lived in Estonia less than 3 years. Also learning of ethnic language and culture is supported.

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Recommendation n^o49: *Bring an end to segregation of Roma children in the field of education* (Recommended by *Denmark*)

IRI: *partially implemented*

State of Estonia response:

There is need among the Roma for an identity that would embrace the two cultures (the Estonian and the Roma identity). Several projects which offer information about Roma community in Estonia have been supported by Estonian Government. Estonian Government has taken steps to improve knowledge about the Roma culture, the differences of their way of life and supports positive personal encounters with Roma to overcome the negative stereotypes.

There are 32 Roma children in Estonian Education system getting extra attention from local government and extra supportive measures are targeted for them at national level.

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Recommendation n°82: Take all necessary measures to continue the effective implementation of the Integration Strategy and increase involvement of representatives of minority groups and civil society throughout this process (Recommended by Netherlands)

IRI: fully implemented

UNHCR response:

Estonia continues to face difficulties related to integration of “persons with undetermined citizenship” who are effectively stateless. In 2013, some 1,181 stateless persons acquired Estonian citizenship (1,123 in 2012). The peak time of granting Estonian citizenship was in the mid-1990s, with 22,773 persons granted Estonian citizenship in 1996. As of 1 January 2014, there were 91,281 “persons with undefined citizenship” in Estonia. Some 59,100 stateless persons have a migrant origin (their parents were born outside Estonia). The Citizenship Law still contains provisions restricting access to Estonian citizenship. In practice these limitations are normally applied to former Soviet security service officers as well as to former Soviet/Russian military servicemen and their spouses. Article 21 (2) Citizenship Law discriminates those former military servicemen who are married to naturalized Estonian citizens.

State of Estonia response:

At the end of 2012 the Estonian Government approved the commencement of drafting the new integration strategy for the new programming period (2014-2020). The Steering Group for the new strategy includes 8 Ministries, representatives of state institutions and local governments.

Expert Committee are formed mainly of persons with immigrant background in order to engage different target groups and stakeholders in the formulation and implementation of integration policy. Involvement was created through several discussion platforms, so that in the drafting process the strategic partners in the field of integration were reached a common understanding of strategic objectives and the roles and responsibilities in striving towards the objectives.

Trilingual web portal was created to inform and engage the wider public. The new Strategy of Integration and Social Cohesion in Estonia will be completed by May 2014 and after its approval by the government it will be implemented and regularly monitored.

Given the diversity of the target populations of the integration policy and the current socio-economic situation of Estonian society, three different broader lines of action may be differentiated in the field of integration. Firstly, improvement of all society’s openness and shaping of attitudes to embrace integration. Secondly, continuing support to poorly integrated permanent residents of foreign origin in their active social integration. Thirdly, support for the adaptation and integration of new immigrants.



As a horizontal field, integration requires cross-sectoral cooperation. Integration is addressed as a multi-way process, where the preservation of the ethnic identity and culture of ethnic groups is supported and more equal opportunities for subsistence and participation in social life are created through improving state language skills. There are no separate strategies for specific ethnic groups; the Integration Strategy is implemented to include all the ethnic groups in the society.

Ministry of Education and Research supports systematically both formal and non-formal learning activities which lead to more coherence integration of society (language learning; multilingual activities etc). The activities are based on systematic analysis and scientific research of so far implemented activities.

Recommendation n°83: Continue Estonia's successful integration policy by, inter alia, implementing the State Integration Programme for 2008-2013 and continue efforts to improve the knowledge of the State language among the non-Estonian population (Recommended by Latvia)

IRI: fully implemented

UNHCR response:

The current integration policy does not encompass provisions directed on integration and facilitation of naturalization of beneficiaires of international protection.

State of Estonia response:

According to EIM 2011 (the integration monitoring of the society of Estonia), proficiency in the state language of non-Estonian speaking residents is improving slowly but definitely. In parallel with the transition of Russian-language upper secondary schools to the state language, knowledge of Estonian and the level of Estonian-language tuition has gradually improved in kindergartens and basic schools with Russian-language teaching. A positive trend, according to EIM 2011, is that compared to 2008, the number of people preferring no citizenship at all has dropped from 16% to 6%. Since 2013, all upper secondary schools with Russian-language tuition have transferred to the teaching of subjects in Estonian; in 2014, transition to Estonian-language tuition will begin at the vocational education level. However, about 20% of the Estonian school population is still in Russian schools at the basic education level. Hence, there are some distinct activities in the realm of education, which are directed towards integration: extension of integrated subject and language teaching (incl. the development of language immersion programmes), support to the teaching of Estonian language and Estonian-language tuition in Russian schools and to pupils in Estonian-language schools whose mother tongue differs from the tuition language. Integration is supported both by the planned training of teachers and school principals as well as other activities under the life-long learning programme. In future, more attention should be paid to the approximation of schools with different tuition languages through joint activities.

The Language Education Policy Profile attempts to build on, and strengthen, reforms that are already underway in Estonia. There are constitutional guarantees of support for minority groups who wish to maintain their own language and culture. “Sunday



schools” supported from the state exist for many of the ethnic minorities languages in Estonia.

Observing the quality of state language learning among non-Estonian speaking pupils in public schools is one of the priorities of the Ministry of Education and Research of Estonia. If the quality is below national expectations (i.e. poor exam results, not qualified teachers etc.), national level case-based measures are implemented.

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[See also response to recommendation n°82]

Recommendation n°84: *Continue to implement appropriate, efficient policies to facilitate the integration of all its ethnic communities* (Recommended by Slovakia)

IRI: fully implemented

State of Estonia response:

Ministry of Education and Research implement special integration measures for foreign background immigrants, who have lived in Estonia less than 3 years. Also learning of ethnic language and culture is supported

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[See also response to recommendation n°82]

Recommendation n°85: *Resolve the problem of persons without citizenship, and prevent such cases from arising in the future* (Recommended by Ecuador)

IRI: not implemented

UNHCR response:

The current citizenship law does not provide an automatic possibility to acquire Estonian citizenship by stateless children who are born in Estonia. Neither the law envisages provisions facilitating access to Estonian citizenship by otherwise stateless children (situations when parents cannot transmit their citizenship to children because of conflict in laws, etc).

State of Estonia response:

The citizenship policy of the Republic of Estonia has been stable since the restoration of its independence, supporting the protection of statehood and constitutional order of Estonia. The principles of Estonian citizenship policy are enacted in the Constitution of the Republic of Estonia and the Citizenship Act. Section 1 of Article 8 of the Constitution enacts that every child of whose parents one is an Estonian citizen has the right to Estonian citizenship by birth. The Citizenship Act regulates in more detail the general principles of the Estonian citizenship enacted in the Constitution.

Currently the main trend of the state policy is to minimize the number of persons with undetermined citizenship. Encourage long term residents to become Estonian citizens. The main target group is children with undetermined citizenship under 15 years of age.

A minor under 15 years of age who was born in Estonia after 26 February 1992 shall acquire Estonian citizenship by naturalisation if the parents have legally resided in



Estonia for at least 5 years, the parents are not citizens of any other state, a minor is staying in Estonia permanently and a minor is not citizen of any other state. It means that children born to persons with undetermined citizenship residing permanently in Estonia do not acquire Estonian citizenship automatically. An application on their behalf needs to be launched by their parents.

Since February 2008 the parents of a child with undetermined citizenship are informed when registering the birth of the child of the possibility to apply Estonian citizenship for the child. They are handed out information materials and afterwards the Police and Border Guard Board will get in touch with the parents and provide more detailed personal counselling. Since November 2011 Police and Border Guard Board receive daily information from Population Register through X-tee3 about new-born children and their parents. To determine person's Estonian citizenship certain procedures will be followed by Police and Border Guard Board, using the data received. If the new-born child did not acquire Estonian citizenship by birth, Police and Border Guard Board will send to the parents a letter, where parents are informed of the need to apply for a residence permit for the child, and also are informed of the possibility to apply Estonian citizenship for the child.

Also the Prefectures of Police and Border Guard Board are informing the persons with undetermined citizenship that they have the possibility to apply Estonian citizenship for themselves and their children.

We are of the opinion that relevant prerequisites have been created in the Citizenship Act for the avoidance of statelessness of children.

The Government of Estonia continues to support projects on civic education that support the building of a common state and citizenship identity and that inform people of foreign origin without Estonian citizenship about the opportunities provided by this citizenship. People of undetermined citizenship have been informed (by mail, e-mail and in spoken communication) about options to gain Estonian citizenship for themselves and their children.

Recommendation n°86: Take effective steps to ensure greater participation of minorities in public life, and review available remedies for victims of racial discrimination and incitement to hatred, in particular against Roma communities (Recommended by Austria)

IRI: fully implemented

State of Estonia response:

The sectoral development plan "Integrating Estonia 2020" supports practical contacts between people, especially young people, living in different regions and having different linguistic and cultural backgrounds, and involves people with foreign background and their organisations (incl. folk culture societies) in active social life (incl. through involvement at the local level). Furthermore, support is provided to cooperation, training and media activities of organisations, which have contacts with the target group in local governments with a high number of residents with different ethnic backgrounds, where such activities support the perpetuation in society of values and attitudes oriented at openness and mutual understanding.



Estonian Ministry of Culture had formed the informal national Roma working group of the officials from several ministries, local governments and Roma representatives. The aim of the working group is to discuss the problems related to Roma and offer solutions to these problems. Two main tasks are underlined: first, information and data gathering and research about the Roma people and raising public awareness about Roma, their culture, living conditions, etc. Ministry of Education and Research and research has launched a research project to gather information about the amount of Roma students and their problems in education system. Main problems are teachers' insufficient preparation for supporting Roma students in education system and low involvement of parents.

The exhibition about Roma was launched in 2012 which gives an overview of Estonian Roma history, culture and everyday life in by word and image. The material and information collected during the exhibition preparation process is very valuable to create better awareness about Roma and have thus longer term social impact.

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[See also response to recommendation n°82]

Recommendation n°87: Pay special attention to the rights of Roma children to education, and implement the relevant policy instruments to ensure their enjoyment of the rights as enshrined in the Estonian Constitution (Recommended by Finland)

IRI: fully implemented

State of Estonia response:

The development plan “Integrating Estonia 2020” is based on the Estonian Constitution under which everyone has the right to preserve his or her ethnic identity, and no one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or on other grounds.

There are 32 Roma children in Estonian Education system getting extra attention from local government and extra supportive measures are targeted for them at national level.

There is need among the Roma for an identity that would embrace the two cultures (the Estonian and the Roma identity). Several projects which offer information about Roma community in Estonia have been supported by Estonian Government. Estonian Government has taken steps to improve knowledge about the Roma culture, the differences of their way of life and supports positive personal encounters with Roma to overcome the negative stereotypes.

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[See also response to recommendation n°82]



Recommendation n°88: *Continue its efforts to improve the reception conditions of asylum seekers, including the provision of free legal aid, in particular to those who apply for asylum at the border, and those in detention (Recommended by Slovakia)*

IRI: *partially implemented*

UNHCR response:

The free legal aid for asylum-seekers is neither guaranteed in law nor available in practice at the border-crossing points. This remains to be one of serious concerns in light of restrictive access to territory and asylum procedure in Estonia.

State of Estonia response:

Estonia continues to improve the reception conditions of asylum seekers.

Accommodation centre for asylum seekers was moved from Illuka parish to Väike-Maarja parish at the beginning of 2014. At the new location, asylum seekers have better access to public services like health care services, school, leisure activities, public transportation and etc. Also better conditions for asylum-seekers with special needs are ensured. See their [website](#).

We would like to note that we plan to use support of the Asylum, Migration and Integration Fund in order to improve competence of the persons providing the state legal aid in the particular field, thus improving the quality of services.

Recommendation n°124: *Grant citizenship to all those who live on a permanent basis in the territory of Estonia and wish to become a citizen, grant, as a matter of urgency, the right to citizenship to all children born in Estonia of so-called non-citizens, without exception, lift the prohibition on access of membership in political parties to so-called non-citizens who have permanent residency in the country and are citizens of countries which are not members of the European Union, as well as provide non-citizens the passive right to vote in municipal elections (Recommended by Russian Federation)*

IRI: *not implemented*

UNHCR response:

No amendments have been adopted to implement the recommendation.

International Instruments

Recommendation n°1: *Speed up efforts to ratify CRPD and its Optional Protocol (OP-CRPD) (Recommended by Slovenia)*

IRI: *fully implemented*

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Recommendation n°2: *Ratify and implement CRPD (Recommended by United Kingdom)*

IRI: *fully implemented*

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Recommendation n⁰³: *Ensure speedy ratification of CRPD, and take steps to ensure full conformity with the principles of the Convention without delay* (Recommended by Canada)

IRI: *partially implemented*

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Recommendation n⁰⁴: *Ratify CRPD as soon as possible* (Recommended by France)

IRI: *fully implemented*

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Recommendation n⁰⁵: *Ratify CRPD, in accordance with the commitment formulated in paragraph 128 of its national report* (Recommended by Chile)

IRI: *fully implemented*

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Recommendation n⁰⁷: *Consider ratifying CRPD* (Recommended by Algeria)

IRI: *fully implemented*

EPAA response:

Estonia ratified CRPD and its OP with reservation of Article 12. The exact wording of Art 12 reservation is: “§ 2 Depositing the letter of ratification a declaration should be made according to which the Republic of Estonia interprets Article 12 of the Convention so that it does not prohibit to consider a person being legally incapacitated, if such a need arises from this person’s inability to understand or manage their actions. Estonia follows its domestic legislation on limiting the rights of incapacitated persons.” Unfortunately, the incapacitation is not an exceptional mean in Estonia but rather every-day practice that occurs mostly because of lacking alternative services. People under guardianship constitute the most vulnerable group of disabled people whose need for support and individualized services are very high. Estonia lacks measures to adequately support these people and their families and fails to offer enough legal protection that this group needs. Instead of developing services and offering necessary help - the persons will be incapacitated, that eliminates them from plenipotentiary population. Plenary incapacitation strips away all human rights from the person: like right to vote, right to marry, right to enter the court, right to make decisions about one's life, right to physical integrity and consent health care, right to refuse placement into a long-term special institution, right to manage his own property etc. Incapacitated people do not even have a right to get answers to their inquiries to government agencies. Restricting the rights of people under guardianship lies as a spider-net in all important laws. The concept of “anybody except people with restricted capacity” is widely used in the laws that give certain rights to people. Even in cases when the person is partially incapacitated by courts the laws don’t distinguish partial incapacitation later and it’s not distinguished in practice.

Unfortunately, the guardianship concept is widely misused in everyday practice. The real impact to the person’s life and hoped gain of reducing legal capacity is rarely addressed and alternative measures to incapacitation usually not evaluated in court proceedings, because there just are not alternative services available. Appointed legal guardians will then be responsible to protect persons' rights and to ensure all needed health and social care services according to the law. In cases the appointed guardian is a family member - this responsibility goes beyond their financial ability, knowledge and services that are available to them. If local government is appointed



to be a guardian it often means that the person will be placed into long-term institution and then forgotten. EPAA considers that this situation constitutes clear discrimination on the basis of disability. Article 12 constitutes a key provision of whole Convention. Establishing a reservation to article 12 casts doubt on the general principles of the Convention, especially the realization of recognition before the law of people with disabilities on an equal basis with others. EPAA would be greatly appreciated if UN will find possibilities to help and educate Estonia to fully implement all the principles set up in the CRPD and to abolish the reservation set up to Article 12.

State of Estonia response:

Estonia has ratified the CRPD and its OP which entered into force in Estonia on 29 of June 2012.

Recommendation n°6: *Complete the ratification of CRPD and OP-CRC-AC* (Recommended by *Ecuador*)

IRI: *fully implemented*

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Recommendation n°8: *Consider ratifying OP-CRC-AC and CRPD* (Recommended by *Brazil*)

IRI: *fully implemented*

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Recommendation n°9: *Conclude as soon as possible the ratification of CRPD as well as OPCRC-AC* (Recommended by *Spain*)

IRI: *fully implemented*

EPAA response:

[See response to recommendation n°1]

State of Estonia response:

Estonia has ratified the OP-CRC-AC, the ratification instrument was deposited with the UN on the 12th of February 2014 and the OP-CRC-AC entered into force for Estonia on 12 March 2014. Estonia has ratified the CRPD and its OP which entered into force in Estonia on 29 of June 2012.

Recommendation n°10: *Ratify CED, OP-CRC-AC and CRPD* (Recommended by *Argentina*)

IRI: *partially implemented*

EPAA response:

[See response to recommendation n°1]

State of Estonia response:

Estonia has ratified the CRPD and its OP which entered into force in Estonia on 29 of June 2012. Estonia has ratified the OP-CRC-AC, the ratification instrument was deposited with the UN on the 12th of February 2014 and the OP-CRC-AC entered into force for Estonia on 12 March 2014. The preparations for accession to CED are underway.



Recommendation n°11: *Sign and ratify CED* (Recommended by *Ecuador*)

IRI: *not implemented*

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Recommendation n°89: *Sign and ratify CED as soon as possible, and fully recognize the competence of the Committee on Enforced Disappearances* (Recommended by *France*)

IRI: *not implemented*

State of Estonia response:

The preparations for accession to CED are underway.

Recommendation n°29: *Intensify the measures for gender equality and equal treatment, particularly regarding the rights of women and the integration of national minorities, in accordance with the commitment formulated in paragraph 160 of its national report and the recommendations of the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women* (Recommended by *Chile*)

IRI: *partially implemented*

State of Estonia response:

In August 2012 the Estonian legislation was changed so that spouses, engaged in the activities of the business of the self-employed worker, have a voluntary possibility for the same social protection as the self-employed workers. In order for this social protection to be provided, the self-employed worker has to register his or her spouse as a spouse engaged in the activities of the business of the self-employed worker in the register of taxable persons and pay social tax for the registered spouse. The social protection thereby provided includes e.g. state pension insurance and health insurance, which in turn includes benefit for temporary incapacity for work (sickness benefit, maternity benefit, adoption benefit and care benefit).

According to changes made to the Insurance Activities Act that came into force in May 2013, while the differences between the insurance premiums and insurance indemnities of women and men cannot be caused by the use of sex of a person as a factor in the assessment of the insured risks, an insurance undertaking is permitted in the assessment of insured risks in sickness insurance to take into account the risks, which are characteristic only to men or only to women, and to differentiate, if necessary, to the extent of the specified risks the insurance premiums and insurance indemnities of women and men. Neither pregnancy nor maternity can affect the size of the insurance premiums and insurance indemnities.

In October 2013 the Estonian Government established Gender Equality Council, set forth in the Gender Equality Act and functioning as an advisory body to the Government. Its main responsibilities are advising the Government in matters related to strategies for the promotion of gender equality, approving general objectives of gender equality policy and presenting opinions to the Government concerning the compliance of national programmes with the obligation of gender mainstreaming. The Council met in November to discuss topics to concentrate on in the coming years, among which e.g. gender pay gap, gender balance in decision making, gender stereotypes in media, educational and court system and violence against women were mentioned.



Development plan “Integrating Estonia 2020” addresses issues of cultural diversity of different nationalities in Estonia; the need to preserve this diversity. It is based on principles laid out in the Constitution. The measures in development plan will facilitate the integration of national minorities and the society to be more inclusive. The measures work to make all residents of Estonia to feel safely in Estonian society; to learn and to use Estonian language. The measures further facilitate national minorities to upkeep their native languages and cultures and grow knowledge of other national minorities. The development plan further aims to create platforms to help concentrate vital and useful information in different languages. This measure is also addressed to recent arrivals in Estonia – students, spouses, employees.

With regards to raising awareness on the Equal Treatment Act and principles of non-discrimination, Ministry of Social Affairs has been co-financing the European Commission PROGRESS programme “Diversity Enriches” project of Tallinn Technical University since 2010. The project tackles all grounds of discrimination named in the Equal Treatment Act.

In 2014 Ministry of Social Affairs starts the amendment of Equal Treatment Act to abolish the hierarchy of protection depending on the ground of discrimination. Currently ETA divides the protected areas depending on the basis of discrimination. It covers discrimination based on religion or belief, age, disability and sexual orientation only in the area of employment (as required by EU Directive 2000/78/EC), while discrimination based on racial or ethnic origin and colour is additionally covered in the areas of services and social security (as required by the EU Directive 2000/43/EC).

A project „Mainstreaming gender perspective into state budget” was carried out from October 2010 to April 2012 within the framework of the EU PROGRESS Programme (2007-2013) in co-operation of the Ministry of Social Affairs and the Gender Equality and Equal Treatment Commissioner to train employees of ministries and government agencies in gender budgeting and to compile a gender budgeting manual for the public sector. The aim of the project was to provide government officials involved in the process of preparation and execution of the state budget with knowledge and skills on how to integrate the aspect of gender equality and to provide them with a broader knowledge on European and national policy on gender equality.

With the co-financing of European Social Fund, Ministry of Social Affairs launched in 2013 an awareness-raising campaign called “Stereotype” in order to draw attention to and encourage youngsters to be aware of and give up gender stereotypes in everyday life situations. The campaign consisted of several activities, among them career days for boys and girls, which were aimed at youngsters aged 15-19 with a view to help them make gender stereotype free educational and career choices. During the events boys were introduced to typically “female professions”, e.g. nurse and girls to typically “male professions”, e.g. ground engineer. In television and internet 7 video clips with women and men in different gender-discriminative situations were shown [available [online](#)]. The campaign got a very positive feedback



and the humorous video clips that challenge viewer to create a change have been acknowledged internationally as good practices.

Measures are being implemented also in the framework of a pre-defined project of the Gender Equality and Equal Treatment Commissioner under programme for promoting gender equality and reconciliation of work and family life co-financed from the Norwegian Financial Mechanism 2009-2014. The project is being carried out in 2013-2015 and is targeted at increasing the effectiveness of legal protection against discrimination by raising rights awareness and helping victims of discrimination directly through strategic litigation as well as increasing the capacity of officials assisting discrimination victims. The project also supports implementation of gender mainstreaming obligations under the Gender Equality Act.

The Ministry of Social Affairs continues working on the further implementation of Gender Equality Act also by developing the regulation for employers that will set the procedure of collection and a list of data that has to be collected in such a form as to enable presenting and analysing this data by sex. Collecting the data provides the employer with knowledge of gender dynamics in the company and gives a necessary overview of the situation in case there is a doubt of discrimination.

In December 2011 the Government of the Republic adopted new “Rules for Good Legislative Drafting and Technical Rules for Drafts of Legislative Acts” which foresees an obligation of impact analysis of draft legislation. According to these rules also a social impact has to be analysed which should include an analysis of an impact of the planned regulation on gender relations. An accompanying methodology of impact assessment was adopted in December 2012 and is applied also in case of preparing strategic documents.

In September 2011, Estonian Parliament adopted a decision with a proposal to the Government to prepare an action plan to reduce gender pay gap in Estonia. The action plan was prepared by the Ministry of Social Affairs and the plan and the topic of gender pay gap was discussed at the cabinet meeting of the Government in July 2012. The action plan was approved and in autumn 2012 introduced to the Parliament. The approved action plan is based on the assumption pointed out also in the gender pay gap study of 2010 that there is not one specific reason behind the gender pay gap in Estonia but its causes are diverse. The activities are mostly implemented with the financial support from the Estonian European Social Fund programme “Promoting Gender Equality 2011-2013” and the gender equality and work-life balance programme financed from the Norwegian Financial Mechanism 2009-2014, executed in 2013-2015.

The Ministry of Social Affairs is currently implementing the Estonian European Social Fund programme “Promoting Gender Equality 2011-2013”. Several studies and analysis (on topics such as gender-based and sexual harassment at workplace, flexibility in measures aimed at supporting reconciling work and family life and the work-life balance possibilities of national minorities, but also the fourth Gender Equality Monitor) have been recently carried out. In the framework of this programme also awareness raising events were organised on the topic of gender pay



gap, a media campaign to tackle gender stereotypes was carried out and trainings have been held for legal professionals, employers, representatives of employees. Additionally, in spring 2014, around the Estonian Equal Pay Day in April, regional events are planned to take place that address the problem of gender pay gap.

The Ministry of Social Affairs is co-ordinating implementation of a gender equality and work-life balance programme financed from the Norwegian Financial Mechanism 2009-2014, being carried out in 2013-2015. Under the programme three types of projects are being implemented – 2 pre-defined projects, 4 large-scale open call projects and small-grant scheme projects. The pre-defined projects are carried out by the Statistics Estonia and by the Gender Equality and Equal Treatment Commissioner, first of them aiming to develop a new concept for gathering and analysing gender pay gap statistics and the second to improve protection of victims of discrimination and implementation of gender mainstreaming strategy. Two of the projects chosen to be financed in the framework of open calls aim to integrate gender equality issues into higher education curricula, two to improve possibilities for reconciling work and family life. Small-grant scheme project competition will be carried out in Spring 2014.

At the end of 2012 the Estonian Government approved the commencement of drafting the new integration strategy for the new programming period (2014-2020). The Steering Group for the new strategy includes 8 Ministries, representatives of state institutions and local governments.

Expert Committee are formed mainly of persons with immigrant background in order to engage different target groups and stakeholders in the formulation and implementation of integration policy. Involvement was created through several discussion platforms, so that in the drafting process the strategic partners in the field of integration were reached a common understanding of strategic objectives and the roles and responsibilities in striving towards the objectives.

[Trilingual web portal](#) was created to inform and engage the wider public. The new Strategy of Integration and Social Cohesion in Estonia will be completed by May 2014 and after its approval by the government it will be implemented and regularly monitored.

Given the diversity of the target populations of the integration policy and the current socio-economic situation of Estonian society, three different broader lines of action may be differentiated in the field of integration. Firstly, improvement of all society's openness and shaping of attitudes to embrace integration. Secondly, continuing support to poorly integrated permanent residents of foreign origin in their active social integration. Thirdly, support for the adaptation and integration of new immigrants.

As a horizontal field, integration requires cross-sectoral cooperation. Integration is addressed as a multi-way process, where the preservation of the ethnic identity and culture of ethnic groups is supported and more equal opportunities for subsistence and participation in social life are created through improving state language skills.



There are no separate strategies for specific ethnic groups; the Integration Strategy is implemented to include all the ethnic groups in the society.

Ministry of Education and Research supports systematically both formal and non-formal learning activities which lead to more coherence integration of society (language learning; multilingual activities etc). The activities are based on systematic analysis and scientific research of so far implemented activities.

Recommendation n°42: Consider taking necessary measures to prevent and combat discrimination towards minorities, and positively consider the recommendation of the Committee on the Elimination of Racial Discrimination on the prevention of segregation of Roma children in the field of education (Recommended by Brazil)

IRI: fully implemented

State of Estonia response:

There are 32 Roma children in Estonian Education system getting extra attention from local government and extra supportive measures are targeted for them at national level.

There is need among the Roma for an identity that would embrace the two cultures (the Estonian and the Roma identity). Several projects which offer information about Roma community in Estonia have been supported by Estonian Government. Estonian Government has taken steps to improve knowledge about the Roma culture, the differences of their way of life and supports positive personal encounters with Roma to overcome the negative stereotypes.

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Trilingual web portal² was created to inform and engage the wider public. The new Strategy of Integration and Social Cohesion in Estonia will be completed by May 2014 and after its approval by the government it will be implemented and regularly monitored.

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Ministry of Education and Research supports systematically both formal and non-formal learning activities which lead to more coherence integration of society (language learning; multilingual activities etc). The activities are based on systematic analysis and scientific research of so far implemented activities.

According to EIM 2011 (the integration monitoring of the society of Estonia), proficiency in the state language of non-Estonian speaking residents is improving slowly but definitely. In parallel with the transition of Russian-language upper secondary schools to the state language, knowledge of Estonian and the level of Estonian-language tuition has gradually improved in kindergartens and basic schools with Russian-language teaching. A positive trend, according to EIM 2011, is that compared to 2008, the number of people preferring no citizenship at all has dropped from 16% to 6%. Since 2013, all upper secondary schools with Russian-language tuition have transferred to the teaching of subjects in Estonian; in 2014, transition to Estonian-language tuition will begin at the vocational education level. However, about 20% of the Estonian school population is still in Russian schools at the basic education level. Hence, there are some distinct activities in the realm of education, which are directed towards integration: extension of integrated subject and language teaching (incl. the development of language immersion programmes), support to the teaching of Estonian language and Estonian-language tuition in Russian schools and to pupils in Estonian-language schools whose mother tongue differs from the tuition language. Integration is supported both by the planned training of teachers and school principals as well as other activities under the life-long learning programme. In future, more attention should be paid to the approximation of schools with different tuition languages through joint activities.

The Language Education Policy Profile attempts to build on, and strengthen, reforms that are already underway in Estonia. There are constitutional guarantees of support for minority groups who wish to maintain their own language and culture. “Sunday schools” supported from the state exist for many of the ethnic minorities languages in Estonia.

Observing the quality of state language learning among non-Estonian speaking pupils in public schools is one of the priorities of the Ministry of Education and Research of Estonia. If the quality is below national expectations (i.e. poor exam results, not qualified teachers etc.), national level case-based measures are implemented.

The sectoral development plan “Integrating Estonia 2020” supports practical contacts between people, especially young people, living in different regions and



having different linguistic and cultural backgrounds, and involves people with foreign background and their organisations (incl. folk culture societies) in active social life (incl. through involvement at the local level). Furthermore, support is provided to cooperation, training and media activities of organisations, which have contacts with the target group in local governments with a high number of residents with different ethnic backgrounds, where such activities support the perpetuation in society of values and attitudes oriented at openness and mutual understanding.

Estonian Ministry of Culture had formed the informal national Roma working group of the officials from several ministries, local governments and Roma representatives. The aim of the working group is to discuss the problems related to Roma and offer solutions to these problems. Two main tasks are underlined: first, information and data gathering and research about the Roma people and raising public awareness about Roma, their culture, living conditions, etc. Ministry of Education and Research and research has launched a research project to gather information about the amount of Roma students and their problems in education system. Main problems are teachers' insufficient preparation for supporting Roma students in education system and low involvement of parents.

The exhibition about Roma was launched in 2012 which gives an overview of Estonian Roma history, culture and everyday life in by word and image. The material and information collected during the exhibition preparation process is very valuable to create better awareness about Roma and have thus longer term social impact.

The development plan "Integrating Estonia 2020" is based on the Estonian Constitution under which everyone has the right to preserve his or her ethnic identity, and no one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or on other grounds.

Recommendation n^o44: *Introduce a prohibition in legislation on the functioning of racist organisations, bring the Criminal Code in line with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), so as to criminalize incitement to hatred on racial grounds (Recommended by Russian Federation)*

IRI: *fully implemented*

State of Estonia response:

Incitement to hatred on racial grounds has been criminalised earlier. Draft amendment to the Penal Code concerning criminal organisations is in the Parliament.

Recommendation n^o51: *Adopt the definition of torture used in article 1 of CAT (Recommended by Hungary)*

IRI: *not implemented*

EPAA response:

The Penal Code is not amended. There is some developments about changing the definition of torture within Penal Code but that is not finalized.



State of Estonia response:

Draft amendment to the Penal Code is in the Parliament.

Recommendation n°90: *Consider ratifying OP-CEDAW* (Recommended by *Brazil*)

IRI: *fully implemented*

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Recommendation n°93: *Ratify OP-CEDAW* (Recommended by *Argentina*)

IRI: *not implemented*

State of Estonia response:

Estonia is preparing for the national procedures for ratifying the OP-CEDAW.

Recommendation n°91: *Sign and ratify OP-CEDAW and CED* (Recommended by *Spain*)

IRI: *not implemented*

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Recommendation n°92: *Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) and OP-CRPD* (Recommended by *Spain*)

IRI: *partially implemented*

State of Estonia response:

Estonia is considering the recommendation to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).

Estonia has ratified the CRPD and its OP which entered into force in Estonia on 29 of June 2012.

The preparations for accession to CED are underway.

Estonia is preparing for the national procedures for ratifying the OP-CEDAW.

Recommendation n°94: *Sign and ratify OP-ICESCR* (Recommended by *Ecuador*)

IRI: *not implemented*

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Recommendation n°95: *Sign and ratify OP-CEDAW* (Recommended by *Ecuador*)

IRI: *not implemented*

State of Estonia response:

Estonia is preparing for the national procedures for ratifying the OP-CEDAW.

Estonia is considering the recommendation to sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).

Recommendation n°96: *Recognize the competence of the Committee against Torture as provided for in articles 21 and 22 of CAT* (Recommended by *France*)

IRI: *not implemented*

State of Estonia response:

The analysis on the recognition of the competence of the Committee against Torture as provided for in Articles 21 and 22 of CAT, is still underway. Estonia will report to the Committee on the Implementation of the Convention against Torture later this year.



Recommendation n°111: *Accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness* (Recommended by *Bosnia & Herzegovina*)

IRI: *not implemented*

UNHCR response:

As of end 2013, Estonia has not started any preparations for accession to none of the Conventions. The national legislation does not guarantee necessary standards for protection stateless persons, there is no statelessness determination procedure, the law does not operate a term "stateless person", no statistical data collected, no protection from arbitrary use of detention and expulsion of stateless persons.

Justice

Recommendation n°12: *Amend the Penal Code to ensure full compliance with international norms on prohibition of torture* (Recommended by *Iran*)

IRI: *not implemented*

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Recommendation n°50: *Consider amending the Penal Code in order to formulate a definition of torture in conformity with article 1 of the Convention against Torture (CAT)* (Recommended by *Czech Republic*)

IRI: *fully implemented*

EPAA response:

The Penal Code is not amended. There are some developments about changing the definition of torture within Penal Code but that is not finalized. No other international norm has been given attention to. EPAA is very concerned about lacking mechanisms to properly investigate torture cases within medical and care institutions. Those cases are rarely presented to Police in which cases the explanations from staff members are obtained and cases are closed without adequate investigation whether the explanations or presented records are true or not. There is no assistance provided for disabled people to recognize and to present complaints about human rights violations and no relevant information given. This occurs mainly due to the fact Estonia does not have independent and qualified establishment to impartially investigate and review the cases that take place within health or care facilities. The cases are not properly addressed and state fails to offer prompt, thorough and impartial investigation to persons' complaints about ill-treatment and rights violations within health and social care institutions.

There is no independent human rights protection institution established for people with disabilities. EPAA is very concerned about lacking mechanisms to investigate and take necessary steps to prevent human rights violations and discrimination of people with disabilities.

State of Estonia response:

Draft amendment to the Penal Code is in the Parliament.



Recommendation n°14: *Amend the Criminal Code, as announced in the national report, and introduce a separate provision on trafficking of human beings* (Recommended by Germany)

IRI: *fully implemented*

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Recommendation n°65: *Reinforce protection against trafficking in persons by adopting specific legislative measures to prevent, combat and punish human trafficking* (Recommended by Canada)

IRI: *fully implemented*

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Recommendation n°66: *Adopt effective legal measures to combat human trafficking, and swiftly prosecute perpetrators of such crimes* (Recommended by Iran)

IRI: *partially implemented*

+

Recommendation n°67: *Enact specific legislation regarding trafficking in persons* (Recommended by United States)

IRI: *fully implemented*

+

Recommendation n°69: *Adopt effective measures to prevent, combat and punish human trafficking* (Recommended by Hungary)

IRI: *fully implemented*

+

Recommendation n°70: *Reinforce legislation and adopt effective measures to prevent, combat and punish human trafficking* (Recommended by Poland)

IRI: *fully implemented*

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Recommendation n°72: *Further increase its efforts to combat human trafficking* (Recommended by Azerbaijan)

IRI: *fully implemented*

State of Estonia response:

A separate provision on trafficking of human beings has been inserted to the Penal Code.

§ 133. Trafficking in human beings

1. Placing a person in a situation where he or she is forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by 1 to 7 years' imprisonment.
2. The same act, if:
 - (1) committed against two or more persons;
 - (2) committed against a person of less than 18 years of age;
 - (3) committed against a person in a helpless situation;
 - (4) committed in a torturous or cruel manner
 - (5) serious health damage is caused thereby;
 - (6) danger to life is caused thereby;
 - (7) committed by two or more persons;



- (8) committed by taking advantage of official position,
 - (9) serious consequences are caused thereby; is punishable by 3 to 15 years' imprisonment;
 - (10) committed by a person who has previously committed a criminal offence provided for in this section or §§ 1331, 1332, 1333 or 175; is punishable by 3 to 15 years' imprisonment. [RT I, 13.12.2013, 5 - entry into force 23.12.2013]
3. An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.
 4. For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code.
 5. For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to commit any of the acts specified in subsection (1) of this section. [RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 1331. Support to human trafficking

1. Transportation, delivery, escorting, acceptance, concealment or accommodation without prior authorisation of a person placed in a situation specified in subsection 133 (1) of this Code, or aiding without prior authorisation his or her forced acts in any other way, is punishable by up to 5 years' imprisonment.
2. The same act, if:
 - (1) committed against two or more persons;
 - (2) committed against a person of less than 18 years of age;
 - (3) committed against a person in a helpless situation;
 - (4) committed by taking advantage of official position, is punishable by 2 to 10 years' imprisonment
3. An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.
4. For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code. [RT I, 04.04.2012, 1 - entry into force 14.04.2012].

Recommendation n°52: *Take effective measures to safeguard the rights of prisoners and improve the living conditions for detainees* (Recommended by Sweden)

IRI: fully implemented

EPAA response:

[...] [Although] EPAA is not an organization to work with prisoner rights there are some complaints every year from prisoners who claim that they have not received health care they need. There are complaints about bad quality or missing health care, insufficient dental care, physiotherapy and rehabilitation, degrading treatment and forced medical intervention. There have also been complaints from prisoners with disability who complain about inadequate and degrading living conditions and insufficient health care, physiotherapy, rehabilitation and aids. Many prisoners have



affirmed to EPAA that their long term illnesses are not sufficiently treated, offered services are sometimes only formal entries in their records and that their health deteriorated during in prison. They also complain that their pleas for help are not taken seriously. One EPAA's client, who was a prisoner in wheel-chair, who was not able to use sanitary means because of his disability and who had to use his hands to climb up from stairway, carried out a hunger strike demanding better living conditions to meet his needs but what weakened his health considerably. After his recovery the prison presented a bill for health care services to him as punishment. Unfortunately there are no effective review and investigation mechanisms to look for evidence and to deal with such complaints impartially. So usually those complaints remain unproved and will be closed.

State of Estonia response:

The rights and living conditions of detained persons in police facilities are gradually improved by building new detention facilities and amending current facilities.

Safeguarding the rights of prisoners is very important throughout the sentence. Firstly, in reception phase prisoner is in the reception unit. He or she is briefed by the prison warden or other prison official about the rights and duties. The individual action plan is compiled by the prison psychologist, social worker, education administrator, and the person responsible for organizing detainee labour, the doctor and a department manager. As a rule, the individual action plan is reviewed once a year (once every six months with young detainees) and changed, if necessary. The individual action plan is the basis for deciding the prison or prison department to which the detainee will be assigned. The reception phase will end with the confirmation of the action plan. The chief purpose of the main phase, i.e. the everyday life in the prison, is to implement the detainee's individual action plan. An important part is the detainee's external communication - short and long-term meetings, written correspondence, phone calls, but also short-term leaves – that help avoid severing ties with the society. The prison director may grant a short-term leave of up to 21 days a year, if this is in accordance with the goals of the imprisonment. The most important question of the main phase and also the focal point of the implementation of re-socialization means is the employment of the detainee. As a result, the detainee is offered the chance to study and to work.

The detainee may be transferred from the closed prison to the open prison on the basis of the decision by the open prison director or the direct of a prison with an open prison department and the vice prison chancellor of the Ministry of Justice. The open prison receives persons who have committed less severe crimes and the detainees whose containment in the close prison would be unsuitable, who have shown trustworthiness and legal obedience during their time in the closed prison and with whom there is sufficient reason to assume that the person will not commit new acts of crime.

In order for the detainee to merge into the society with as little difficulty as possible, several preparations are carried out prior to the release. The most common are to offer social aid to the detainee and the transfer of the detainee to the open prison. The social worker will help the detainee to create contacts with the family and the



social welfare agency. Actually, the whole work with the detainee during the imprisonment must serve the purpose of preparing the detainee for the release. Upon release, the detainee will receive the release support that has accumulated from the wages for his/her work.

Recommendation n°53: *Improve conditions in prisons and detention centres* (Recommended by *United States*)

IRI: *fully implemented*

EPAA response:

[See response to recommendation n°52]

UNHCR response:

We wish to note that Estonia currently operates one detention facility for foreigners, known as the Expulsion Centre (Väljasaatmiskeskus). The centre is situated 15 km from Tallinn in Harku, a small borough in Harju County, northern Estonia. During February and March 2013, UNHCR received a number of complaints from individuals, both asylum-seekers and irregular migrants, concerning, inter alia: poor nutritional value of food which is not adequate for health and strength and fails to satisfy religious or cultural requirements; no access to drinking water during the night-time; inadequate bathing and shower installations; crowded living conditions; inadequate quality of medical care; lack of interpreters; extremely limited opportunities for contacting the outside world (one public phone for more than 50 inmates); and lack of information about disciplinary and complaints procedures. Allegations have also been made regarding the systematic use of handcuffing, including during visits to hospitals and courts, disproportionate use of force and verbal abuse by staff. These complaints raise serious concerns in regards to the respect for the basic human rights and dignity of asylum-seekers and other inmates by Expulsion Centre staff.

State of Estonia response:

[See response to recommendation n°52]

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The Chancellor of Justice has monitored conditions of detention in his inspection visits to different closed institutions (prisons, police stations etc). Based on the results of inspection visits, the Chancellor of Justice has made several proposals and recommendations to the respective national authorities (Ministry of Justice, Ministry of the Interior, Police and Border Guard Board (PBGB), prisons, etc.). The Chancellor of Justice recommendations in question are mostly been related to the material conditions (f. ex. inspection visits of 2012 to Kuressaare detention chamber of the public order bureau of the West Prefecture of the PBGB and to Pärnu detention chamber of the public order bureau of the West Prefecture of the PBGB. See also [Annual Report of the Chancellor of Justice on OPCAT matters](#), p 6) and medical services (f. ex. inspection visit of 2011 to Jõhvi detention chamber of the police detention centre under the public order bureau of the East Prefecture of the PBGB. See also [Annual Report of the Chancellor of Justice on OPCAT matters](#), p 7) in closed institutions. Overall conditions of detention in prison and police facilities are gradually improved because of the modern prison and police buildings opened in



recent years and also due to the reduced number of detainees in Estonia. However, much is still to be improved in the field of medical care in police custody.

In addition, the Chancellor of Justice has also found regarding to the police detention inadequate documentation about whether the detained person had been informed about his or her right and obligations. For example, the Chancellor proposed to the South Prefecture of PBGB to draw the attention of officers in Valga and Võru detention chambers to the fact that documents relating to detainees (in particular as regards informing detainees of their rights, notification of the detention, and recording of the person's health condition) should be filled out properly (see also [the Annual Report of the Chancellor of Justice on OPCAT matters](#), p 8.). The situation concerning fulfilling documentation confirming that persons have been informed of their rights and obligations has improved in police arrest houses.

Medical services for prisoners are funded by state budget and arranged by the Ministry of Justice. Most of medical services are rendered at prison medical units by qualified staff. Prison medical units are accordingly licensed. The requirements for medical apparatus, equipment and medical staff at prison medical units are standard shared by all medical facilities in Estonia. All medical services, including rehabilitation, are guaranteed for prisoners. We note that even dental care for prisoners is guaranteed and paid by the state. In cases when prisoner requires treatment not available at prison medical unit he or she would be transferred to another medical facility to get the necessary treatment, costs covered by the Ministry of Justice.

According to § 17 of Communicable Diseases Prevention and Control Act the measures fall in the scope of action of either Ministry of Justice (prisons) or Ministry of the Interior (police detention units). Prison medical units offer Methadone substitution treatment for prisoners according to Opiate Addiction Therapy Guide in the framework of National Health Plan 2009-2020. It can be found [here \(in Estonian\)](#).

Recommendation n^o54: Improve overall conditions of detention and ensure that all detainees are afforded, in practice, access to a lawyer and an independent medical examination, and are informed about their rights at the moment they are deprived of their liberty (Recommended by Czech Republic)

IRI: partially implemented

UNHCR response:

During 2013 UNHCR has received a number of complaints from individuals, both asylum-seekers and irregular migrants, concerning, inter alia: poor nutritional value of food which is not adequate for health and strength and fails to satisfy religious or cultural requirements; no access to drinking water during the night-time; inadequate bathing and shower installations; crowded living conditions; inadequate quality of medical care; lack of interpreters; extremely limited opportunities for contacting the outside world (one public phone for more than 50 inmates); and lack of information about disciplinary and complaints procedures. Allegations have also been made regarding the systematic use of handcuffing, including during visits to hospitals and courts, disproportionate use of force and verbal abuse by staff. These complaints raise serious concerns in regards to the respect for the basic human rights and dignity of asylum-seekers and other inmates by Expulsion Centre staff.



State of Estonia response:

The Chancellor of Justice has monitored conditions of detention in his inspection visits to different closed institutions (prisons, police stations etc). Based on the results of inspection visits, the Chancellor of Justice has made several proposals and recommendations to the respective national authorities (Ministry of Justice, Ministry of the Interior, Police and Border Guard Board (PBGB), prisons, etc.). The Chancellor of Justice recommendations in question are mostly been related to the material conditions (f. ex. inspection visits of 2012 to Kuressaare detention chamber of the public order bureau of the West Prefecture of the PBGB and to Pärnu detention chamber of the public order bureau of the West Prefecture of the PBGB. See also [Annual Report of the Chancellor of Justice on OPCAT matters](#), p 6) and medical services (f. ex. inspection visit of 2011 to Jõhvi detention chamber of the police detention centre under the public order bureau of the East Prefecture of the PBGB. See also [Annual Report of the Chancellor of Justice on OPCAT matters](#), p 7) in closed institutions. Overall conditions of detention in prison and police facilities are gradually improved because of the modern prison and police buildings opened in recent years and also due to the reduced number of detainees in Estonia. However, much is still to be improved in the field of medical care in police custody.

In addition, the Chancellor of Justice has also found regarding to the police detention inadequate documentation about whether the detained person had been informed about his or her right and obligations. For example, the Chancellor proposed to the South Prefecture of PBGB to draw the attention of officers in Valga and Võru detention chambers to the fact that documents relating to detainees (in particular as regards informing detainees of their rights, notification of the detention, and recording of the person's health condition) should be filled out properly (see also [the Annual Report of the Chancellor of Justice on OPCAT matters](#), p 8.). The situation concerning fulfilling documentation confirming that persons have been informed of their rights and obligations has improved in police arrest houses.

Recommendation n°55: *Improve prisoners' access to essential services, including health care and rehabilitation* (Recommended by *Australia*)

IRI: *partially implemented*

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Recommendation n°56: *Ensure that prisoners with disabilities have access to health care and rehabilitation on the basis of informed consent* (Recommended by *Slovenia*)

IRI: *partially implemented*

EPAA response:

[See response to recommendation n°52]

State of Estonia response:

Medical services for prisoners are funded by state budget and arranged by the Ministry of Justice. Most of medical services are rendered at prison medical units by qualified staff. Prison medical units are accordingly licensed. The requirements for medical apparatus, equipment and medical staff at prison medical units are standard shared by all medical facilities in Estonia. All medical services, including rehabilitation, are guaranteed for prisoners. We note that even dental care for



prisoners is guaranteed and paid by the state. In cases when prisoner requires treatment not available at prison medical unit he or she would be transferred to another medical facility to get the necessary treatment, costs covered by the Ministry of Justice.

Recommendation n°57: *Strengthen measures to contain the spread of infectious diseases in prisons and consider re-establishing substitution programs for intravenous drug users, as recommended by the Council of Europe Commissioner for Human Rights (Recommended by Austria)*

IRI: *partially implemented*

State of Estonia response:

According to § 17 of Communicable Diseases Prevention and Control Act the measures fall in the scope of action of either Ministry of Justice (prisons) or Ministry of the Interior (police detention units). Prison medical units offer Methadone substitution treatment for prisoners according to Opiate Addiction Therapy Guide in the framework of National Health Plan 2009-2020. It can be found [here \(in Estonian\)](#).

Recommendation n°64: *Take additional measures to prevent, combat and appropriately sanction trafficking in human beings (Recommended by Moldova)*

IRI: *fully implemented*

UNHCR response:

We wish to add that refugees and asylum-seekers are particularly at risk of falling victim to trafficking or smuggling due to the vulnerable and volatile situations they often face. A proper referral system to the refugee status determination procedure should be established at the border-crossing points and inside the territory in order to ensure that the victim's right to seek and be granted asylum is fully and duly respected. In particular, the State party should adopt proper measures, including the development of standard operating procedures, to facilitate their prompt identification and referral to the asylum system, when appropriate. Moreover, RSD procedures should be improved to ensure that asylum claims from victims of trafficking are fairly and appropriately examined, in line with international standards. Additionally, specialized programs and policies to protect and support victims who cannot return to their countries of origin should be adopted. The Latvian Government should take into account the fact that victims or potential victims of human trafficking who are at risk of persecution, if returned to their countries of origin, may qualify as refugees within the meaning of the 1951 Convention relating to the Status of Refugees. The Committee may wish to note that UNHCR's Guidelines on victims of trafficking provide guidance on the adjudication of asylum applications submitted by victims or potential victims of trafficking.

State of Estonia response:

[See response to recommendation n°14]

Recommendation n°68: *Criminalize human trafficking (Recommended by Hungary)*

IRI: *fully implemented*



EPAA response:

The Criminal Code is amended and a separate provision on trafficking of human beings is stipulated in § 133 and in its subsections. Firstly amended on 2012, last adoption took place in December 2013.

State of Estonia response:

[See response to recommendation n°14]

Recommendation n°71: *Cooperate further with the task force against trafficking in human beings of the Council of the Baltic Sea States* (Recommended by Norway)

IRI: *fully implemented*

State of Estonia response:

Cooperation in this field is regarded as very important. Moreover, Estonia will be chairing the Council of the Baltic Sea States for a year from July 1, 2014.

Recommendation n°73: *Ensure that persons with intellectual and psycho-social disabilities are informed about criminal proceedings and charges against them, and enjoy the right to a fair hearing, and to adequate and effective legal assistance* (Recommended by Slovenia)

IRI: *partially implemented*

EPAA response:

[...] [Although] Estonia has made some improvements in providing procedural safeguards in psychiatric detention proceedings there are still several problems to be solved. Persons with intellectual and psycho-social disabilities who are under the criminal detention face problems in getting full information and meaningful legal representation during the process. While already detained into forensic psychiatric institution, the Code of Criminal Procedure § 402&403 stipulates that the person himself has no right to initiate a process to review the grounds of detention (due to the assumption that the person is continually irresponsible). EPAA is convinced that this practice violates human rights and should be abolished.

Persons facing the detention into psychiatric facility under civil process also have problems with getting full information about the process and grounds of detention. Person's access to court documents is often prohibited by judges who refer to the person's mental illness. It means that the person is unable to present his arguments to court. State provided legal aid tends often to appear superficial and no questions will be raised during court procedure. Therefore the evidence of dangerousness and suitability of using alternative means is rarely addressed by the court. Also there are still number of cases where the person under question is not participating in court hearing that considers his involuntary placement into the long-term psychiatric institution. This happens when a court expert has issued a decision declaring that the person is unable to attend in court hearing due to mental illness. There is also no mechanism to offer prompt, thorough and impartial investigation to persons' complaints about ill-treatment during the detention. Also the practical possibility to appeal involuntary placement is very problematic.



State of Estonia response:

Participation of counsel throughout criminal proceedings is mandatory if due to his or her mental or physical disability, the person is unable to defend himself or herself or if defence is complicated due to such disability (§ 45 of Code of Criminal Proceedings).

Recommendation n°74: *Investigate promptly, thoroughly and impartially all acts of brutality and excessive use of force by law enforcement personnel* (Recommended by Czech Republic)

IRI: *partially implemented*

State of Estonia response:

It is a rule that investigation is started if there is a suspicion of brutality or excessive use of force by law enforcement personnel.

Victims of such brutality can make a complaint to [the police](#), [Prosecutor's Office](#). In order to prevent possible abuse and brutality, these issues are systematically addressed by [Chancellor of Justice](#), also by means of visits of chancellor to police stations and detention facilities.

Recommendation n°75: *Conduct appropriate and impartial investigations of excessive use of force by security forces, prosecute and punish officers responsible, and provide proper compensation to victims and their families* (Recommended by Ecuador)

IRI: *partially implemented*

State of Estonia response:

When there is a suspicion of the criminal offence, then the investigation is started. Victims receive help through victim support services and the system is regulated in Victim Support Act.

Recommendation n°76: *Investigate acts of brutality by law enforcement personnel* (Recommended by Iran)

IRI: *fully implemented*

State of Estonia response:

When there is a suspicion of the criminal offence, then the investigation is started.

SOGI

Recommendation n°45: *Take all necessary measures to combat discrimination against homosexuals* (Recommended by Belgium)

IRI: *partially implemented*

State of Estonia response:

The issue still requires full attention of all stakeholders. Also the Chancellor of Justice has been active to point out the shortcomings in the matter. Meanwhile, with aim to raise awareness of the Equal Treatment Act the Ministry of Social Affairs has been co-financing the European Commission PROGRESS programme "Diversity Enriches"



project of Tallinn Technical University since 2010. Since 2010 LGBT issues have been one of the priorities of the project.

Recommendation n^o46: *Develop public awareness and education programs that advance tolerance on the grounds of sexual orientation and gender identity* (Recommended by *Netherlands*)

IRI: *fully implemented*

State of Estonia response:

With aim to raise awareness of the Equal Treatment Act the Ministry of Social Affairs has been co-financing the European Commission PROGRESS programme “Diversity Enriches” project of Tallinn Technical University since 2010. Since 2010 LGBT issues have been one of the priorities of the project.

Recommendation n^o47: *Conduct awareness-raising programmes on gender identity and sexual orientation for civil servants, including the security forces and bodies* (Recommended by *Spain*)

IRI: *fully implemented*

State of Estonia response:

Awareness-raising programs are embedded to education programmes of law enforcement officials.

With aim to raise awareness of the Equal Treatment Act the Ministry of Social Affairs has been co-financing the European Commission PROGRESS programme “Diversity Enriches” project of Tallinn Technical University since 2010. Since 2010 LGBT issues have been one of the priorities of the project

Recommendation n^o103: *Develop comprehensive policy instruments based on the Yogyakarta Principles to combat discrimination against sexual minorities* (Recommended by *Finland*)

IRI: *partially implemented*

State of Estonia response:

With regards to raising awareness on the Equal Treatment Act the Ministry of Social Affairs has been co-financing the European Commission PROGRESS programme “Diversity Enriches” project of Tallinn Technical University since 2010. Since 2010 LGBT issues have been one of the priorities of the project.

Recommendation n^o104: *Pay special attention to acts of violence against homosexuals* (Recommended by *Belgium*)

IRI: *fully implemented*

State of Estonia response:

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. Estonia pays attention and condemns all forms of violence, and has in place the respective legislative and policy instruments (national Development for Reduction of Violence). With regards to raising awareness on the equal treatment the Ministry of Social Affairs has been co-financing the European Commission PROGRESS programme “Diversity Enriches” project Tallinn Technical University since 2010. Since 2010 LGBT issues have been one of the priorities of the project.

Women & Children

Recommendation n°24: *Create the institution of ombudsman for children (Recommended by Finland)*

IRI: *fully implemented*

EPAA response:

In March 2011 the responsibility to look after the rights of children was given to the Office of the Chancellor of Justice in Estonia. It is declared in their webpage that the Chancellor is implementing the tasks set up in the Convention of the Rights of Children.

According to the Law of Chancellor the Chancellor has being given the right to issue suggestions and opinions about the cases and at the same time the role of conciliation between a person having complaint over discrimination and a public organization. According to the Law of Conciliation the conciliator has to stay impartial and not to take any side. He is not allowed to make an impression that he has a power to make decisions and he has to hold confidentiality about the case. It is very confusing to EPAA on how such procedure suits cases of human rights violations.

Although the law stipulates that the Chancellor conducts investigations about the allegations on human rights (obtains evidence, carries out interviews and involves experts) the actual investigation contains mostly written procedures of sending letters to parties and to government agencies who are seemingly considered to be as experts.

Vulnerable society groups who have experienced human rights violations during health or social care services are not given enough information to recognize the violations nor given suitable assistance to present a complaint. EPAA concludes that there are still lacking complaint mechanisms that offer prompt, thorough and impartial investigation and decision procedure to vulnerable society groups in cases of discrimination.

State of Estonia response:

In Estonia, the position of the Ombudsman for Children was created on 19 March 2011 when the Chancellor of Justice took over the tasks to protect and promote children's rights. To fulfil the tasks of the Ombudsman for Children, there is the Children's Rights Department in the Office of the Chancellor of Justice.

Recommendation n°25: *Intensify efforts to guarantee the good functioning of the Commissioner on Gender Equality by providing sufficient resources (Recommended by Spain)*

IRI: *fully implemented*

State of Estonia response:

Allocated funds have grown steadily over the years – EUR 51884 (2010), EUR 60136 (2011), EUR 60786 (2012), EUR 63351 (2013), EUR 76681 (2014). Additionally, in



2013-2015 the Gender Equality and Equal Treatment Commissioner is implementing a pre-defined project in the framework of the gender equality and work-life balance programme of the Ministry of Social Affairs, co-financed by the Norwegian Financial Mechanism 2009-2014. The budget of this project is 700 000 EUR.

Recommendation n°27: *Continue efforts to protect and promote the rights of the child (Recommended by Lithuania)*

IRI: *fully implemented*

EPAA response:

According to data of 2012 there live altogether 246 346 children in Estonia from which every 4th child lives in poverty, app. 40 000 neither study nor work. At the same time Estonia lacks child protection officials, organization of preventative work and quality requirements of social services. State's assistance to create necessary conditions for children development is minimal if existent at all. More assistance and services need to be taken directly to the child. The situation of rising number of children with special needs in schools and kindergartens has many problems, which need to be solved quickly to implement inclusive education – for example, early detection of educational special needs, timely interference by special education teachers, teacher training, educational support services for children with special needs, and physical access. Also it is critical to develop systems to effectively monitor children rights and the quality of offered services to children. Please read also a report from [[the Human Rights Centre](#)].

State of Estonia response:

Estonian Government adopted in the end of 2011 the Strategy of Children and Families 2012-2020. The main objective of the Strategy is to improve the well-being and quality of living of children and families, thereby promoting the birth of children. New Child Protection Act is currently in drafting process. New act sets principles for all parties to ensure child wellbeing and provide necessary assistance to children in need. Main focus of the act has been put on prevention, early intervention, cross-sectorial cooperation and provision of effective child protection services.

Also the Chancellor of Justice has acted as an Ombudsman for Children since 19 March 2011. Overview of the Chancellor of Justice's activities as the ombudsman for children may be found in annual reports of the Chancellor of Justice. Available [on the [Ombudsman's website](#)].

Norway and EEA Grants program: Children and Youth at Risk (2013-2016). Main approach of the program is in prevention and cross-sectorial cooperation. Program activities focus on creating a legal and organizational framework to establish the support system for children and youth at risk, supporting professionals in multiple agencies to provide adequate early intervention and preventive services, and provision of evidence-based interventions to support positive parenting and prevent juvenile delinquency

Recommendation n°28: *Strengthen its efforts to raise awareness among its citizens on the provisions contained in the Equal Treatment Act, and to ensure its full*

implementation as well as that of the Gender Equality Act (Recommended by Thailand)

IRI: *fully implemented*

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Recommendation n°37: Fully implement the laws on gender equality and equal treatment, in accordance with the commitment formulated in paragraph 153 of its national report (Recommended by Chile)

IRI: *fully implemented*

State of Estonia response:

With regards to raising awareness on the Equal Treatment Act and principles of non-discrimination, Ministry of Social Affairs has been co-financing the European Commission PROGRESS programme “Diversity Enriches” project of Tallinn Technical University since 2010. The project tackles all grounds of discrimination named in the Equal Treatment Act.

In 2014 Ministry of Social Affairs starts the amendment of Equal Treatment Act to abolish the hierarchy of protection depending on the ground of discrimination. Currently ETA divides the protected areas depending on the basis of discrimination. It covers discrimination based on religion or belief, age, disability and sexual orientation only in the area of employment (as required by EU Directive 2000/78/EC), while discrimination based on racial or ethnic origin and colour is additionally covered in the areas of services and social security (as required by the EU Directive 2000/43/EC).

On matters of gender equality:

A project “Mainstreaming gender perspective into state budget” was carried out from October 2010 to April 2012 within the framework of the EU PROGRESS Programme (2007-2013) in co-operation of the Ministry of Social Affairs and the Gender Equality and Equal Treatment Commissioner to train employees of ministries and government agencies in gender budgeting and to compile a gender budgeting manual for the public sector. The aim of the project was to provide government officials involved in the process of preparation and execution of the state budget with knowledge and skills on how to integrate the aspect of gender equality and to provide them with a broader knowledge on European and national policy on gender equality.

With the co-financing of European Social Fund, Ministry of Social Affairs launched in 2013 an awareness-raising campaign called “Stereotype” in order to draw attention to and encourage youngsters to be aware of and give up gender stereotypes in everyday life situations. The campaign consisted of several activities, among them career days for boys and girls, which were aimed at youngsters aged 15-19 with a view to help them make gender stereotype free educational and career choices. During the events boys were introduced to typically “female professions”, e.g. nurse and girls to typically “male professions”, e.g. ground engineer. In television and internet 7 video clips with women and men in different gender-discriminative situations were shown [[available online](#)]. The campaign got a very positive feedback and the humorous video clips that challenge viewer to create a change have been acknowledged internationally as good practices.



Measures are being implemented also in the framework of a pre-defined project of the Gender Equality and Equal Treatment Commissioner under programme for promoting gender equality and reconciliation of work and family life co-financed from the Norwegian Financial Mechanism 2009-2014. The project is being carried out in 2013-2015 and is targeted at increasing the effectiveness of legal protection against discrimination by raising rights awareness and helping victims of discrimination directly through strategic litigation as well as increasing the capacity of officials assisting discrimination victims. The project also supports implementation of gender mainstreaming obligations under the Gender Equality Act.

In August 2012 the Estonian legislation was changed so that spouses, engaged in the activities of the business of the self-employed worker, have a voluntary possibility for the same social protection as the self-employed workers. In order for this social protection to be provided, the self-employed worker has to register his or her spouse as a spouse engaged in the activities of the business of the self-employed worker in the register of taxable persons and pay social tax for the registered spouse. The social protection thereby provided includes e.g. state pension insurance and health insurance, which in turn includes benefit for temporary incapacity for work (sickness benefit, maternity benefit, adoption benefit and care benefit).

According to changes made to the Insurance Activities Act that came into force in May 2013, while the differences between the insurance premiums and insurance indemnities of women and men cannot be caused by the use of sex of a person as a factor in the assessment of the insured risks, an insurance undertaking is permitted in the assessment of insured risks in sickness insurance to take into account the risks, which are characteristic only to men or only to women, and to differentiate, if necessary, to the extent of the specified risks the insurance premiums and insurance indemnities of women and men. Neither pregnancy nor maternity can affect the size of the insurance premiums and insurance indemnities.

In October 2013 the Estonian Government established Gender Equality Council, set forth in the Gender Equality Act and functioning as an advisory body to the Government. Its main responsibilities are advising the Government in matters related to strategies for the promotion of gender equality, approving general objectives of gender equality policy and presenting opinions to the Government concerning the compliance of national programmes with the obligation of gender mainstreaming. The Council met in November to discuss topics to concentrate on in the coming years, among which e.g. gender pay gap, gender balance in decision making, gender stereotypes in media, educational and court system and violence against women were mentioned.

Development plan “Integrating Estonia 2020” addresses issues of cultural diversity of different nationalities in Estonia; the need to preserve this diversity. It is based on principles laid out in the Constitution. The measures in development plan will facilitate the integration of national minorities and the society to be more inclusive. The measures work to make all residents of Estonia to feel safely in Estonian society; to learn and to use Estonian language. The measures further facilitate national minorities to upkeep their native languages and cultures and grow knowledge of



other national minorities. The development plan further aims to create platforms to help concentrate vital and useful information in different languages. This measure is also addressed to recent arrivals in Estonia – students, spouses, employees.

The Ministry of Social Affairs continues working on the further implementation of Gender Equality Act also by developing the regulation for employers that will set the procedure of collection and a list of data that has to be collected in such a form as to enable presenting and analysing this data by sex. Collecting the data provides the employer with knowledge of gender dynamics in the company and gives a necessary overview of the situation in case there is a doubt of discrimination.

In December 2011 the Government of the Republic adopted new „Rules for Good Legislative Drafting and Technical Rules for Drafts of Legislative Acts“ which foresees an obligation of impact analysis of draft legislation. According to these rules also a social impact has to be analysed which should include an analysis of an impact of the planned regulation on gender relations. An accompanying methodology of impact assessment was adopted in December 2012 and is applied also in case of preparing strategic documents.

In September 2011, Estonian Parliament adopted a decision with a proposal to the Government to prepare an action plan to reduce gender pay gap in Estonia. The action plan was prepared by the Ministry of Social Affairs and the plan and the topic of gender pay gap was discussed at the cabinet meeting of the Government in July 2012. The action plan was approved and in autumn 2012 introduced to the Parliament. The approved action plan is based on the assumption pointed out also in the gender pay gap study of 2010 that there is not one specific reason behind the gender pay gap in Estonia but its causes are diverse. The activities are mostly implemented with the financial support from the Estonian European Social Fund programme “Promoting Gender Equality 2011-2013” and the gender equality and work-life balance programme financed from the Norwegian Financial Mechanism 2009-2014, executed in 2013-2015.

The Ministry of Social Affairs is currently implementing the Estonian European Social Fund programme “Promoting Gender Equality 2011-2013”.

Several studies and analysis (on topics such as gender-based and sexual harassment at workplace, flexibility in measures aimed at supporting reconciling work and family life and the work-life balance possibilities of national minorities, but also the fourth Gender Equality Monitor) have been recently carried out. In the framework of this programme also awareness raising events were organised on the topic of gender pay gap, a media campaign to tackle gender stereotypes was carried out and trainings have been held for legal professionals, employers, representatives of employees. Additionally, in spring 2014, around the Estonian Equal Pay Day in April, regional events are planned to take place that address the problem of gender pay gap.

The Ministry of Social Affairs is co-ordinating implementation of a gender equality and work-life balance programme financed from the Norwegian Financial Mechanism



2009-2014, being carried out in 2013-2015. Under the programme three types of projects are being implemented – 2 pre-defined projects, 4 large-scale open call projects and small-grant scheme projects. The pre-defined projects are carried out by the Statistics Estonia and by the Gender Equality and Equal Treatment Commissioner, first of them aiming to develop a new concept for gathering and analysing gender pay gap statistics and the second to improve protection of victims of discrimination and implementation of gender mainstreaming strategy. Two of the projects chosen to be financed in the framework of open calls aim to integrate gender equality issues into higher education curricula, two to improve possibilities for reconciling work and family life. Small-grant scheme project competition will be carried out in Spring 2014.

Recommendation n°30: *Develop policies to increase gender equality to address the inequalities that persist despite legal guarantees* (Recommended by Australia)

IRI: *fully implemented*

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Recommendation n°33: *Reinforce the measures to fight against the sexist stereotypes affecting women in particular, and stress the promotion of equal opportunity, namely through the full implementation of the laws on gender equality and equal treatment* (Recommended by Morocco)

IRI: *fully implemented*

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Recommendation n°34: *Continue efforts to advance gender equality in all spheres, by both implementing existing legislation and developing new legal norms* (Recommended by Lithuania)

IRI: *fully implemented*

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Recommendation n°35: *Take further measures to reduce the problem of gender inequality and strengthen the position of women within society* (Recommended by Bosnia & Herzegovina)

IRI: *fully implemented*

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Recommendation n°39: *Continue its efforts to combat violations of women's rights, including through raising public awareness* (Recommended by Azerbaijan)

IRI: *fully implemented*

State of Estonia response:

On matters of gender equality:

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Measures are being implemented also in the framework of a pre-defined project of the Gender Equality and Equal Treatment Commissioner under programme for promoting gender equality and reconciliation of work and family life co-financed from the Norwegian Financial Mechanism 2009-2014. The project is being carried out in 2013-2015 and is targeted at increasing the effectiveness of legal protection against discrimination by raising rights awareness and helping victims of discrimination directly through strategic litigation as well as increasing the capacity of officials assisting discrimination victims. The project also supports implementation of gender mainstreaming obligations under the Gender Equality Act.

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compliance of national programmes with the obligation of gender mainstreaming. The Council met in November to discuss topics to concentrate on in the coming years, among which e.g. gender pay gap, gender balance in decision making, gender stereotypes in media, educational and court system and violence against women were mentioned.

Development plan “Integrating Estonia 2020” addresses issues of cultural diversity of different nationalities in Estonia; the need to preserve this diversity. It is based on principles laid out in the Constitution. The measures in development plan will facilitate the integration of national minorities and the society to be more inclusive. The measures work to make all residents of Estonia to feel safely in Estonian society; to learn and to use Estonian language. The measures further facilitate national minorities to upkeep their native languages and cultures and grow knowledge of other national minorities. The development plan further aims to create platforms to help concentrate vital and useful information in different languages. This measure is also addressed to recent arrivals in Estonia – students, spouses, employees.

The Ministry of Social Affairs continues working on the further implementation of Gender Equality Act also by developing the regulation for employers that will set the procedure of collection and a list of data that has to be collected in such a form as to enable presenting and analysing this data by sex. Collecting the data provides the employer with knowledge of gender dynamics in the company and gives a necessary overview of the situation in case there is a doubt of discrimination.

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The Ministry of Social Affairs is currently implementing the Estonian European Social Fund programme “Promoting Gender Equality 2011-2013”.



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The Ministry of Social Affairs is co-ordinating implementation of a gender equality and work-life balance programme financed from the Norwegian Financial Mechanism 2009-2014, being carried out in 2013-2015. Under the programme three types of projects are being implemented – 2 pre-defined projects, 4 large-scale open call projects and small-grant scheme projects. The pre-defined projects are carried out by the Statistics Estonia and by the Gender Equality and Equal Treatment Commissioner, first of them aiming to develop a new concept for gathering and analysing gender pay gap statistics and the second to improve protection of victims of discrimination and implementation of gender mainstreaming strategy. Two of the projects chosen to be financed in the framework of open calls aim to integrate gender equality issues into higher education curricula, two to improve possibilities for reconciling work and family life. Small-grant scheme project competition will be carried out in Spring 2014.

Recommendation n°31: Develop policies and programmes to provide women with equal opportunities in the labour market, education and political and public representation, and take all necessary measures to guarantee the effective implementation of gender equality legislation, including by providing the Commissioner for Gender Equality and Equal Treatment with adequate resources (Recommended by Netherlands)

IRI: fully implemented

State of Estonia response:

[See response to recommendation n°28]

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At the end of 2012 the Estonian Government approved the commencement of drafting the new integration strategy for the new programming period (2014-2020). The Steering Group for the new strategy includes 8 Ministries, representatives of state institutions and local governments.

Expert Committee are formed mainly of persons with immigrant background in order to engage different target groups and stakeholders in the formulation and implementation of integration policy. Involvement was created through several discussion platforms, so that in the drafting process, the strategic partners in the field of integration were reached a common understanding of strategic objectives and the roles and responsibilities in striving towards the objectives.



[Trilingual web portal](#) was created to inform and engage the wider public. The new Strategy of Integration and Social Cohesion in Estonia will be completed by May 2014 and after its approval by the government it will be implemented and regularly monitored.

Given the diversity of the target populations of the integration policy and the current socio-economic situation of Estonian society, three different broader lines of action may be differentiated in the field of integration. Firstly, improvement of all society's openness and shaping of attitudes to embrace integration. Secondly, continuing support to poorly integrated permanent residents of foreign origin in their active social integration. Thirdly, support for the adaptation and integration of new immigrants.

As a horizontal field, integration requires cross-sectoral cooperation. Integration is addressed as a multi-way process, where the preservation of the ethnic identity and culture of ethnic groups is supported and more equal opportunities for subsistence and participation in social life are created through improving state language skills. There are no separate strategies for specific ethnic groups; the Integration Strategy is implemented to include all the ethnic groups in the society.

Ministry of Education and Research supports systematically both formal and non-formal learning activities which lead to more coherence integration of society (language learning; multilingual activities etc). The activities are based on systematic analysis and scientific research of so far implemented activities.

Recommendation n°36: Take all necessary measures to eliminate, combat and punish all forms of discrimination and violence against women (Recommended by Ecuador)

IRI: partially implemented

EPAA response:

EPAA concerns that Estonia has not ratified the CoE's Convention on preventing and combating violence against women and domestic violence. This document contains several important guidelines to prevent violence against women that would help Estonia to protect women from violence. Unfortunately the measures described within this Convention have not been enforced. There is lacking legislation and lacking funding to effectuate necessary means to address the issue.

There are not enough services to victims. Some NGO initiated homes that provide shelter to abused women are constantly facing sustenance problems due to the project based funding and lacking support from government. Often the initiated services will be closed due to the end of a project that causes huge problems to clients. There is no specific legal regulation (other than in Penal Code) that would open the content of domestic violence and that would describe practical means to deal with the issue in practice. Children who were at the place of violence are considered to be as witnesses not as victims so there are not enough legal protection for minor victims. EPAA is also concerned that the restraining order issued in civil process does not prevent perpetrator to live together with victims. At the same time it is often not financially possible to victims to move out. There are no adequate means



to support victims financially, legally and emotionally set up in Estonia. Victims have lost their faith into help from police, from courts and from local governments.

State of Estonia response:

As to recent measures taken to combat discrimination based on sex and to promote gender equality, [see response to recommendation n°30]. Moreover all forms of violent crimes are covered in the Penal Code, in the chapter of offences against the person. See more [[on the website of the Riigi Teataja](#)].

Recommendation n°48: Review all necessary measures to reduce discrimination and particularly, stress the design of appropriate policies to prevent discrimination against children (Recommended by Ecuador)

IRI: partially implemented

EPAA response:

Discrimination against children with disabilities express in Estonia in the way that there are not enough support services for children with special needs. Those services that are available have often lengthy waiting-lists or those that are existent are inadequate to meet child's needs and do not meet necessary standards of care. There are big problems to get the rehabilitation and day-care services, recovery treatment, assistance aids, benefits to additional expenses, proper special education etc. Families who care for a disabled child are not adequately supported by a state. Carers who have been forced to quit their everyday jobs to sustain a life of their disabled child work at home 24/7 without any vocation. A lot of carers (usually mothers) staying at home have no right to health care and to receive pension for these years. As there are many bureaucratic obstacles to register themselves as carers and to get the benefit of 7-25 Euros per month for their role, it is waived by families. Those families suffer poverty and often the carer's health deteriorates to the point they themselves face disability due to the years of exhaustion.

State of Estonia response:

Both the present and the new Child Protection Act declare that the principles and actions of the act shall be taken for all children which mean all persons under 18.

Recommendation n°58: Adopt the necessary legislation, and prohibit any kind of violence against children, including corporal punishment (Recommended by Finland)

IRI: not implemented

GIEACPC response:

During Estonia's UPR in 2011, the Government reported that the Ministry of Social Affairs was in the process of amending the Child Protection Act to explicitly prohibit corporal punishment. On 30 December 2013, the draft new Child Protection Act was released for public consultation; it includes prohibition of corporal punishment. It is anticipated that the amendments will come into force in January 2015. For a detailed report on the legality of corporal punishment of children in Estonia and efforts towards prohibiting it, see [[GIEACPC's website](#)].



State of Estonia response:

New Child Protection Act will be submitted to the Government of Estonia in Spring 2014. The Draft of the new Child Protection Act prohibits any kind of violence against children, including corporal punishment.

Violence against children, including corporal punishment is criminalised and punishable according to Penal Code

The Chancellor of Justice made a public address to the Minister of Social Affairs on prohibition of corporal punishment of the child. Available [[on the Children's Ombudsman's website](#)].

Recommendation n°59: *Intensify its efforts in terms of prevention, sanction and eradication of all forms of violence against women* (Recommended by *Argentina*)

IRI: *fully implemented*

State of Estonia response:

New strategy is in the process of formulation and it covers all the fields (prevention, protection of victims, prosecution, and rehabilitation). Strategy in force is found [[on the Justice Ministry's website](#)].

Recommendation n°60: *Adopt specific legislation to combat domestic violence, provide protection for its victims, and swiftly prosecute perpetrators of such violence* (Recommended by *Iran*)

IRI: *not implemented*

State of Estonia response:

Draft amendment to the Penal Code is in the Parliament.

Recommendation n°61: *Consider elaborating a comprehensive national plan to prevent and combat violence against women, and consider the necessary legislative updates* (Recommended by *Brazil*)

IRI: *fully implemented*

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Recommendation n°62: *Accelerate efforts aimed at fully implementing the Development Plan for the Reduction of Violence 2010-2014, with a view to, among others, addressing violence against women* (Recommended by *Malaysia*)

IRI: *not implemented*

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Recommendation n°63: *Build on current efforts to address domestic and sexual violence by promoting training and public-awareness programmes, supporting the establishment of shelters for victims, and ensuring full implementation of judicial mechanisms that allow adequate investigations and punishment of perpetrators* (Recommended by *Canada*)

IRI: *partially implemented*

EPAA response:

[See response to recommendation n°36]

State of Estonia response:

Development Plan for the Reduction of Violence 2010-2014 covers also action to reduce the violence against women is being implemented. Please find it at the [Ministry of Justice website](#).

New development plan for post-2014 years is in the process of formulation and it will cover all the fields (prevention, protection of victims, prosecution, and rehabilitation). Draft amendment to the Penal Code is in the Parliament.

Recommendation n°78: *Take additional measures to more actively promote the full and equal participation of women in bodies where members are elected or nominated* (Recommended by *Moldova*)

IRI: *fully implemented*

State of Estonia response:

The Ministry of Social Affairs is currently implementing the Estonian European Social Fund programme “Promoting Gender Equality 2011-2013”.

In the framework of this programme also awareness raising campaign to tackle gender stereotypes was carried out. Among the activities of the campaign video clips were developed to point out gender stereotypes in everyday occasions and their negative impact on lives of women and men. Among the clips two also targeted gender stereotypes concerning women in leadership positions.

The Ministry of Social Affairs is co-ordinating implementation of a gender equality and work-life balance programme financed from the Norwegian Financial Mechanism 2009-2014, being carried out in 2013-2015. Under the programme, in addition to other activities, a small-grant scheme project competition will be carried out. Among the possible activities suggested for project proposals also development and piloting of measures for improving the gender balance among the executives and top executives in the private and public sector is listed.

Recommendation n°100: *Expedite action to establish the Gender Equality Council* (Recommended by *Ghana*)

IRI: *fully implemented*

State of Estonia response:

In August 2012 the Estonian legislation was changed so that spouses, engaged in the activities of the business of the self-employed worker, have a voluntary possibility for the same social protection as the self-employed workers. In order for this social protection to be provided, the self-employed worker has to register his or her spouse as a spouse engaged in the activities of the business of the self-employed worker in the register of taxable persons and pay social tax for the registered spouse. The social protection thereby provided includes e.g. state pension insurance and health insurance, which in turn includes benefit for temporary incapacity for work (sickness benefit, maternity benefit, adoption benefit and care benefit).

According to changes made to the Insurance Activities Act that came into force in May 2013, while the differences between the insurance premiums and insurance indemnities of women and men cannot be caused by the use of sex of a person as a



factor in the assessment of the insured risks, an insurance undertaking is permitted in the assessment of insured risks in sickness insurance to take into account the risks, which are characteristic only to men or only to women, and to differentiate, if necessary, to the extent of the specified risks the insurance premiums and insurance indemnities of women and men. Neither pregnancy nor maternity can affect the size of the insurance premiums and insurance indemnities.

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Development plan “Integrating Estonia 2020” addresses issues of cultural diversity of different nationalities in Estonia; the need to preserve this diversity. It is based on principles laid out in the Constitution. The measures in development plan will facilitate the integration of national minorities and the society to be more inclusive. The measures work to make all residents of Estonia to feel safely in Estonian society; to learn and to use Estonian language. The measures further facilitate national minorities to upkeep their native languages and cultures and grow knowledge of other national minorities. The development plan further aims to create platforms to help concentrate vital and useful information in different languages. This measure is also addressed to recent arrivals in Estonia – students, spouses, employees.

Recommendation n°101: Increase the resources allocated to the Commissioner for Gender Equality and Equal Treatment as a matter of priority (Recommended by Norway)

IRI: fully implemented

EPAA response:

EPAA suggests that together with increasing the resources it is also necessary to widen the scope of Commissioner’s jurisdiction to disability and health rights as there are no effective mechanisms in Estonia to deal with those complaints.

State of Estonia response:

Allocated funds have grown steadily over the years – EUR 51884 (2010), EUR 60136 (2011), EUR 60786 (2012), EUR 63351 (2013), EUR 76681 (2014).

Additionally, in 2013-2015 the Gender Equality and Equal Treatment Commissioner is implementing a pre-defined project in the framework of the gender equality and work-life balance programme of the Ministry of Social Affairs, co-financed by the Norwegian Financial Mechanism 2009-2014. The budget of this project is 700 000 EUR.



Recommendation n^o102: *Speed up the process to adopt the Development Plan for Children and Families 2011-2020* (Recommended by Azerbaijan)

IRI: *fully implemented*

State of Estonia response:

Estonian Government adopted in the end of 2011 the Strategy of Children and Families 2012-2020. The main objective of the Strategy is to improve the well-being and quality of living of children and families, thereby promoting the birth of children. Five strategic objectives have been set for the achievement of the main objective:

1. The Estonian child and family policy is knowledge-based and uniform in order to support the sustainability of society;
2. Estonia is a country that supports positive parenting and offers the necessary support to raising children and being a parent in order to improve the quality of living and future of children;
3. The rights of children are guaranteed and a functional child protection system is created in order to value each child and the kind of safe environment that supports the development and welfare of children.
2. Estonia has a system of combined benefits and services that support the adequate economic coping of families in order to offer constant security to families;
3. Men and women have equal opportunities for reconciliation of work, family and private life in order to promote a quality everyday life that meets the needs of each family member

Other

Recommendation n^o15: *Establish a national human rights institution in accordance with the Paris Principles* (Recommended by Thailand)

IRI: *not implemented*

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Recommendation n^o16: *Consider establishing a national human rights institution in accordance with the Paris Principles* (Recommended by Ghana)

IRI: *fully implemented*

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Recommendation n^o17: *Set up a national human rights institution in accordance with the Paris Principles* (Recommended by Ecuador)

IRI: *not implemented*

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Recommendation n^o18: *Set up an independent national human rights institution that operates in accordance with the Paris Principles* (Recommended by United Kingdom)

IRI: *not implemented*

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Recommendation n°19: *Consider options for developing the human rights institutions according to the Paris Principles, as emphasized by the Committee on the Elimination of Racial Discrimination* (Recommended by Bosnia & Herzegovina)

IRI: *fully implemented*

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Recommendation n°20: *Take the necessary steps to establish a national human rights institution in accordance with the Paris Principles on the status of national institutions for the promotion and protection of human rights* (Recommended by Czech Republic)

IRI: *partially implemented*

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Recommendation n°21: *Accelerate the development of activities of one of the existing institutions responsible for the promotion and protection of human rights in order to better adapt it and convert it into an institution which is in conformity with the Paris Principles* (Recommended by Morocco)

IRI: *partially implemented*

EPAA response:

There is no competent national human rights institution set up in Estonia that guarantees independence and pluralism. However many of the responsibilities set up in Principles relating to the Status of National Institutions have been given to the Office of the Chancellor of Justice, there is no such composition and the appointment of its members set up as described in the Principles. The compliance with Paris Principles is still overlooked in Estonia.

State of Estonia response:

Estonia does not have currently an accredited national human rights institution. Estonia is looking for the best solution for the NHRI.

Recommendation n°22: *Explore the possibility of seeking accreditation from the International Coordinating Committee for the relevant institutions, including the Office of the Chancellor of Justice* (Recommended by Malaysia)

IRI: *not implemented*

+

Recommendation n°23: *Start consultations with its national human rights institutions to request accreditation from the International Coordinating Committee* (Recommended by Spain)

IRI: *not implemented*

+

Recommendation n°97: *Establish a human rights institution accredited by the International Coordinating Committee* (Recommended by Algeria)

IRI: *not implemented*

+

Recommendation n°98: *Establish a national human rights institution accredited by the International Coordinating Committee* (Recommended by Denmark)

IRI: *not implemented*

+



Recommendation n°99: *Make efforts to obtain accreditation for a national human rights institution that complies with the Paris Principles from the International Coordinating Committee (Recommended by Poland)*

IRI: *not implemented*

State of Estonia response:

Estonia does not have currently an accredited national human rights institution. Estonia is looking for the best solution for the NHRI.

Recommendation n°26: *Take effective measures towards ensuring equal and full enjoyment of human rights by all, in accordance with its international obligations (Recommended by Sweden)*

IRI: *partially implemented*

State of Estonia response:

With regards to raising awareness on the Equal Treatment Act and principles of non-discrimination, Ministry of Social Affairs has been co-financing the European Commission PROGRESS programme “Diversity Enriches” project of Tallinn Technical University since 2010. The project tackles all grounds of discrimination named in the Equal Treatment Act.

In 2014 Ministry of Social Affairs starts the amendment of Equal Treatment Act to abolish the hierarchy of protection depending on the ground of discrimination. Currently ETA divides the protected areas depending on the basis of discrimination. It covers discrimination based on religion or belief, age, disability and sexual orientation only in the area of employment (as required by EU Directive 2000/78/EC), while discrimination based on racial or ethnic origin and colour is additionally covered in the areas of services and social security (as required by the EU Directive 2000/43/EC).

On matters of gender equality:

A project “Mainstreaming gender perspective into state budget” was carried out from October 2010 to April 2012 within the framework of the EU PROGRESS Programme (2007-2013) in co-operation of the Ministry of Social Affairs and the Gender Equality and Equal Treatment Commissioner to train employees of ministries and government agencies in gender budgeting and to compile a gender budgeting manual for the public sector. The aim of the project was to provide government officials involved in the process of preparation and execution of the state budget with knowledge and skills on how to integrate the aspect of gender equality and to provide them with a broader knowledge on European and national policy on gender equality.

With the co-financing of European Social Fund, Ministry of Social Affairs launched in 2013 an awareness-raising campaign called “Stereotype” in order to draw attention to and encourage youngsters to be aware of and give up gender stereotypes in everyday life situations. The campaign consisted of several activities, among them career days for boys and girls, which were aimed at youngsters aged 15-19 with a view to help them make gender stereotype free educational and career choices. During the events boys were introduced to typically “female professions”, e.g. nurse and girls to typically “male professions”, e.g. ground engineer. In television and internet 7 video clips with women and men in different gender-discriminative



situations were shown [[available online](#)]. The campaign got a very positive feedback and the humorous video clips that challenge viewer to create a change have been acknowledged internationally as good practices.

Measures are being implemented also in the framework of a pre-defined project of the Gender Equality and Equal Treatment Commissioner under programme for promoting gender equality and reconciliation of work and family life co-financed from the Norwegian Financial Mechanism 2009-2014. The project is being carried out in 2013-2015 and is targeted at increasing the effectiveness of legal protection against discrimination by raising rights awareness and helping victims of discrimination directly through strategic litigation as well as increasing the capacity of officials assisting discrimination victims. The project also supports implementation of gender mainstreaming obligations under the Gender Equality Act.

In August 2012 the Estonian legislation was changed so that spouses, engaged in the activities of the business of the self-employed worker, have a voluntary possibility for the same social protection as the self-employed workers. In order for this social protection to be provided, the self-employed worker has to register his or her spouse as a spouse engaged in the activities of the business of the self-employed worker in the register of taxable persons and pay social tax for the registered spouse. The social protection thereby provided includes e.g. state pension insurance and health insurance, which in turn includes benefit for temporary incapacity for work (sickness benefit, maternity benefit, adoption benefit and care benefit).

According to changes made to the Insurance Activities Act that came into force in May 2013, while the differences between the insurance premiums and insurance indemnities of women and men cannot be caused by the use of sex of a person as a factor in the assessment of the insured risks, an insurance undertaking is permitted in the assessment of insured risks in sickness insurance to take into account the risks, which are characteristic only to men or only to women, and to differentiate, if necessary, to the extent of the specified risks the insurance premiums and insurance indemnities of women and men. Neither pregnancy nor maternity can affect the size of the insurance premiums and insurance indemnities.

In October 2013 the Estonian Government established Gender Equality Council, set forth in the Gender Equality Act and functioning as an advisory body to the Government. Its main responsibilities are advising the Government in matters related to strategies for the promotion of gender equality, approving general objectives of gender equality policy and presenting opinions to the Government concerning the compliance of national programmes with the obligation of gender mainstreaming. The Council met in November to discuss topics to concentrate on in the coming years, among which e.g. gender pay gap, gender balance in decision making, gender stereotypes in media, educational and court system and violence against women were mentioned.

Development plan “Integrating Estonia 2020” addresses issues of cultural diversity of different nationalities in Estonia; the need to preserve this diversity. It is based on principles laid out in the Constitution. The measures in development plan will



facilitate the integration of national minorities and the society to be more inclusive. The measures work to make all residents of Estonia to feel safely in Estonian society; to learn and to use Estonian language. The measures further facilitate national minorities to upkeep their native languages and cultures and grow knowledge of other national minorities. The development plan further aims to create platforms to help concentrate vital and useful information in different languages. This measure is also addressed to recent arrivals in Estonia – students, spouses, employees.

The Ministry of Social Affairs continues working on the further implementation of Gender Equality Act also by developing the regulation for employers that will set the procedure of collection and a list of data that has to be collected in such a form as to enable presenting and analysing this data by sex. Collecting the data provides the employer with knowledge of gender dynamics in the company and gives a necessary overview of the situation in case there is a doubt of discrimination.

In December 2011 the Government of the Republic adopted new „Rules for Good Legislative Drafting and Technical Rules for Drafts of Legislative Acts“ which foresees an obligation of impact analysis of draft legislation. According to these rules also a social impact has to be analysed which should include an analysis of an impact of the planned regulation on gender relations. An accompanying methodology of impact assessment was adopted in December 2012 and is applied also in case of preparing strategic documents.

In September 2011, Estonian Parliament adopted a decision with a proposal to the Government to prepare an action plan to reduce gender pay gap in Estonia. The action plan was prepared by the Ministry of Social Affairs and the plan and the topic of gender pay gap was discussed at the cabinet meeting of the Government in July 2012. The action plan was approved and in autumn 2012 introduced to the Parliament. The approved action plan is based on the assumption pointed out also in the gender pay gap study of 2010 that there is not one specific reason behind the gender pay gap in Estonia but its causes are diverse. The activities are mostly implemented with the financial support from the Estonian European Social Fund programme “Promoting Gender Equality 2011-2013” and the gender equality and work-life balance programme financed from the Norwegian Financial Mechanism 2009-2014, executed in 2013-2015.

The Ministry of Social Affairs is currently implementing the Estonian European Social Fund programme “Promoting Gender Equality 2011-2013”.

Several studies and analysis (on topics such as gender-based and sexual harassment at workplace, flexibility in measures aimed at supporting reconciling work and family life and the work-life balance possibilities of national minorities, but also the fourth Gender Equality Monitor) have been recently carried out. In the framework of this programme also awareness raising events were organised on the topic of gender pay gap, a media campaign to tackle gender stereotypes was carried out and trainings have been held for legal professionals, employers, representatives of employees. Additionally, in spring 2014, around the Estonian Equal Pay Day in



April, regional events are planned to take place that address the problem of gender pay gap.

The Ministry of Social Affairs is co-ordinating implementation of a gender equality and work-life balance programme financed from the Norwegian Financial Mechanism 2009-2014, being carried out in 2013-2015. Under the programme three types of projects are being implemented – 2 pre-defined projects, 4 large-scale open call projects and small-grant scheme projects. The pre-defined projects are carried out by the Statistics Estonia and by the Gender Equality and Equal Treatment Commissioner, first of them aiming to develop a new concept for gathering and analysing gender pay gap statistics and the second to improve protection of victims of discrimination and implementation of gender mainstreaming strategy. Two of the projects chosen to be financed in the framework of open calls aim to integrate gender equality issues into higher education curricula, two to improve possibilities for reconciling work and family life. Small-grant scheme project competition will be carried out in Spring 2014.

Recommendation n°32: Continue its close cooperation and support for the activities of United Nations Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Disaster Assessment and Coordination (UNDAC) team, and the International Committee of the Red Cross (ICRC), among others (Recommended by Malaysia)

IRI: fully implemented

State of Estonia response:

Estonia continues its activities through core support and program support in various humanitarian crises areas via UN agencies (UNICEF, OCHA, UNDAC, WHO, UNDP) and also IFRC and ICRC. Also Estonia has sent 3 of its rescue experts through UNDAC on missions.

Recommendation n°105: Adopt a National Plan of Action as well as a specific Law to combat the sale of children, child prostitution and child pornography (Recommended by Iran)

IRI: partially implemented

State of Estonia response:

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 which the ministries and other authorities have to follow in their decision-making. Further, the Estonian government has also approved the Development Plan for Reducing Violence for 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 the objectives to fight and prevent human trafficking and domestic violence.

Estonia is of the opinion that it is not 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 sale or purchase of children, child stealing, disposing minors to engage in prostitution, aiding prostitution involving minors, use of



minors in manufacture of pornographic works and manufacture of works involving child pornography or making child pornography available.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection on all of the States:

1. We contacted the Permanent Mission to the UN either in Geneva (when one exists) or in New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was contacted individually;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI and, also, sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedback from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet that we provide. The Excel sheet includes all of the recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or that it was “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when



comments are defamatory or inappropriate. While we do not mention the recommendations that were not addressed, they can be accessed, unedited, on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account the possibility of stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. On the contrary, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1. An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then, the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims to have partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25 and will, thus, be considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
106	Amend legislation to change the minimum age for marriage from 15 to 18 years	Bosnia & Herzegovina	Rejected	5	Rights of the Child
107	Consider ratifying the ICRMW	Turkey	Rejected	3	International instruments, Labour, Migrants
108	Consider ratifying the ICRMW	Morocco	Rejected	3	International instruments, Labour, Migrants
109	Consider acceding to ICRMW	Azerbaijan	Rejected	3	International instruments, Labour, Migrants
110	Consider ratifying ICRMW in accordance with recommendation no. 1737 of 17 March 2006 of the Parliamentary Assembly of the Council of Europe, of which Estonia is a member	Algeria	Rejected	3	International instruments, Labour, Migrants
112	Ratify ICRMW	Argentina	Rejected	5	International instruments, Labour, Migrants
113	Sign and ratify ICRMW	Ecuador	Rejected	5	International instruments, Labour, Migrants
114	Create an Ombudsman for the issues of national minorities	Russian Federation	Rejected	5	Minorities, NHRI
115	Establish a separate and independent institution for safeguarding children rights	Norway	Rejected	5	Rights of the Child
116	Set up an action plan to combat discrimination, in particular on the grounds of language	Sweden	Rejected	5	Other
117	Strengthen the Equal Treatment Act to address discrimination based on language and advocate for gender equality, particularly in the labour market	Australia	Rejected	4	Labour, Minorities, Women's rights
118	Accord the same rights and responsibilities to same-sex partners as those accorded to partners of the opposite sex	Netherlands	Rejected	4	Sexual Orientation and Gender Identity
119	Engage actively in the fight against domestic violence, amend its legislation and adopt relevant measures to tackle the problem of domestic violence	Czech Republic	Rejected	4	Rights of the Child, Women's rights
120	Consider the adoption of legislative measures to criminalize specifically gender violence	Spain	Rejected	3	Women's rights
121	Establish a specific legal act for the crime of human trafficking	Norway	Rejected	5	Trafficking



rec. n°	Recommendation	SMR	Response	A	Issue
122	Give legal recognition to same-sex relationships	United Kingdom	Rejected	5	Sexual Orientation and Gender Identity
123	Recognize same-sex marriages	Norway	Rejected	4	Sexual Orientation and Gender Identity
125	Adopt a law on the rights and the status of national minorities, sign the European Charter for Regional or Minority Languages, as well as ratify Protocol no. 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms	Russian Federation	Rejected	5	Minorities
126	Ensure the right of national minorities living in territories of compact residences to receive services from the State and municipality in their mother tongue, accede to the UNESCO Convention against Discrimination in Education, reconsider the decision on the closure of gymnasiums that have less than 120 pupils	Russian Federation	Rejected	4	International instruments, Minorities
127	Ensure that adequate status is accorded to minority languages	Austria	Rejected	4	Minorities
128	Estonia is currently not able to fully endorse the recommendation [79.14] to pay special attention to acts of violence against homosexuals. 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.	Estonia	Voluntary Pledge	4	Enforced disappearances, Justice, Rights of the Child, Sexual Orientation and Gender Identity, Torture and other CID treatment
129	Estonia notes that it is committed to ratifying already this year the Convention of the Rights of Persons with Disabilities (CRPD). 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-CPRD).	Estonia	Voluntary Pledge	5	Human rights education and training, International instruments
130	The delegation informed that Estonia had been presenting its candidature to the Human Rights Council for 2012 - 2015 in order to actively contribute to the Council's work for the promotion of human rights. In this respect, Estonia planned to present its voluntary commitments and pledges which would set 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.	Estonia	Voluntary Pledge	5	Disabilities, Other

A= Action Category (see on [our website](#))

SMR = State making recommendation

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