

Council of Europe contribution for the 38th UPR session (Jan-Feb 2021) regarding Estonia

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Prevention of torture (CPT)

The 'European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' organises country visits in order to visit places of detention to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information.



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Government response/



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Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights is an independent and impartial non-judicial institution established by Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member States.

In October 2019, the Commissioner published a [human rights comment on language policies](#) in Europe, calling on Council of Europe member states, including Estonia, to ensure that such policies accommodate diversity, protect minority rights and defuse tensions. She noted that in several Council of Europe countries language policies tend to increase tensions between communities rather than promoting social cohesion. Emphasising the need to combat discrimination based on language, the Commissioner mentioned a report on Estonia by the Advisory Committee of the Framework Convention on National Minorities, which deplored the lack of access to public positions for people belonging to minorities because of overly strict language conditions. The Commissioner also emphasised the importance of providing sufficient opportunities to learn the official language. In this regard, she referred to an audit report in Estonia which found a lack of funding and adequately trained teachers making it impossible to meet adult demand for Estonian language courses in the country.

The Commissioner carried out a visit to Estonia from 11 to 15 June 2018, which focused on women's rights; the human rights of older persons; and the independence and effectiveness of national human rights structures. She published [a press release](#) at the end of the visit and [a report](#) in September 2018.



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With regard to **women's rights**, the Commissioner examined issues pertaining to gender equality and violence against women. While noting clear progress in the field of gender equality, and the adoption of specific laws and policies in that area, the Commissioner found that further efforts were required to combat discriminatory gender stereotypes in Estonia. She recommended awareness-raising campaigns on gender equality, the consideration of temporary special measures to promote

better representation of women in decision-making, and increased salary transparency - in addition to other comprehensive measures - to close the gender pay gap. The Commissioner congratulated Estonia on the ratification of the Council of Europe Istanbul Convention and noted the well-developed system of protection and support for victims of gender-based and domestic violence. She called on the authorities to ensure the effective investigation and prosecution of violence against women, by continuing to pursue training for law enforcement and judicial officials, strengthening legal assistance to victims, and considering establishing specialised teams of prosecutors and judges to handle such cases.

The Commissioner noted that it was urgent for Estonia to address the needs **of older persons** - a growing segment of the country's population - in a manner fully compliant with human rights. She suggested the adoption of a comprehensive strategy on older persons. To tackle discrimination, she recommended adopting the pending proposed amendments to the Equal Treatment Act and conducting public campaigns to combat ageism. The Commissioner also recommended that the Estonian authorities increase the social minima in order to combat poverty among older persons. The authorities were further invited to adopt a human rights-based approach to the long-term care of older persons, which includes de-institutionalisation and protecting older persons' autonomy and right to live independently in the community as long as they can or wish to do so. Given Estonia's rapid progress toward the digitalisation of state services, the Commissioner recalled the responsibility of the authorities to ensure that older persons also have access to new technologies in order to fully exercise their right to participate in a democratic society. As to the deployment of robots and artificial intelligence in the care of older persons, the Commissioner invited the authorities to consider the ethical and human rights aspects involved as they develop any related laws and policies.

Emphasising the key role of **national human rights structures** in the protection and promotion of human rights at the national level, the Commissioner welcomed the recent designation of the Chancellor of Justice as national human rights institution in Estonia, and invited the authorities to strengthen the independence and resources of the Gender Equality and Equal Treatment Commissioner.

Fight against racism and intolerance (ECRI)

The European Commission against Racism and Intolerance (ECRI) is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, colour, citizenship, religion and language. It prepares reports and issues recommendations to member States, in which its findings, along with recommendations are published. These reports are drawn up after a contact visit to the country in question and a confidential dialogue with the national authorities. The country monitoring takes place in five-year cycles. As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Conclusions on Estonia (adopted on 21 March 2018 / published on 15 May 2018)



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Steering Committee on Anti-Discrimination Diversity and Inclusion (CDADI)

Under the authority of the Committee of Ministers and bearing in mind the Council of Europe's legal standards, the jurisprudence of the European Court of Human Rights and the findings and recommendations of the relevant monitoring mechanisms, the CDADI steers the Council of Europe's intergovernmental work to promote equality for all and build more inclusive societies, offering effective protection from discrimination and hate and where diversity is respected. The work of the CDADI shall take into account the work of the European Commission against Racism and Intolerance (ECRI), without prejudice to the latter's mandate.

The CDADI advises the Committee of Ministers on all questions within its mandate, including preventing and combating hate speech and discrimination on the grounds covered by ECRI, with a particular focus on fighting anti-Gypsyism and improving the active participation and inclusion of Roma and Travellers in society, safeguarding the rights of persons belonging to national minorities and the use of regional or minority languages, and promoting intercultural integration.

The CDADI promotes and facilitates thematic exchanges and peer reviews of experience and good practice among Council of Europe member States to develop common policy responses, analyse implementation and fulfil any other task assigned to it by the Committee of Ministers.

COVID-19: An analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member states



Protection of minorities

Framework Convention for the Protection of National Minorities

The monitoring procedure for this convention requires each state party to submit a report within one year following the entry into force of the Framework Convention and additional reports every five subsequent years. State reports are examined by the [Advisory Committee](#), a body composed of 18 independent experts responsible for adopting country-specific opinions. These opinions, on which States Parties have an opportunity to comment, are meant to advise the Committee of Ministers in the preparation of its resolutions, containing conclusions and recommendations to the State concerned.

The Advisory Committee on the Framework Convention adopted the 4th Opinion in respect of Estonia on 19 March 2015.



Resolution CM/ResCMN(2016)15 on the implementation of the Framework Convention for the Protection on National Minorities by Estonia was adopted by the Committee of Ministers on 26 October 2016 at the 1269th meeting of the Ministers' Deputies.



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European Charter for Regional or Minority Languages

The [Charter's monitoring procedure](#) is based on state reports, as each State Party is required to present its first report within the year following the entry into force of the Charter with respect to the Party concerned. The subsequent reports are presented at three-yearly intervals (since 1 July 2019). A committee of independent experts examines the state's periodical report and addresses an evaluation report to the Committee of Ministers, including proposals for recommendations.

n/a

Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM)

Following the High-Level meeting, intergovernmental work on Roma issues has been upgraded: on 16 February 2011 the Ministers Deputies adopted terms of reference for a new Committee of Experts (CAHROM) to be answerable directly to the Committee of Ministers. The [terms of reference](#) - which have been renewed by the Ministers Deputies for the years 2018-2019 - place emphasis on the analysis and evaluation of the implementation of national policies and thematic exchanges of experience and good practices. European Union institutions, international organisations, the European Roma and Travellers Forum and other relevant (Roma and Traveller) organisations are associated as observers to the CAHROM.

Action against trafficking in human beings (GRETA)

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008, following its 10th ratification. While building on existing international instruments, the Convention goes beyond the minimum standards agreed upon in them and strengthens the protection afforded to victims.

The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

The main added value of the Convention is its human rights perspective and focus on victim protection. Its Preamble defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. The Convention provides for a series of rights for victims of trafficking, in particular the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit, and to receive compensation for the damages suffered.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

GRETA evaluation report (1st evaluation round):



GRETA_2018_6_Estoni
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[Press release](#)

Preventing and combating violence against women and domestic violence (GREVIO)

The Council of Europe Convention on preventing and combating violence against women and Domestic violence ([Istanbul Convention](#), CETS No. 210) is the most far-reaching international treaty to tackle this serious violation of human rights. It aims at zero tolerance for such violence and is a major step forward in making Europe and beyond safer. Preventing violence, protecting victims and prosecuting the perpetrators are the cornerstones of the convention. It also seeks to change the hearts and minds of individuals by calling on all members of society, in particular men and boys, to change their attitudes. In essence, it is a renewed call for greater equality between women and men, because violence against women is deeply rooted in the inequality between women and men in society and is perpetuated by a culture of intolerance and denial.

The Council of Europe Istanbul Convention provides for two types of monitoring procedures:

1. a country-by-country evaluation procedure;
2. and a special inquiry procedure in exceptional cases where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention.

[GREVIO](#), the Group of Experts on Action against violence against women and domestic violence, is the independent body responsible for monitoring the implementation of CETS No. 210. GREVIO launched its first evaluation procedure in spring 2016, after adopting a questionnaire on legislative and other measures giving effect to the Istanbul Convention.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

Protection of children against sexual abuse (Lanzarote Convention)

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as "[the Lanzarote Convention](#)", requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The “Lanzarote Committee” (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. To do so, the Committee evaluates the information which has been provided by the national authorities and other sources in their replies to questionnaires developed by the Committee itself. This monitoring procedure is divided by rounds, each round concerning a theme.

At the end of each round, the Lanzarote Committee adopts “implementation reports” which contain its assessment of the situation with respect to the monitored Parties.

To mark the different level of action required by Parties to improve the situation, the recommendations addressed by the Lanzarote Committee to Parties in its implementation reports use the verbs to “urge”, “consider” and “invite” as follows:

- **“urge”**: when the situation is not in compliance with the Convention, or when, despite the existence of legal provisions and other measures, the implementation of a key obligation of the Convention is lacking;
- **“consider”**: when further improvements are necessary in law or in practice to fully comply with the Convention;
- **“invite”**: when one or several promising practices are highlighted to suggest enhanced protection of children.

Fight against corruption (GRECO)

The 'Group of States against Corruption' ([GRECO](#)) monitors all its 50 members through a peer review evaluation procedure within thematic evaluation rounds. The evaluation reports contain recommendations aimed at furthering the necessary legislative, institutional and practical reforms. Subsequently, the implementation of those recommendations is examined in the framework of a “compliance procedure”, assessing whether they have been implemented satisfactorily, partly or have not been implemented 18 months after the adoption of the evaluation report.

Fifth Evaluation Round: "Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies".

Here is the latest evaluation report of 7 December 2018:



Execution of judgments and decisions of the European Court of Human Rights

Statistical data

On 31 December 2019, there were 2 cases (1 case on 31 December 2018) against Estonia pending before the Committee of Ministers for supervision of their execution. Both were “leading cases” evidencing more or less important general problems. In 2019, the CM was seized by 3 new leading

cases (1 new leading case in 2018) and the amount of just satisfaction awarded was € 73,900 (€ 6,000 awarded in 2018). In 2019, 2 cases were closed by the adoption of a Final Resolution (2 cases closed in 2018).

Main cases / groups of cases under the Committee of Ministers' supervision

The main case presently under the Committee of Minister's supervision covers the disproportionate use of handcuffs throughout the applicant's stay in prison hospital for four days in 2016.

Jeret, Application no. 42110/17, judgment final on 09/06/2020, standard supervision

For fuller overview of the situation see the Country Factsheets (available on the website of the Department for the Execution of Judgments of the European Court of Human Rights):



EJCHR Factsheet Estonia.pdf

and in the Committee of Ministers' Annual Reports on its supervision activity:



Supervision of judgments and decisions of

More detailed information on the status of execution in individual cases can be found through [Hudoc-EXEC](#)

Important cases closed recently

In 2019, the Committee of Ministers ended its supervision of a case relating to protection of expression, in particular the right to receive information, concerning restrictions on prisoners' access to Internet sites containing legal information (Kalda, Application no. 17429/10, judgment final on 06/06/2016, see [Final Resolution](#)).

The Committee of Ministers furthermore ended its supervision of a case relating to protection of private and family life, concerning a dismissal without examination of the detained applicant's complaints concerning the circumstances of his visit to his seriously ill new-born daughter in hospital (A.T., Application no. 23183/15, judgment final on 13/02/2019, see [Final Resolution](#)).

In 2018, the Committee of Ministers ended its supervision of a case relating to fairness of misdemeanour proceedings: domestic court's refusal to examine the applicant's complaint against a misdemeanour fine imposed by the police on the ground of his absence from the hearing despite his counsel's presence (Tolmachev, Application no. 73748/13, judgment final on 09/10/2015, see [Final Resolution](#)).

The Committee of Ministers furthermore ended its supervision of a case relating to the access to and efficient functioning of justice: failure to adjudicate the victims' claim for reimbursement of their legal

costs in criminal proceedings which were terminated by settlement (Leuska and Others, Application no. 64734/11, judgment final on 07/02/2018, see [Final Resolution](#)).

Social and Economic Rights (ECSR)

The European Committee of Social Rights (ECSR) monitors compliance with the [European Social Charter](#) under two procedures: the national periodic reporting system and the collective complaints procedure. Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.



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Venice Commission

The [European Commission for Democracy through Law](#) (Venice Commission) is the Council of Europe's advisory body on constitutional matters. It provides States and international organisations working with it (EU, OSCE/ODIHR) with legal advice in the form of opinions.

n/a for the European Commission for Democracy through law for the period 2015-2020.