

STATEMENT

UPR Pre-session on Estonia
Geneva, 25-26 March 2021

Delivered by: Estonian LGBT Association

1. Presentation of the Organisation

The statement is delivered on behalf of the Estonian LGBT Association, an independent advocacy CSO working for LGBTI people in Estonia who has presented a joint submission with the Equal Treatment Network coalition.

2. National consultations for the drafting of the national report

The Ministry of Foreign Affairs has led the preparation of the National Report and there have not been any separate consultations with the Estonian LGBT Association.

3. Plan of the Statement

This statement addresses the issues of (1) same-sex families and (2) transgender people.

4. Statement

I. Same-sex Families

Follow-up to the last review

The state does not yet fully recognise the rights of same-sex families. The Registered Partnership Act has allowed same-sex couples to register since 2016 but the law was passed without the implementation provisions, so other laws have not been amended accordingly. More than 80 laws are to be amended and in order for the rights guaranteed by the Act to be recognised, cases of unequal treatment and unconstitutionality must be resolved in court.

Several countries have recommended to pass the necessary legislation in order for the Registered Partnership Act to ensure its implementation. In the interim report the state has completely ignored the fact that the law could not be implemented fully.

Recommendations

We therefore recommend to adopt all implementation provisions for the law on cohabitation, which will ensure full implementation of the law.

II. Transgender People

Follow-up to the last review

The gender recognition process for transgender people is discriminatory and difficult to access. Legal gender recognition is made dependent on previous medical interventions and is not based on a person's self-determination. Gender recognition decisions depend on the deliberations of a medical examination committee and here are no supervisory measures and no official publicly available information.

This issue has previously not been attended specifically but it is a serious violation of equal treatment. Several countries have drawn attention to the need to combat discrimination on account of gender identity. The state has not included any information on this issue in the interim report.

Recommendations

We therefore recommend changing the regulation of gender recognition by separating the processes of medical and legal gender recognition, and ensuring that legal gender recognition is based on self-determination.

Thank you for your attention!

