



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

Compilation 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 compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child encouraged Estonia to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.³ The Committee on the Rights of the Child also recommended that Estonia ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁴

3. The Committee on the Elimination of All Forms of Discrimination against Women recommended that Estonia expedite the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence⁵ and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁶

4. The same Committee and the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Estonia accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Furthermore, the Committee recommended that Estonia accede to the European Convention on Nationality.⁷

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Estonia ratify the Convention against Discrimination in Education.⁸

6. The Human Rights Committee adopted Views on a communication alleging violations by Estonia of rights protected under the International Covenant on Civil and Political Rights.⁹

III. National human rights framework¹⁰

7. The Human Rights Committee welcomed the expansion of the mandate of the Chancellor of Justice. Nevertheless, it recommended that Estonia step up its efforts to ensure that its national human rights institution is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by strengthening further the independence of the Chancellor of Justice.¹¹ The Committee on Economic, Social and Cultural Rights made a similar recommendation.¹²

8. The Committee on the Rights of the Child welcomed the granting of the competence of the Ombudsperson for Children to the Chancellor of Justice and the creation of an advisory committee to support those new functions. It expressed concern, however, that there was insufficient awareness among children about the individual complaint mechanism. It recommended that Estonia explain in a child-friendly manner through relevant channels (including among the Russian-speaking population) the possibility for children to exercise their right of complaint.¹³

9. The Committee on the Elimination of All Forms of Discrimination against Women noted with concern that Estonia lacked a national human rights institution in accordance with the Paris Principles and that the Gender Equality and Equal Treatment Commissioner could not issue legally binding decisions or take cases of discrimination against women to court either on behalf of the complainant or ex officio in cases of general interest. It recommended that Estonia strengthen the mandate of the Gender Equality and Equal Treatment Commissioner.¹⁴

10. The Committee on the Rights of the Child expressed concern that Estonia did not have a comprehensive cross-sectoral policy to ensure that all State policies and programmes were compliant with the Convention on the Rights of the Child. It recommended that Estonia strengthen the mandate of the Child Protection Council at the interministerial level to ensure that it had sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels. The Committee also recommended that Estonia develop a comprehensive policy on children that encompassed all areas covered by the Convention and that it ensure coordination and complementarity among government entities; and, on the basis of the policy, develop a strategy containing the elements for its application.¹⁵

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

A. Cross-cutting issues

1. Equality and non-discrimination¹⁶

11. The Human Rights Committee was concerned that the Equal Treatment Act did not afford equal protection against discrimination on all the grounds prohibited under the International Covenant on Civil and Political Rights in all spheres of life and recommended that Estonia amend that Act.¹⁷ The Committee on Economic, Social and Cultural Rights was concerned that the Equal Treatment Act only prohibited discrimination on the grounds of religion or views, age, disability and sexual orientation in areas relating to working life and the acquisition of professional qualifications. It recommended that Estonia amend without

delay the Act to ensure that it prohibits all direct, indirect and intersectional forms of discrimination and to provide effective remedies for victims of discrimination.¹⁸

2. Development, the environment, and business and human rights¹⁹

12. The Committee on Economic, Social and Cultural Rights expressed concern regarding the high incidence of poverty among the unemployed, single-parent families and families with many children. It was also concerned that the threshold of negative income tax (€500) was below the minimum wage (€540 in 2019). The Committee urged Estonia to take effective measures to reduce the high at-risk-of-poverty rate, including through adequate social assistance and active employment services, and to take every possible measure to target the most disadvantaged individuals living under the absolute poverty line.²⁰

B. Civil and political rights

1. Right to life, liberty and security of person²¹

13. The Human Rights Committee indicated that Estonia should amend its criminal legislation and ensure that all allegations of torture and ill-treatment were promptly and thoroughly investigated by an effective and fully independent and impartial body, that perpetrators were prosecuted and, if convicted, punished with sanctions commensurate with the nature and gravity of the crime, and that victims and, where appropriate, their families were provided with full reparation, including rehabilitation and adequate compensation.²²

14. The same Committee expressed concern about allegations of abusive use of means of restraint in prisons and in mental health facilities. It recommended that Estonia ensure that means of restraint were used for strictly limited periods and only when justifiable and proportionate, that it should strengthen the safeguards against abusive use of means of restraint and that it should investigate any cases of misuse of restraints and take appropriate remedial action.²³

15. The same Committee indicated that Estonia should ensure that any exceptions to the right of notification of custody were clearly defined and time-barred, and that sufficient safeguards were in place against the misuse of such exceptions.²⁴

2. Administration of justice, including impunity, and the rule of law²⁵

16. The Committee on the Rights of the Child was concerned that the Juvenile Sanctions Act did not support the principle of restorative justice since sanctions tended to have a punitive connotation. It was also concerned that children did not receive sufficient support and protection when participating in criminal or civil proceedings and that the presence of a lawyer was not mandatory during police questioning of juveniles detained on suspicion of having committed a misdemeanour. The Committee recommended that Estonia bring its juvenile justice system fully into line with the Convention on the Rights of the Child and other relevant standards.²⁶

3. Fundamental freedoms and the right to participate in public and political life²⁷

17. The Human Rights Committee expressed concern that the current legal framework did not provide comprehensive protection against hate speech and hate crimes owing to, inter alia, the light penalties and the high threshold for the offence of incitement to hatred, violence or discrimination under article 151 of the Criminal Code. It recommended that Estonia align that article with articles 19 and 20 of the International Covenant on Civil and Political Rights and the Committee's general comment No. 34 (2011).²⁸

18. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders sent a joint letter regarding the alleged stigmatization of a human rights defender advocating for the rights of linguistic minorities.²⁹ The Government of Estonia replied.

4. Prohibition of all forms of slavery³⁰

19. The Committee on the Elimination of All Forms of Discrimination against Women noted with concern that Estonia continued to be a source, transit and destination country for trafficking in women and girls for purposes of sexual exploitation and forced labour. It recommended that Estonia ensure that cases of trafficking were effectively investigated and the perpetrators prosecuted and adequately punished; provide capacity-building for law enforcement officials on early identification and referral of victims of trafficking; increase funding for shelters run by both the State and non-governmental organizations and medical, psychological and social reintegration services for victims of trafficking; and strengthen the gender sensitivity of support services for victims of trafficking and of witness protection programmes.³¹

5. Right to privacy and family life³²

20. The Human Rights Committee expressed concern that data retention regulations provided for a blanket retention of communication data. It was also concerned about the lack of sufficient safeguards against arbitrary interference with the right to privacy with regard to surveillance and interception activities by State security and intelligence agencies and with regard to intelligence-sharing with foreign entities. The Committee recommended that Estonia bring its regulations governing data retention and access thereto, surveillance and interception activities, and those relating to the intelligence-sharing of personal communications, into full conformity with the International Covenant on Civil and Political Rights. It added that any such interference with privacy should require prior authorization from a court or other suitable independent body.³³

21. Although welcoming the reduction in the number of children living in institutional care, the Committee on the Rights of the Child remained concerned about the situation of children deprived of a family environment. It recommended that Estonia support and facilitate family-based care for children and strengthen the alternative care system; ensure periodic review of the placement of children in foster care and institutions; establish a standard for shelter service; and regulate by law follow-up support for young people leaving alternative care and provide the support necessary, until the age of 25 years.³⁴

C. Economic, social and cultural rights**1. Right to work and to just and favourable conditions of work³⁵**

22. The Committee on Economic, Social and Cultural Rights expressed concern about the structural causes of unemployment and recommended that Estonia intensify its efforts to improve its vocational education and training programmes in order to provide the workforce with the skills and knowledge to keep up with the changing demands of the labour market.³⁶

23. The same Committee remained concerned that article 59 of the Civil Service Act did not allow civil servants to exercise the right to strike. The Committee recommended that Estonia review the Civil Service Act with a view to allowing civil servants who do not provide essential services to exercise their right to strike.³⁷ The Human Rights Committee echoed the recommendation made by the Committee on Economic, Social and Cultural Rights.³⁸

24. The Committee on Economic, Social and Cultural Rights was concerned that the incidence of occupational accidents had increased and recommended that Estonia prevent and mitigate the risks of occupational accidents and diseases and that it strengthen the capacity of the Labour Inspectorate to monitor working conditions.³⁹

25. The same Committee expressed concern regarding the gender pay gap, which remained wide, and recommended that Estonia intensify its efforts to tackle the root causes of and close the gender pay gap, including through the expeditious adoption of the pending amendments to the Gender Equality Act and the full implementation of the Welfare Development Plan for 2016–2023. It also recommended that the principle of equal pay for work of equal value be effectively enforced through compulsory pay disclosure and labour inspections.⁴⁰

2. Right to social security⁴¹

26. The Committee on Economic, Social and Cultural Rights was concerned that the level of the State pension insurance, which was below the at-risk-of-poverty line, was not sufficient to ensure beneficiaries an adequate standard of living. It recommended that Estonia ensure that the level of State pension insurance benefits was sufficient to provide beneficiaries with an adequate standard of living and to reduce the prevalence of pensioners at risk of poverty and that it extend the coverage of the mandatory funded pension scheme to the self-employed.⁴²

27. The same Committee reiterated its concern that the unemployment insurance benefit was not paid in cases where the employment contract had been terminated due to professional fault. The Committee was also concerned about the low coverage of the unemployment insurance benefit and the unemployment allowance schemes. It recommended that Estonia rescind the condition imposed on the payment of unemployment benefits and ensure that unemployment benefits covered all workers, including the self-employed and workers in the informal economy.⁴³

3. Right to an adequate standard of living⁴⁴

28. The same Committee expressed concern regarding the shortage of housing, particularly social housing, despite the investment made in recent years in that area. It also regretted the prevalence of homelessness, of inadequate or substandard housing and the substantive and procedural safeguards in domestic law in cases of eviction. The same Committee reiterated its previous recommendations for Estonia to address the shortage of housing, especially social housing for disadvantaged and marginalized individuals and groups.⁴⁵

4. Right to health⁴⁶

29. The same Committee was concerned about the consistently high suicide rate in the country, particularly among men, and the high and growing number of teenagers with mental health conditions. It recommended that Estonia adopt a national mental health policy and intensify its efforts to tackle and address the root causes of the prevalence of, and increase in, mental health conditions and to provide individuals and groups who are at risk of suicide with effective prevention programmes and support services.⁴⁷ The Committee on the Rights of the Child too was concerned about the increase in the suicide rate in the age group of 15 to 19 years. It recommended that Estonia strengthen its efforts to prevent adolescent suicides, including by ensuring that all professionals working with children were adequately trained to identify and address early suicidal tendencies and mental health problems.⁴⁸

30. The Human Rights Committee was concerned that no comprehensive regulations appeared to be in place for seeking prior consent to psychiatric treatment and that legal and procedural safeguards for involuntary treatment of persons with psychosocial or intellectual disabilities may not be sufficient to guarantee their rights and interests. The Committee recommended that Estonia put in place such comprehensive procedures and that non-consensual psychiatric treatment may only be applied, if at all, in exceptional cases as a measure of last resort and when absolutely necessary.⁴⁹

31. The Committee on the Elimination of All Forms of Discrimination against Women recommended that Estonia address the high rates of alcohol abuse and alcohol-related deaths among young women, ensure affordable access to sexual and reproductive health services and reduce the waiting periods for obtaining health appointments, in particular with respect to sexual and reproductive health services. It also recommended that Estonia ensure that rural, older and marginalized women were not excluded from health services.⁵⁰

32. The Committee on Economic, Social and Cultural Rights recommended that Estonia combat the social stigma against drug users and guarantee the confidentiality of service users, expand the provision of harm reduction services and opioid substitution therapy, remove barriers to accessing treatment for women drug users, investigate the cases where women with children have reportedly been unlawfully forced to terminate opioid substitution therapies, investigate the cases of abuse and harassment by police against drug users, particularly women, as well as the cases of deprivation of parental rights for using drugs and

punish those responsible, and stop the practice of forced drug testing in the street as well as forced drug testing through the use of urinary catheters.⁵¹

33. The Committee on the Rights of the Child was concerned that instances of drug abuse among children and adolescent were on the increase and that the absence of State regulation of rehabilitation institutions for children with addiction problems had led to reported cases of restriction of movement of the children receiving treatment. It recommended that Estonia adopt regulations concerning the organization of rehabilitation institutions for children and the activities carried out in them.⁵²

34. The Committee on Economic, Social and Cultural Rights was concerned with the high prevalence of HIV, particularly among women and people who used drugs. It recommended that Estonia intensify its efforts to prevent new cases of HIV, improve HIV testing and the initiation of early antiretroviral treatment therapy, combat social stigma against persons living with HIV/AIDS and ensure that medical professions respect the confidentiality of medical information pertaining to HIV/AIDS status or treatment.⁵³

35. The same Committee was also concerned at the excessive content of fluoride and boron in the water and at the significantly high radon content in groundwater in the north of the country. It urged Estonia to ensure that the content of fluoride and boron in the water remained below the limit in all water supply systems in the country and to provide all people exposed to radon-contaminated water with alternative drinking water sources as well as appropriate health care, and put in place surveillance and treatment programmes for chronic diseases known to be caused by radon. It also urged Estonia to revisit its legal regulations on radon in drinking water to ensure compliance with European Union and World Health Organization standards and to rigorously enforce existing laws on water treatment and effectively monitor compliance.⁵⁴

5. Right to education⁵⁵

36. UNESCO reported that secondary education was free of tuition fees only and that the national legislation did not provide free or compulsory pre-primary education. The legislation on education did not expressly proscribe discrimination in education and that, while the Basic Schools and Upper Secondary Schools Act protected from violence, corporal punishment and gender-based violence were not explicitly prohibited. UNESCO recommended that Estonia ensure that secondary education was truly free, envisage introducing at least one year of free and compulsory pre-primary education, proscribe by law all kinds of discrimination in education, combat gender stereotyping in education and explicitly prohibit corporal punishment and gender-based violence in education in national legislation.⁵⁶

37. Although the Committee on the Rights of the Child commended the explicit prohibition of physical punishment of children as outlined in the 2016 Child Protection Act, it expressed concern that favourable attitudes towards corporal punishment were still dominant in Estonian society and that parents had insufficient knowledge of non-violent and positive forms of discipline.⁵⁷

38. The Committee on Economic, Social and Cultural Rights remained concerned at the decrease in the net enrolment rate in primary education, the substantial increase in the number of out-of-school children, particularly among boys, the absence of uniform legal regulations for preschool education, the high proportion of young adults without professional or vocational qualifications and the lack of flexibility in the implementation of the 60 per cent quota of teaching in Estonian in the Russian-speaking secondary schools and vocational schools.⁵⁸

39. The Committee on the Rights of the Child expressed similar concerns and recommended that Estonia strengthen measures to address dropout rates, especially among boys, ensure that children belonging to linguistic and ethnic minorities and children with disabilities had adequate access to education, encourage the inclusion of non-Estonian-speaking children in kindergartens and review the language policy to facilitate the transition of Russian-speaking students. It also recommended that Estonia strengthen the system of quality preschool education and increase the availability and affordability of preschool education, including for children from marginalized families.⁵⁹

40. The Committee on the Elimination of All Forms of Discrimination against Women expressed concern regarding the concentration of women and girls in traditionally female-dominated fields of study and career paths and their underrepresentation in other areas owing to persistent gender stereotypes. The Committee also expressed concern about the absence of measures to eliminate discriminatory gender stereotypes from schoolbooks and educational curricula. It recommended that Estonia strengthen its strategies to address discriminatory stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study.⁶⁰

D. Rights of specific persons or groups

1. Women⁶¹

41. The Committee on the Elimination of All Forms of Discrimination against Women noted with concern that Estonia lacked a comprehensive national strategy for gender equality and recommended that it adopt such a strategy. It also recommended that Estonia further strengthen its machinery for the advancement of women by providing adequate human, technical and financial resources at the central and municipal levels and by strengthening accountability mechanisms for achieving gender equality, as well as the mandate and political authority of the Equality Policies Department of the Ministry of Social Affairs.⁶²

42. The same Committee noted with concern the increase in gender-based violence against women and the absence of a law on domestic violence. Furthermore, it was concerned that rape was narrowly defined and that sexual harassment was not specifically criminalized in the Penal Code.⁶³ It recommended that Estonia amend the Penal Code to review the definition of rape and to specifically criminalize sexual harassment.⁶⁴

43. The Human Rights Committee recommended that Estonia take effective measures to encourage reporting violence against women to law enforcement authorities and to ensure the safety of women who came forward.⁶⁵ The Committee on the Elimination of All Forms of Discrimination against Women recommended that Estonia strengthen the enforcement of court decisions, in particular those that concerned protection orders or emergency protection orders for women who were victims of gender-based violence.⁶⁶

44. The Committee on Economic, Social and Cultural Rights expressed concern regarding the high incidence of domestic violence despite its criminalization in the Penal Code. It recommended that Estonia adopt a special law on domestic violence and intensify its efforts, through the implementation of the national strategy for the prevention of violence for 2015–2020 and the Victim Support Act, with a view to encouraging the reporting of domestic violence. It also recommended ensuring that all reported cases were promptly and thoroughly investigated and perpetrators punished, providing survivors with all the necessary legal, medical, financial and psychological support and raising public awareness of the seriousness and criminal nature of domestic violence.⁶⁷ The Committee on the Elimination of All Forms of Discrimination against Women too recommended that Estonia establish an effective strategy to prevent domestic violence, as well as a multisectoral national referral mechanism involving judges, local police, social and health workers and other stakeholders for victims of domestic violence. It also recommended that the Family Law Act be amended to ensure that the occurrence of domestic violence was always taken into consideration in determining custody of children, train child protection agencies on domestic violence and ensure that experts on violence against women were heard in child custody proceedings.⁶⁸

45. The Committee on Economic, Social and Cultural Rights was concerned about the persistence of gender stereotypes, gender segregation in the labour market and in education and the fact that the greater burden of family responsibilities was borne by women. It recommended that Estonia eliminate gender stereotypes, combat gender segregation in the labour market, create an enabling environment and opportunities for female students to pursue education in science, technology, engineering and mathematics and promote the equitable sharing of family responsibilities between men and women.⁶⁹ The Committee on the Elimination of All Forms of Discrimination against Women made similar recommendations.⁷⁰

46. The Committee on the Elimination of All Forms of Discrimination against Women expressed concern about the lack of an effective mechanism for bringing complaints about sexual harassment in the workplace to allow for cases to be taken to the court *ex officio*. The Committee recommended that Estonia amend the Gender Equality Act to mandate the Labour Inspectorate to monitor the implementation of the principle of equal pay for work of equal value and that it introduce effective sanctions against employers who violate the Gender Equality Act.⁷¹ The Human Rights Committee recommended that Estonia consider granting standing to that Gender Equality and Equal Treatment Commissioner in domestic court proceedings relating to discrimination.⁷² The Committee on Economic, Social and Cultural Rights made a similar recommendation.⁷³

47. The Committee on the Elimination of All Forms of Discrimination against Women expressed concern about the decrease in the number of women parliamentarians and women in the local administrative bodies, the absence of targeted measures and the underrepresentation of women in appointed political positions and in State-owned companies. It recommended that Estonia adopt targeted measures to ensure the appointment of an equal number of women and men to leadership positions in the Government, local administrative bodies, the judiciary and State-owned companies.⁷⁴ The Human Rights Committee made similar recommendations.⁷⁵

2. Children⁷⁶

48. The Committee on the Elimination of All Forms of Discrimination against Women noted with concern that women in *de facto* unions and their children may be deprived of adequate protection of their economic rights in case of separation and that the deficiency in the enforcement of child support payments led to a high default rate by men on their payments.⁷⁷ The Committee on the Rights of the Child recommended that Estonia review its current legal regime governing marriage and family relations with a view to extending such legal protection to women in *de facto* unions and their children and that it adopt more stringent measures for the enforcement of child support orders.⁷⁸ The Committee on the Elimination of All Forms of Discrimination against Women noted a similar concern and recommended that Estonia adopt without delay the implementing regulation for the Registered Partnership Act of 2014 and review its current legal regime governing marriage and family relations with a view to extending the existing legal protection to women living in *de facto* unions.⁷⁹

49. The Committee on the Rights of the Child was concerned that 22 per cent of schoolchildren had been victims of bullying and that many complaints of bullying continued to be received by the Chancellor of Justice. It was also concerned that the “Freedom from bullying” initiative faced implementation problems. The Committee recommended that Estonia evaluate the success of its anti-bullying programmes, enhance the measures taken to combat all forms of bullying and harassment and ensure the participation of children in initiatives aimed at reducing bullying.⁸⁰

50. The same Committee was concerned that the prevalence of sexual abuse of children in Estonia was high, that the level of detection was low and that the existence and accessibility of support services was insufficient. It recommended that Estonia conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse and that it ensures accessible, confidential, child-friendly and effective reporting channels for such violations. It also recommended that Estonia ensure the development of sufficient programmes and policies for the prevention, recovery and social reintegration of child victims throughout the country.⁸¹

51. The Committee on Economic, Social and Cultural Rights remained concerned that, according to the Family Law, children aged 15 years and older could, in exceptional cases, be allowed to marry by the courts. It recommended that Estonia revise its legislation to make it clear that the minimum age for marriage was 18 years for both girls and boys and that it take all measures to eliminate child marriage.⁸² The Committee on the Rights of the Child made a similar recommendation.⁸³

52. While welcoming the amendment of the Penal Code criminalizing the recruitment of children in the armed forces or their engagement in acts of war, the Committee on the Rights

of the Child noted that children from the age of 7 years may participate in the voluntary Estonian Defence League, which functioned under the auspices of the Ministry of Defence. The Committee expressed concern that the activities of the League may, in practice, include the participation of children in handling firearms. It recommended that Estonia ban the handling of firearms for children under the age of 18 years, in general, and in the League, in particular, and that it establish a system to regularly monitor the League's programme. It also recommended that Estonia establish an independent complaints mechanism for children in the League.⁸⁴

3. Persons with disabilities⁸⁵

53. The Committee on the Rights of the Child was seriously concerned about the insufficient protection against discrimination for children with disabilities. It recommended that Estonia amend the Equal Protection Act to provide a clear basis for protection against discrimination based on disability; strengthen measures to remove physical barriers so as to enable effective access for children with disabilities to schools and other institutions and services; take immediate measures to ensure that all children with disabilities have access to health care; set up comprehensive measures to develop inclusive education; and take measures to ensure that children with mental disabilities were not placed in reform schools along with young offenders and children with behavioural problems.⁸⁶

4. Minorities and indigenous peoples⁸⁷

54. The Human Rights Committee remained concerned about the remaining gaps relating to the integration of the Russian-speaking minority and the enjoyment of their rights. Estonia should strengthen legislative and policy measures aimed at addressing effectively the impact of the language policies and practices that may contribute indirectly to unequal treatment of that minority.⁸⁸ The Committee on Economic, Social and Cultural Rights expressed a similar concern and recommended that Estonia address that systemic discrimination due to the language barrier, particularly in the areas of employment, housing education, health care and access to services indispensable for ensuring an adequate standard of living and enjoying cultural rights.⁸⁹ The same Committee also recommended that Estonia remove all punitive elements of the enforcement of the Language Act and ensure the full implementation of the Integrating Estonia 2020 development plan.⁹⁰

55. The Committee on the Elimination of All Forms of Discrimination against Women was concerned about the discrimination faced by Russian-speaking minorities and girls with disabilities in access to education and recommended that Estonia ensure that girls belonging to linguistic and ethnic minorities and girls with disabilities had adequate access to education, including instruction in or of their mother tongue and inclusive education, respectively.⁹¹

5. Migrants, refugees, asylum seekers and internally displaced persons⁹²

56. The Human Rights Committee expressed concern about allegations of denial of the right to apply for asylum at border-crossing points or in transit zones, and about the limited access to effective remedies against asylum decisions taken at the border due to the lack of access to free legal counselling or assistance in suitable cases. The Committee was further concerned at reports that asylum seekers had been accused of irregular entry or stay under the second item of article 258 (1) of the Criminal Code, and that application for international protection did not preclude the initiation of criminal proceedings under said provision. Estonia should fully respect the principle of non-refoulement, provide for free legal aid to applicants for asylum and consider including adequate safeguards in the Criminal Code to ensure that individuals exercising their right to seek asylum are released from any criminal liability for illegal entry or stay.⁹³

57. UNHCR also recommended that Estonia accelerate efforts to establish an effective protection-sensitive border entry system; ensure respect for all procedural guarantees, including access to information and legal aid, and effective legal remedy; establish an independent monitoring system at border crossing points in cooperation with relevant partners; and amend the Act on Granting International Protection to Aliens with provisions introducing the right to rebut a presumption of safety when the concepts of safe country of origin and of safe third country were applied in first-instance procedures.⁹⁴

58. The Committee on Economic, Social and Cultural Rights remained concerned about the poor living conditions in the reception centres for asylum seekers, the acute shortage of housing available for refugees and the absence of a comprehensive national refugee integration strategy and policy framework. It recommended that Estonia ensure that asylum seekers were accommodated in conditions that respected human dignity and that their basic economic, social and cultural needs were met. It also recommended that Estonia intensify its efforts to provide refugees with adequate housing and adopt a comprehensive national refugee integration strategy and policy framework.⁹⁵

59. The Committee on the Elimination of All Forms of Discrimination against Women expressed concern regarding the growing number of single female asylum seekers at heightened risk of sexual and gender-based violence and recommended that Estonia address the special reception needs of asylum-seeking single women and establish measures for the identification and prevention of and response to sexual and gender-based violence in reception centres for asylum seekers.⁹⁶

60. The Committee on the Rights of the Child recommended that Estonia put in place mechanisms to identify, at an early stage, refugee, asylum-seeking, migrant and unaccompanied children coming from countries where there were or had been armed conflicts who may have been involved in hostilities and that it develop protocols and specialized services to ensure that such children were provided with appropriate assistance for their physical and psychological recovery and social reintegration.⁹⁷

61. The same Committee recommended that Estonia amend the Act on Granting International Protection to Aliens to prohibit the detention of refugee and asylum-seeking children and adopt alternatives to detention so as to allow children to remain with family members and/or guardians in non-custodial, community-based contexts. It also recommended that unaccompanied children be assigned a free and qualified lawyer immediately upon their arrival at the border and that a best interests assessment and/or best interest determination procedures be carried out at all stages of the national asylum procedure.⁹⁸ UNHCR made similar recommendations.⁹⁹

6. Stateless persons¹⁰⁰

62. While the Committee on Economic, Social and Cultural Rights welcomed the overall achievement of Estonia in reducing the number of persons with undetermined citizenship and the amendments made to the Citizenship Law in 2015 granting Estonian citizenship to children with undetermined citizenship born in Estonia, it remained nonetheless concerned about the large number of such persons and about the amendments not applying to specific cases. It recommended that Estonia accelerate the acquisition of Estonian citizenship by persons with undetermined citizenship by removing the remaining obstacles and that it grant Estonian citizenship to stateless children born in the country regardless of their parents' legal status.¹⁰¹ The Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of All Forms of Discrimination against Women and UNHCR made similar recommendations.¹⁰² In addition, UNHCR recommended that Estonia incorporate the definition of a stateless person in domestic law.¹⁰³

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Estonia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/EEIndex.aspx.

² For the relevant recommendations, see A/HRC/32/7 paras. 121.1–121.14, 122.44–22.45, 123.1–123.21.

³ E/C.12/EST/CO/3, paras. 54–55. See also CRC/C/EST/CO/2-4, para. 53.

⁴ CRC/C/EST/CO/2-4, paras. 52–53.

⁵ CEDAW/C/EST/CO/5-6, para. 19.

⁶ *Ibid.*, para. 40.

⁷ *Ibid.*, para. 25. See also UNCHR submission for the universal periodic review of Estonia, p. 4.

⁸ UNESCO submission for the universal periodic review of Estonia, p. 6.

⁹ CCPR/C/115/D/2040/2011.

- ¹⁰ For the relevant recommendations, see A/HRC/32/7, paras. 122.15–122.37 and 123.22–123.24.
- ¹¹ CCPR/C/EST/CO/4, paras. 7–8.
- ¹² E/C.12/EST/CO/3, para. 7.
- ¹³ CRC/C/EST/CO/2-4, paras. 12 and 13 (b).
- ¹⁴ CEDAW/C/EST/CO/5-6, paras. 10–11.
- ¹⁵ CRC/C/EST/CO/2-4, paras. 6 and 7.
- ¹⁶ For the 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 and 123.36–123.40.
- ¹⁷ CCPR/C/EST/CO/4, paras. 9 and 11.
- ¹⁸ E/C.12/EST/CO/3, paras. 10–11.
- ¹⁹ For the relevant recommendations, see A/HRC/32/7, para. 123.26.
- ²⁰ E/C.12/EST/CO/3, paras. 36–37.
- ²¹ For relevant recommendations, see A/HRC/32/7, paras. 122.83–122.84, 122.105–122.107 and 123.43.
- ²² CCPR/C/EST/CO/4, para. 20.
- ²³ *Ibid.*, paras. 21–22.
- ²⁴ *Ibid.*, paras. 25–26.
- ²⁵ For relevant recommendations, see A/HRC/32/7, para. 122.104.
- ²⁶ CRC/C/EST/CO/2-4, paras. 48–49.
- ²⁷ 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 and 123.47–123.49.
- ²⁸ CCPR/C/EST/CO/4, paras. 12 and 14.
- ²⁹ Letter dated 27 May 2016 from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders addressed to the Permanent Mission of Estonia to the United Nations Office and other international organizations in Geneva. Available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=15493>.
- ³⁰ For relevant recommendations, see A/HRC/32/7, paras. 122.98–122.103 and 123.42.
- ³¹ CEDAW/C/EST/CO/5-6, paras. 20–21.
- ³² For relevant recommendations, see A/HRC/32/7, para. 123.45.
- ³³ CCPR/C/EST/CO/4, paras. 29–30.
- ³⁴ CRC/C/EST/CO/2-4, paras. 36–37.
- ³⁵ For relevant recommendations, see A/HRC/32/7, paras. 122.43, 122.50–122.52 and 122.55–122.57.
- ³⁶ E/C.12/EST/CO/3, paras. 22–23.
- ³⁷ *Ibid.*, paras. 26–27.
- ³⁸ CCPR/C/EST/CO/4, para. 32.
- ³⁹ E/C.12/EST/CO/3, paras. 24–25.
- ⁴⁰ *Ibid.*, paras. 20–21.
- ⁴¹ For relevant recommendations, see A/HRC/32/7, paras. 122.43 and 122.108.
- ⁴² E/C.12/EST/CO/3, paras. 28–29.
- ⁴³ *Ibid.*, paras. 30–31.
- ⁴⁴ For the relevant recommendation, see A/HRC/32/7, para. 122.43.
- ⁴⁵ E/C.12/EST/CO/3, paras. 38–39.
- ⁴⁶ For the relevant recommendation, see A/HRC/32/7, para. 122.123.
- ⁴⁷ E/C.12/EST/CO/3, paras. 42–43.
- ⁴⁸ CRC/C/EST/CO/2-4, paras. 40–41.
- ⁴⁹ CCPR/C/EST/CO/4, paras. 23–24.
- ⁵⁰ CEDAW/C/EST/CO/5-6, para. 31.
- ⁵¹ E/C.12/EST/CO/3, para. 45.
- ⁵² CRC/C/EST/CO/2-4, paras. 42–43.
- ⁵³ E/C.12/EST/CO/3, paras. 46–47.
- ⁵⁴ *Ibid.*, paras. 40–41.
- ⁵⁵ For relevant recommendations, see A/HRC/32/7, paras. 122.109–122.113.
- ⁵⁶ UNESCO submission, pp. 1 and 4–6.
- ⁵⁷ CRC/C/EST/CO/2-4, para. 26.
- ⁵⁸ E/C.12/EST/CO/3, para. 48.
- ⁵⁹ CRC/C/EST/CO/2-4, paras. 44–45.
- ⁶⁰ CEDAW/C/EST/CO/5-6, paras. 26–27.
- ⁶¹ For relevant recommendations, see A/HRC/32/7, paras. 122.85–122.95 and 123.41.
- ⁶² CEDAW/C/EST/CO/5-6, paras. 12–13.
- ⁶³ *Ibid.*, para. 18.
- ⁶⁴ *Ibid.*, para. 19.
- ⁶⁵ CCPR/C/EST/CO/4, para. 18.

- ⁶⁶ CEDAW/C/EST/CO/5-6, para. 19.
- ⁶⁷ E/C.12/EST/CO/3, paras. 34–35.
- ⁶⁸ CEDAW/C/EST/CO/5-6, para. 19.
- ⁶⁹ E/C.12/EST/CO/3, paras. 18–19.
- ⁷⁰ CEDAW/C/EST/CO/5-6, para. 29.
- ⁷¹ *Ibid.*, paras. 28–29.
- ⁷² CCPR/C/EST/CO/4, para. 11.
- ⁷³ E/C.12/EST/CO/3, para. 11.
- ⁷⁴ CEDAW/C/EST/CO/5-6, paras. 22–23 and 29.
- ⁷⁵ CCPR/C/EST/CO/4, para. 16.
- ⁷⁶ For relevant recommendations, see A/HRC/32/7, paras. 122.39–122.42, 122.86, 122.96–122.97, 122.110–122.112 and 123.54.
- ⁷⁷ CEDAW/C/EST/CO/5-6, para. 38.
- ⁷⁸ CRC/C/EST/CO/2-4, para. 33.
- ⁷⁹ CEDAW/C/EST/CO/5-6, paras. 38–39.
- ⁸⁰ CRC/C/EST/CO/2-4, paras. 30–31.
- ⁸¹ *Ibid.*, paras. 28–29.
- ⁸² E/C.12/EST/CO/3, paras. 32–33.
- ⁸³ CRC/C/EST/CO/2-4, para. 19.
- ⁸⁴ CRC/C/OPAC/EST/CO/1, paras. 5 and 12–13.
- ⁸⁵ For relevant recommendations, see A/HRC/32/7, paras. 122.38 and 122.115–122.116.
- ⁸⁶ CRC/C/EST/CO/2-4, paras. 38–39.
- ⁸⁷ For relevant recommendations, see A/HRC/32/7, paras. 122.53–122.54, 122.109, 122.117–122.122, 123.28, 123.44 and 123.50–123.52.
- ⁸⁸ CCPR/C/EST/CO/4, paras. 37–38.
- ⁸⁹ E/C.12/EST/CO/3, paras. 12–13.
- ⁹⁰ *Ibid.*, para. 51.
- ⁹¹ CEDAW/C/EST/CO/5-6, paras. 26–27.
- ⁹² For relevant recommendations, see A/HRC/32/7, paras. 122.123, 122.126, 123.53 and 123.55.
- ⁹³ CCPR/C/EST/CO/4, paras. 27–28.
- ⁹⁴ UNHCR submission, p. 3.
- ⁹⁵ E/C.12/EST/CO/3, paras. 16–17.
- ⁹⁶ CEDAW/C/EST/CO/5-6, paras. 36–37.
- ⁹⁷ CRC/C/OPAC/EST/CO/1, para. 17.
- ⁹⁸ CRC/C/EST/CO/2-4, para. 47.
- ⁹⁹ UNHCR submission, p. 6.
- ¹⁰⁰ For relevant recommendations, see A/HRC/32/7, paras. 122.124–122.125 and 123.54.
- ¹⁰¹ E/C.12/EST/CO/3, paras. 14–15.
- ¹⁰² CCPR/C/EST/CO/4, para. 36; CRC/C/EST/CO/2-4, para. 25; CEDAW/C/EST/CO/5-6, para. 25; and UNHCR submission, p. 4.
- ¹⁰³ UNHCR submission, p. 4.
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