



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
3–14 May 2021

Summary of Stakeholders' submissions on Estonia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of eight stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations² and cooperation with international human rights mechanisms and bodies³

2. The Chancellor of Justice (CoJ) recommended that Estonia ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁴ CoJ and JS1 also recommended that Estonia ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.⁵

3. The Commissioner for Human Rights of the Council of Europe (CoE) carried out a visit to Estonia in June 2018, which focused on women's rights; the human rights of older persons; and the independence and effectiveness of national human rights structures.⁶ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment visited Estonia in 2017 with a particular focus on the treatment and conditions of detention in police custody, police detention houses and prisons.⁷

B. National human rights framework⁸

4. The Chancellor of Justice of Estonia was accredited "A" by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions.⁹ CoE welcomed the designation of the CoJ as national human rights institution in Estonia and invited the authorities to strengthen the independence and resources of the Gender Equality

* The present document is being issued without formal editing.



and Equal Treatment Commissioner.¹⁰ The European Union Agency for Fundamental Rights (EU/FRA) reported that Estonia had a non-accredited OPCAT institution as the national preventive mechanism.¹¹

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Equality and non-discrimination*¹²

5. According to JS2, the anti-discrimination legislation was insufficient and the implementation weak. Discrimination on the grounds of nationality (ethnicity), race or colour was prohibited in almost all areas of life, but discrimination on the basis of religion or belief, age, disability or sexual orientation, was prohibited only in the field of employment according to the Equal Treatment Act.¹³ The CoJ also highlighted that discrimination was prohibited only in situations related to employment (including vocational training). The CoJ and JS2 recommended that Estonia amend the Equal Treatment Act to prohibit discrimination in all spheres of society on all grounds and implement existing anti-discrimination legislation.¹⁴

6. JS2 reported that the Government's funding for its own programmes on gender equality and equal treatment was of concern and showed large fluctuations over the years. In addition, the funding for Gender Equality and Equal Treatment Commissioner was clearly insufficient in relation to its tasks, relying heavily on foreign funding for human rights and gender equality projects. It recommended that Estonia increase governmental funding for gender equality and equal treatment programmes.¹⁵

7. The Organization for Security and Co-operation in Europe-Office of Democratic Institutions and Human Rights (OSCE/ODIHR) stated that intolerance and discrimination were significantly directed towards people perceived to be of Asian descent in the early phase of the pandemic. It recommended that Estonia condemn any form of discrimination and hate crime and abstain from any statement or action that exacerbates vulnerabilities and that any measures and restrictions imposed due to the emergency situation are created and applied in a non-discriminatory manner.¹⁶

8. JS2 indicated that the Government did not provide any meaningful and comprehensive overview of existing legal and other measures that could directly or indirectly discriminate on the basis of sexual orientation or gender identity. As a result, some violations had occurred by decisions of the courts.¹⁷ JS2 added that the gender recognition process for transgender people was confusing and difficult to access as these changes in legal gender recognition were made dependent on previous medical interventions and not on a person's self-determination. It recommended that Estonia change the regulation of gender recognition by separating the processes of medical and legal gender recognition and ensure that legal gender recognition is based on self-determination.¹⁸

9. With regard to same sex marriage, JS2 reported that the state did not yet fully recognise the rights of same-sex families. The Registered Partnership Act, which allowed same-sex couples to register was passed without the implementation bill, so other laws, such as the Family Law Act, the Vital Statistics Registration Act and the Population Register Act, were not amended accordingly. JS2 recommended that Estonia adopt implementing provisions for the law on cohabitation to ensure its full implementation.¹⁹ EU/FRA indicated that the Supreme Court of Estonia declared null and void the part of the Aliens Act that precluded granting temporary residence permits to same-sex registered partners of Estonian citizens. The court invoked the fundamental right to family life, which also applies to same-sex partners who wish to live in Estonia as a family.²⁰

2. Civil and political rights

*Right to life, liberty and security of person*²¹

10. EU/FRA indicated that Estonia had laws or regulations in place specifying national standards of minimum cell space per prisoner or detainee established at 3m² per person in individual cells. However it stressed that access to showers and hot water did not meet the Rule 19.4 of the European Prison Rules. In addition, EU/FRA reported serious problems regarding the proper separation of sanitary areas and indicated that the national preventive mechanism (Chancellor of Justice) from Estonia noted a very disturbing practice of not respecting the privacy of pregnant women, even those in labour.²²

11. Further to its visit to Estonia in 2017, the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment was very concerned about the appalling material conditions found at Pärnu, Tallinn, Tartu and Valga detention houses, as well as at Tallinn East police station, and the small size of some of the cells seen in various police establishments. That Committee recommended that the material shortcomings be remedied and that cells measuring less than 5m² no longer be used for overnight stays. The same Committee expressed serious misgivings about the fact that remand prisoners were still frequently being held in police detention houses beyond the period of police custody (pending their transfer to a prison) for one to four weeks, and in some cases even for several months.²³

*Administration of justice, including impunity, and the rule of law*²⁴

12. EU/FRA highlighted legislative measures adopted in 2018 by several Member States including Estonia to better implement and reflect the Victims' Rights Directive (2012/29/EU). EU/FRA indicated that, in July 2019, the European Commission urged Estonia (and other nine Member States) to finish incorporating that Directive into national law.²⁵

13. With regard to the presumption of innocence, the CoJ indicated that, although it was enshrined in both the Estonian Constitution and the Code of Criminal Procedure, it was permissible to express doubts and inform the public about the content of the charges against a person. It recommended that Estonia ensure that the presumption of innocence is respected in practice when the state is planning or conducting proceedings and when informing the public.²⁶

14. With regard to child sensitive justice, EU/FRA indicated that the Penal Code was amended in 2019 to strengthen the rights of the child.²⁷ JS1 reported that, under the Code of Criminal Procedure, it was established that the body conducting proceedings may involve a child protection officer, social worker, teacher or psychologist in hearings that involve a child witness.²⁸ JS2 recommended that Estonia ensure that all local governments have a sufficient number of child protection workers.²⁹

15. The Group of States against Corruption (CoE-GRECO) noted that authorities should go further to strengthen their prevention efforts towards, on the one hand, ministers and government officials and, on the other, law enforcement personnel. According to CoE-GRECO, Estonia has adopted the Anti-Corruption Act as a comprehensive legislative framework to prevent corruption amongst all official, complemented by the Civil Service Act for civil servants. CoE-GRECO indicated that this legal legislative background needed to be supported by a code of conduct for persons with top executive functions.³⁰

*Fundamental freedoms and the right to participate in public and political life*³¹

16. JS2 reported that the political climate had become more hostile towards human rights NGOs since 2019 elections with several incidents taking place and attempts to end the funding for human rights NGOs. It recommended that Estonia ensure sustainable funding mechanisms for human rights NGOs.³²

17. EU/FRA and JS2 reported that there was no specific law prohibiting or defining hate crimes, nor any hate motive that constituted an aggravating circumstance.³³ The Penal Code included a provision prohibiting the incitement of hatred although it was rarely used. JS2

recommended that Estonia criminalise hate speech and adopt provisions of the Penal Code that would make hate motivation an aggravating circumstance when committing a crime and effectively combat incitement to hatred.³⁴

18. According to JS2, all prisoners and people with disabilities were disenfranchised by law of their right to vote. JS2 recommended that Estonia amend the relevant laws so that the voting ban only applies to prisoners who have it as an additional punishment in their sentence and declare illegal the constitutional impediment, upon which a person who has by court been declared without legal capacity cannot vote.³⁵

19. The Conscience and Peace Tax International reported that the military service was obligatory for all male Estonian citizen who needed to register for military service at the age of 16 and remained listed as liable for reserve service until the age of 60. Reservists were apparently liable to recall every five years. It recommended that Estonia clarify that the reserve obligations of those who have performed alternative service will in no case be performed within the armed forces.³⁶

*Prohibition of all forms of slavery*³⁷

20. The EU Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) indicated that the offence of trafficking in human beings was introduced in the Criminal Code of Estonia in 2012. CoE-GRETA urged Estonia to add to the definition of human trafficking under Article 133 of the Criminal Code the component of “action”, to ensure that all the “means” provided for in the Convention on Action against Trafficking in Human Beings were adequately reflected. It also urged authorities to ensure that national anti-trafficking action is comprehensive, through the adoption of a dedicated action plan against human trafficking.³⁸

21. The European Centre for Law and Justice (ECLJ) indicated that Estonia had shifted from serving as a country of origin for human trafficking in the previous UPR cycle to a country of destination with increasing numbers of calls in the dedicated hotline at the Social Insurance Agency.³⁹ JS1 had a similar concern.⁴⁰ ECLJ stressed that Estonia had the legal measures in place to punish human trafficking but these were ultimately useless if police and border security did not have the resources and training needed to identify instances and victims of human trafficking.⁴¹

22. CoE-GRETA reported that in Estonia the formal identification of a person as a victim of human trafficking was linked to the opening of a criminal investigation into human trafficking or a related offence and this could only be carried out by law enforcement authorities or the Prosecutor’s Office. It urged the authorities to ensure that the formal identification of a person as a victim of human trafficking did not depend on the presence of elements to prove trafficking or a related offence and to introduce a formalised National Referral Mechanism for the identification of victims for different purposes of exploitation, defining the roles and responsibilities of all relevant public and non-State actors. It also urged the Estonian authorities to improve the identification of victims of trafficking among children and foreign nationals.⁴²

23. CoE-GRETA expressed concern about the relatively high proportion of suspended sentences delivered for human trafficking offences. It urged the authorities to ensure that trafficking offences for different types of exploitation were proactively investigated and prosecuted, by developing the training and specialisation of investigators prosecutors and judges, and providing law enforcement agencies with the necessary resources and tools. CoE-GRETA considered that the authorities should make full use of the available measures to protect victims and to prevent intimidation during the investigation and during and after the court proceedings.⁴³

24. According to JS1, in the years 2015-2016, Estonia had the highest proportion of child victims of trafficking of all European Union member states (83%). Like sexual crimes, most reported human trafficking crimes in Estonia were committed against minors although these numbers had seen a significant decline in recent years yet all crimes relating to the trafficking of children in 2019 were of sexual nature.⁴⁴ JS1 reported that child friendly facilities for interviewing child victims or witnesses were rarely used in trafficking cases as the victim was usually over 14. In addition, child victims of trafficking who were

over 14 were not provided with a child protection specialist, psychologist or legal representation, highlighting a worrying trend of providing unequal protection to children aged over 14.⁴⁵ CoE-GRETA urged the Estonian authorities to improve specialised assistance of child victims of trafficking and to provide effective access to guardianship.⁴⁶

25. JS1 indicated that engaging in prostitution was not illegal in Estonia although the Penal Code criminalized certain acts related to prostitution and aiding prostitution was considered an offence. These offences did not carry heavier penalties when committed against children. However, offering money or some other benefit for sexual intercourse or other sexual acts to a minor is illegal under the Penal Code. In addition, the exploitation of minors in prostitution was considered under the human trafficking of minors offence.⁴⁷

3. Economic, social and cultural rights

26. The CoJ stated that the 2016 Social Welfare Act obliged local governments to guarantee several social services. However, it indicated that many local governments did not provide all the required services and/or had set unlawful barriers to access them. It recommended that Estonia create a clear monitoring process to guarantee that all services, whether local (provided by local governments) or central (provided by the State) were delivered to people in a meaningful way.⁴⁸ The CoJ indicated that the Estonian legal system required a person to contribute to the payment of some of the social services however, the rules for determining the amount of such contribution allowed for a personal approach but required local governments to take into account different circumstances. It recommended that Estonia regulate the system to calculate the exact amount of co-payment and assure that the system takes into account people's different economic status.⁴⁹

*Right to work and to just and favourable conditions of work*⁵⁰

27. The European Committee of Social Rights concluded that the situation in Estonia was largely in conformity with the European Social Charter although some areas were not, in particular on prohibition of employment under the age of 15, prohibition of employment of children subject to compulsory education, night work, increased remuneration for overtime work, right to a fair remuneration, and right to bargain collectively.⁵¹

*Right to social security*⁵²

28. The CoJ indicated that social stratification based on wealth and socio-economic status had been increasing in Estonia and the level of people's pensions was not always adequate to avoid impoverishment in old-age. It recommended that Estonia redesign the pension regulations in a way that would decrease people's risk of impoverishment in old-age.⁵³

*Right to health*⁵⁴

29. The CoJ stated that it was difficult to access primary care due to a shortage of general practitioners willing to provide services under the current list-based and ownership-based system, particularly in rural areas. It added that there was no action plan with clear timelines, benchmarks and budget allocation to map the existing accessibility barriers that would guarantee access to health care. The same organization indicated that the quality of health services was not universal in all parts of Estonia and some services were just not available in some geographical locations. It recommended that Estonia amend the organization of primary health care so that it is reasonably guaranteed regardless of a person's place of residence and ensure accessible transport service to and from the healthcare provided as well as affordable accommodation for outpatients.⁵⁵

30. With regard to mental health, JS2 reported that the Supreme Court of Estonia had highlighted serious shortcomings in the legislation on deciding upon involuntary psychiatric treatment and in the enforcement of that legislation. JS2 recommended that Estonia create a new concept of psychiatric care, which clarifies the restriction of fundamental rights by a court decision regarding involuntary and compulsory treatment.⁵⁶

31. The CoJ stressed that patients could give end of life orders (patient testaments (wills)) in the context of the provision of health care services but these were not sufficiently

regulated and health care professionals could not see them easily and quickly. It recommended to redesign the use of patient testaments in practice.⁵⁷

*Right to education*⁵⁸

32. JS2 reported the problem of children with special needs dropping out of school before acquiring basic education and leaving young people out of the labour market or studies after graduating from basic school without continuing their studies or acquiring vocational education. It added that not all children with disabilities were guaranteed a place in kindergarten and the school of residence. JS2 recommended that Estonia consistently allocate resources to create a safe and developmental learning environment for all children and young people, including those with special needs, at all levels of education from kindergarten onwards.⁵⁹

33. The CoJ indicated that, although the law requested the services of a special education teacher, a speech therapist, a psychologist and a social educator, these support services were not available in all schools. It recommended that Estonia ensure that schools provide support services according to the real needs of children, increase funding for support services, monitor pre-emptively the quality of how these services are provided and ensure there is a structural support (e.g. working conditions) for specialists who are providing the necessary services.⁶⁰

34. The CoJ highlighted the problems existing in providing education to children who stayed with their parents in Estonia on a long-term visa and whose place of residence was not registered in the Estonian Population Register. Pre-school Child Care Institutions Act and the Basic Schools and Upper Secondary Schools Act did not oblige the local government to organise the education of these children. It recommended that Estonia regulate by law the obligation to provide education for children staying in Estonia on a long-term visa and, if necessary, supplement the financing of local governments for students who do not have a residence registration in the Estonian Population Register.⁶¹

4. Rights of specific persons or groups

*Women*⁶²

35. JS2 reported that the gender pay gap in Estonia was the highest in the EU and even larger for ethnic minorities and women aged 35-44. JS2 added that another cause of the pay gap was a very high gender segregation in the labour market, with women being largely overrepresented in low paid sectors and in lower positions within organisations. JS2 stated that the lack of obligatory childcare provision for children under 1.5 years of age and insufficient availability of flexible and affordable care for other dependent relatives led to slower career progression for women. It recommended to use temporary special measures to advance the achievements of *de facto* gender equality and to increase affordable and quality care options for young children and other dependent relatives.⁶³ CoE made a similar recommendation.⁶⁴ The European Committee of Social Rights concluded that the situation in Estonia was not in conformity with the European Social Charter on the ground that the enforcement of the right to equal pay was not effective, as demonstrated by the persistently high gender pay gap.⁶⁵

36. With regard to violence against women, JS2 indicated that progress had been notable in Estonia, especially regarding developing services for victims. However it reported that, in cases involving sexual assault, the burden of proof was very hard to meet and sentences were lenient. The Penal Code distinguished between rape and compelling a person to engage in sexual intercourse or another act of sexual nature, the latter having a lower penalty. JS2 recommended that Estonia amend the Penal Code, so that the definition of rape encompasses any non-consensual sexual acts, as stipulated in the Istanbul Convention.⁶⁶ CoE also called on Estonia 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.⁶⁷

*Children*⁶⁸

37. JS2 reported Estonia's regional inequalities that made the well-being and coping of households with children dependent on the type of household and the area of residence. It recommended that Estonia reduce the regional disparities and enhance cooperation in the fields of health, social services and education to ensure the availability and quality of support services for children, regardless of the child's place of residence.⁶⁹

38. The CoJ reported the large number of cases concerning the custody of children after a parental separation. It indicated that parents should be offered significantly more opportunities to use counseling and mediation services before going to court. It recommended that Estonia provide parents with information and advice on custody matters and existing counselling opportunities, improve the availability of family counselling and mediation services, as well as provide courts and local governments with information on service providers and funding opportunities.⁷⁰ JS2 recommended that Estonia ensure the availability of various counselling, conciliation and therapy services for families with children.⁷¹

39. With regard to sexual exploitation of children, JS1 stated that it appeared to be a lack of in-depth research into this subject in Estonia. JS1 recommended that Estonia conduct a nationwide assessment on the scope and characteristics of all sexual exploitation of children manifestations to develop evidence-based policies and strategies and consider establishing a dedicated mechanism to collect disaggregated data on this abuse. It also recommended that Estonia adopt a specific national action plan to end the sexual exploitation of children or at least make sure to integrate all manifestations of this abuse in the future national action plans pertaining to children's rights.⁷² JS1 recommended that Estonia ensure that all relevant professions such as law enforcement, justice staff and social workers receive adequate training on issues related to sexual exploitation of children.⁷³ JS1 recommended that Estonia amend the Victim Support Act to ensure that children victims of sexual exploitation have access to adequate amounts of compensation.⁷⁴

40. In the area of travel and tourism, JS1 indicated that only nine travel and tour operators with operations in Estonia had signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. None of the companies based in Estonia were signatories of the Code.⁷⁵ JS1 recommended that Estonia adopt specific legal provisions to criminalise the sexual exploitation of children in travel and tourism.⁷⁶

41. JS1 stated that the minimum age of marriage was set at 18 under article 1 of the Family Law Act. However, the courts may "extend the active legal capacity" of children over 15 in order to allow them to marry. The organization stressed that whilst the Family Law Act did not specify under what conditions the court would do so, the general part of the Civil Code Act stated that active legal capacity of a child aged 15 or over may be extended if it is in the interests of the minor and his/her level of development permits it.⁷⁷ JS1 reported that, while forced marriage of a child was not considered as a separate offence under Estonian law, it was considered as such under the human trafficking of minors provision.⁷⁸ JS1 recommended that Estonia establish 18 as the legal age for marriage without any possible exception.⁷⁹ JS2 also recommended that Estonia change the Family Law Act to ensure the minimum age of marriage is 18 years.⁸⁰

42. According to JS1 the age of sexual consent (statutory rape) was set at 14 under the Penal Code and therefore engaging in sexual intercourse or other acts of sexual nature with a child below 14 was punishable by up to five years of imprisonment. In addition there was no provision for a close in age exemption for sexual intercourse under Estonian law.⁸¹ JS1 also indicated that, while the Penal Code stated it was illegal to make a proposal for meeting, conclude an agreement to meet or perform an act preparing the meeting with a child for the purpose of committing a sexual offence, this provision covered all children under 14 but for those between 14 and 18, only those not capable of comprehending the situation would be covered.⁸² According to JS1, a similar situation applied in the case of hand over, display or make available pornographic works or reproductions thereof, to children.⁸³

43. JS1 indicated that the Estonian legislation did not provide a definition of child sexual abuse materials, therefore leaving ambiguity as to what constituted an offence.

Furthermore, prohibited acts related to child sexual abuse materials did not explicitly cover all offences that were committed in an online environment. JS1 recommended that Estonia adopt a definition of child sexual abuse material in line with Article 2(c) of the Optional Protocol to the Convention on the Rights of the Child on sale of children.⁸⁴

44. JS2 indicated a deterioration in mental health and an increase of depression among schoolchildren and recommended that Estonia further strengthen the availability and quality of mental health services, in particular of child psychiatrists, and expand the availability of support services in schools, while ensuring that all professionals working with children are adequately trained to recognise mental health problems. JS2 also recommended that Estonia amend the Mental Health Act so that a minor can turn to a psychiatrist without parental permission and to make efforts to destigmatise mental health problems and the seeking of help.⁸⁵

45. On the issue of access to recovery and reintegration, JS1 reported that access to victim support services was guaranteed to children victims under the Victim Support Act, which had a particular focus on victims of human trafficking and sexually abused minors. The Act provided that victims had access to accommodation, catering, health services, psychological assistance, translation and interpretation services and other services necessary for the physical and psycho-social rehabilitation of victims. It added that Estonia had three Children's Houses run by the Social Insurance Board of Estonia. JS1 recommended that Estonia ensure that enough shelters for children victims of sexual exploitation are available, properly funded, staffed by well-trained personnel and able to offer integrated services (psychological, legal, medical, etc.).⁸⁶

*Persons with disabilities*⁸⁷

46. JS2 reported that the definition of "disability" was narrower in the national legislation than in the Convention on the Rights of Persons with Disabilities. It recommended that Estonia bring the definition of disability in accordance with the mentioned Convention.⁸⁸ JS2 also indicated that there was no effective monitoring system for local authorities to offer adequate assistance for the protection of the rights of people with disabilities and no guidelines for hospitals on how to treat patients with disabilities.⁸⁹

47. EU/FRA indicated that Estonia established an accessibility task force composed of several bodies of the State to provide comprehensive policy recommendations to achieve full accessibility by 2035. The task force's report is due in July 2021.⁹⁰ The Chancellor of Justice indicated that in Estonia the system that would guarantee full realization of the rights of people with disabilities was not yet fully established. It stressed that in the Equal Treatment Act did not prohibit discrimination on persons with disabilities in accessing the services and supply of goods that were available to the public, including housing. This had created a situation where persons with disabilities lack a legal basis to fight against discrimination by (private) service providers. The same organization also reported that, despite the adoption of the new Building Code and some local strategies, 75% of the schools in Tallinn had major problems with accessibility.⁹¹ JS2 recommended that Estonia improve access to housing for people with disabilities, including social housing.⁹²

48. OSCE/ODIHR recommended greater efforts could be made by municipal and election authorities to facilitate voting by persons with disabilities.⁹³

49. With regard to access to transport, the Chancellor of Justice stated that trains were well accessible in Estonia but the level of accessibility in other means of transportation depended mainly on the will and awareness of local authorities and/or regional public transport centres. The Public Transport Act did not provide accessibility rules to buses, coaches or other means of transportation. In addition there was no system in place to guarantee the gradual improvement of accessibility to transport.⁹⁴ JS2 had a similar concern.⁹⁵

50. With regard to access to information, the Chancellor of Justice indicated that the situation was alarming because of the lack of provision by local authorities of services such as websites accessible to people with disabilities and because people with disabilities using special aids and software may be deprived of the benefits of the e-government and e-services to interact with the State.⁹⁶ JS2 indicated that there were no standards on how to

offer sign language interpretation services and the availability of such services showed large regional disparities. JS2 recommended that Estonia secure adequate access to sign language interpretation for people with hearing impairments.⁹⁷

*Minorities and indigenous peoples*⁹⁸

51. The Council of Europe Commissioner for Human Rights called on member states, including Estonia, to ensure that language policies accommodate diversity, protect minority rights and defuse tensions. It emphasized the need to combat discrimination based on language and 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.⁹⁹ The EU Committee of Ministers adopted a resolution recommending that Estonia ensure that persons belonging to national minorities have the effective possibility to use their minority language in relations with local authorities and monitor the implementation of the requirement of teaching of 60 per cent of the study workload in Estonian in Russian-language secondary schools.¹⁰⁰

52. OSCE/ODIHR recommended that Estonian authorities enhance their efforts of promoting the participation of persons belonging to national minorities in public and political life, as well as take steps to further increase the naturalization rate among persons with “undetermined citizenship”, with a view to granting them full suffrage rights.¹⁰¹

53. The Chancellor of Justice indicated that schools and kindergartens for Russian-speaking and Estonian-speaking children were still operating side by side yet underlined that there were some problems in educational institutions that taught predominantly in Russian and that this could impact children’s right to education. It recommended that Estonia ensure that children who are studying in schools that teach predominantly in Russian have equal access to education and career opportunities.¹⁰²

*Migrants, refugees, asylum seekers and internally displaced persons*¹⁰³

54. JS2 indicated that Estonia had an extremely restrictive policy towards resettlement programmes. Under the second migration plan, Government agreed to resettle 80 people, but it received only 7 people and, as of 2019, the Government did not accept mandatory refugee quotas. In addition, the practice of pecuniary punishment of asylum seekers for irregular border crossings continued. JS2 recommended that Estonia participate in resettlement and relocation programmes for asylum seekers and end the punishment of asylum seekers for irregular border crossings, to ensure immediate access for them to asylum system at border crossing points and to improve access to legal aid for asylum seekers.¹⁰⁴

*Stateless persons*¹⁰⁵

55. The European Council Committee of Ministers issued a resolution (CM/ResCMN(2016)15) on the implementation of the Framework Convention for the Protection of National Minorities that recommended Estonia to continue with efforts to further reduce the number of persons without citizenship by facilitating access to citizenship for long-term residents.¹⁰⁶

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with “A” status).

Civil society

Individual submissions:

COJ	Chancellor of Justice, Tallin (Estonia);
CPTI	Conscience and Peace Tax International, Geneva (Switzerland);

ECLJ European Centre for Law and Justice, Strasbourg (France);
EU/FRA European Union Agency for Fundamental Rights, Vienna (Austria).

Joint submissions:

JS1

Joint submission 1 submitted by: Estonian Sexual Health Association and ECPAT International, Bangkok (Thailand);

JS2

Joint submission 2 submitted by: Equal Treatment Network in Estonia (Estonian Human Rights Centre) composed of the Estonian Human Rights Centre, the Estonian Union for Child Welfare, the Estonian Centre of Disabled Persons, Oma Tuba NGO, the Estonian LGBT Association, the Estonian Vegan Association, the Estonian National Youth Council and the Estonian Student Unions.

Regional intergovernmental organization(s):

CoE

The Council of Europe, Strasbourg (France);

OSCE-ODIHR

Attachments:

Organization for Security and Cooperation in Europe/Office of Democratic Institutions and Human Rights, Warsaw (Poland).

² The following abbreviations are used in UPR documents:

ICERD

International Convention on the Elimination of All Forms of Racial Discrimination;

ICESCR

International Covenant on Economic, Social and Cultural Rights;

OP-ICESCR

Optional Protocol to ICESCR;

ICCPR

International Covenant on Civil and Political Rights;

ICCPR-OP 1

Optional Protocol to ICCPR;

ICCPR-OP 2

Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women;

OP-CEDAW

Optional Protocol to CEDAW;

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

OP-CAT

Optional Protocol to CAT;

CRC

Convention on the Rights of the Child;

OP-CRC-AC

Optional Protocol to CRC on the involvement of children in armed conflict;

OP-CRC-SC

Optional Protocol to CRC on the sale of children, child prostitution and child pornography;

OP-CRC-IC

Optional Protocol to CRC on a communications procedure;

ICRMW

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

CRPD

Convention on the Rights of Persons with Disabilities;

OP-CRPD

Optional Protocol to CRPD;

ICPPED

International Convention for the Protection of All Persons from Enforced Disappearance.

³ For relevant recommendations see A/HRC/32/7 paras. 121.1–121.14, 122.44–22.45, 123.1–123.21.

⁴ COJ p. 2.

⁵ COJ p. 5 and JS1 p. 9.

⁶ CoE p. 2.

⁷ CoE CPT report <https://rm.coe.int/168098db93>.

⁸ For relevant recommendations see A/HRC/32/7, paras. 122.15–122.37, 123.22–123.24.

⁹ <https://ganhri.org/membership/> see also

<https://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart%20as%20of%2020%2001%202021.pdf>.

¹⁰ CoE p. 3.

¹¹ EU/FRA p. 7.

¹² For relevant recommendations see A/HRC/32/7, paras. 122.36–122.37, 122.46–122.49, 122.55–122.67, 122.73–122.82, 122.85, 123.25, 123.28–123.34, 123.36–123.40.

¹³ JS2 paras. 3-5.

¹⁴ COJ p. 2 and JS2 paras 3-5.

¹⁵ JS2 para. 12 and 13.

- ¹⁶ OSCE/ODIHR para. 7.
- ¹⁷ JS2 para. 37.
- ¹⁸ JS2 paras. 40 and 42.
- ¹⁹ JS2 paras. 38 and 42.
- ²⁰ EU/FRA p. 3.
- ²¹ For relevant recommendations see A/HRC/32/7, paras. 122.83–122.84, 122.105–122.107, 123.43.
- ²² EU/FRA pp. 8 and 9.
- ²³ <https://www.coe.int/en/web/cpt/estonia> and <https://rm.coe.int/168098db93> p. 4.
- ²⁴ For relevant recommendations see A/HRC/32/7, para. 122.104.
- ²⁵ EU/FRA p. 4 and 5.
- ²⁶ COJ p. 5.
- ²⁷ EU/FRA p. 4.
- ²⁸ JS1 para. 51.
- ²⁹ JS2 para. 56.
- ³⁰ <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680900551>.
- ³¹ For relevant recommendations see A/HRC/32/7, paras. 122.61, 122.63–122.64, 122.66, 122.68–122.70, 122.72, 122.114, 123.47–123.49.
- ³² JS2 paras. 9–11.
- ³³ EU/FRA p. 9 and JS2 paras. 1 and 2.
- ³⁴ JS2 paras. 1 and 2.
- ³⁵ JS2 paras. 6–8.
- ³⁶ CPTI paras. 6, 7, 14 and 19.
- ³⁷ For relevant recommendations see A/HRC/32/7, paras. 122.98–122.103, 123.42.
- ³⁸ <https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c>.
- ³⁹ ECLJ para. 4.
- ⁴⁰ JS1. Para 11.
- ⁴¹ ECLJ para. 12.
- ⁴² <https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c>.
- ⁴³ <https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c>.
- ⁴⁴ JS1 para. 12.
- ⁴⁵ JS1 para. 52.
- ⁴⁶ <https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c>.
- ⁴⁷ JS1. paras. 20 and 21.
- ⁴⁸ COJ p. 1.
- ⁴⁹ COJ p. 1.
- ⁵⁰ For relevant recommendations see A/HRC/32/7, paras. 122.43, 122.50–122.52, 122.5–122.57.
- ⁵¹ <https://rm.coe.int/rapport-est-en/16809cfba8> p. 6. and https://www.sm.ee/sites/default/files/sotsiaalharta_jareldused_2018_eng.pdf.
- ⁵² For relevant recommendations see A/HRC/32/7, paras. 122.43, 122.108.
- ⁵³ COJ p. 1.
- ⁵⁴ For relevant recommendations see A/HRC/32/7, para. 122.123.
- ⁵⁵ COJ p. 3.
- ⁵⁶ JS2 paras. 26 and 35.
- ⁵⁷ COJ pp. 3 and 4.
- ⁵⁸ For relevant recommendations see A/HRC/32/7, paras. 122.109–122.113.
- ⁵⁹ JS2 paras. 50 and 56.
- ⁶⁰ COJ p. 4.
- ⁶¹ COJ pp. 4 and 5.
- ⁶² For relevant recommendations see A/HRC/32/7, paras. 122.85–122.95, 123.41.
- ⁶³ JS2 paras. 16 and 20.
- ⁶⁴ CoE p. 2.
- ⁶⁵ https://www.sm.ee/sites/default/files/sotsiaalharta_jareldused_2018_eng.pdf. p. 13.
- ⁶⁶ JS2 paras. 17 and 20.
- ⁶⁷ CoE pp. 2 and 3.
- ⁶⁸ For relevant recommendations see A/HRC/32/7, paras. 122.39–122.42, 122.86, 122.96–122.97, 122.110–122.112, 123.54.
- ⁶⁹ JS2 paras. 45 and 56.
- ⁷⁰ COJ p. 5.
- ⁷¹ JS2 para. 56.
- ⁷² JS1 p. 10.
- ⁷³ JS1 p. 15.

- ⁷⁴ JS1 para. 59 and p. 15.
⁷⁵ JS1 paras. 14 and 15.
⁷⁶ JS1 p. 9.
⁷⁷ JS1 para. 32.
⁷⁸ JS1 para. 33.
⁷⁹ JS1 p. 9.
⁸⁰ JS2 para. 20.
⁸¹ JS1 paras. 17 and 19.
⁸² JS1 para. 24.
⁸³ JS1 para. 25.
⁸⁴ JS1 para. 23 and p. 9.
⁸⁵ JS2 paras. 52, 53 and 56.
⁸⁶ JS1 paras. 54 and 55 and p. 15.
⁸⁷ For relevant recommendations see A/HRC/32/7, paras. 122.38, 122.115–122.116.
⁸⁸ JS2 paras. 21 and 35.
⁸⁹ JS2 paras. 27 and 33.
⁹⁰ EU/FRA p. 4.
⁹¹ COJ annex pp. 3 and 4.
⁹² JS2 para. 35.
⁹³ OSCE/ODIHR para. 6.
⁹⁴ COJ annex p. 4.
⁹⁵ JS2 para. 24.
⁹⁶ COJ annex p. 5.
⁹⁷ JS2 paras. 31 and 35.
⁹⁸ For relevant recommendations see A/HRC/32/7, paras. 122.53–122.54, 122.109, 122.117–122.122, 123.28, 123.44, 123.50–123.52.
⁹⁹ CoE p. 2.
¹⁰⁰ https://www.coe.int/en/web/minorities/news-2016/-/asset_publisher/F184AnwOf1Pj/content/adoption-of-a-committee-of-ministers-resolution-on-estonia?inheritRedirect=false.
¹⁰¹ OSCE/ODIHR para. 6.
¹⁰² COJ p. 4.
¹⁰³ For relevant recommendations see A/HRC/32/7, paras. 122.123, 122.126, 123.53, 123.55.
¹⁰⁴ JS2 paras. 14 and 15.
¹⁰⁵ For relevant recommendations see A/HRC/32/7, paras. 122.124–122.125, 123.54.
¹⁰⁶ https://www.coe.int/en/web/minorities/news-2016/-/asset_publisher/F184AnwOf1Pj/content/adoption-of-a-committee-of-ministers-resolution-on-estonia?inheritRedirect=false.
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