



International Covenant on Civil and Political Rights

Distr.: General
26 April 2016

Original: English
English, French and Spanish only

Human Rights Committee

List of issues prior to submission of the fourth periodic report of Estonia*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/EST/CO/3). Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and provide information on measures taken to ensure full compliance with each of the Views adopted in respect of the State party.

2. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations, including examples of cases in which the provisions of the Covenant have been referred to by national courts.

B. Specific information on the implementation of articles 1-27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (arts. 2, 3 and 26)

3. In the light of the previous concluding observations (para. 5),¹ please report on progress made in developing an independent national human rights institution or expanding the mandate of the Chancellor of Justice, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

4. Please report on measures taken to strengthen the independence of and to increase the financial and human resources available to the Office of the Gender Equality and Equal

* Adopted by the Committee at its 116th session (7-31 March 2016).

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations.



Treatment Commissioner in order for it to function properly. Please clarify whether the Office has been vested with the authority necessary to bring cases before the courts and report on efforts aimed at increasing awareness among authorities and the population at large about equal treatment legislation and available remedies.

5. With reference to the Committee's previous concluding observations (para. 17), please provide information on: (a) measures taken to disseminate, in Estonian and Russian, the Covenant and the Committee's concluding observations, general comments and Views concerning the State party, including among prosecutors, judges and lawyers; (b) training on the Covenant for prosecutors, judges and lawyers; and (c) consultation with non-governmental organizations involved in the process of drafting the replies of the State party to the present list of issues, which will constitute the State party's fourth periodic report.

Non-discrimination and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)

6. Please report on the status of amendments to the Equal Treatment Act aimed at expanding protection against discrimination, as well as on other steps taken to widen the scope of protection against all grounds of discrimination, on an equal basis. Please also clarify whether the Equal Treatment Act prohibits discrimination based on citizenship, language and disability.

7. Please clarify whether the Criminal Code has been amended to: (a) include citizenship and gender identity among the prohibited grounds for racially motivated offences; (b) recognize hatred on the basis of sexual orientation, gender identity and racism as aggravating circumstances for all offences and crimes; and (c) remove or ease the restrictions in article 151 limiting the criminal offences of incitement to racial hatred, racial violence and racial discrimination to cases posing a threat to the health, life or property of the victim. Please also indicate whether measures have been taken to prohibit by law the promotion in public of an ideology that claims the superiority of a certain group of persons and the public denial, justification or condoning of crimes of genocide, crimes against humanity or war crimes, and to outlaw organizations and propaganda activities, organized or otherwise, that promote and incite racial discrimination and hate speech.

8. Please provide information on measures taken to combat: (a) xenophobic and racist statements, including by politicians, in the media and on the Internet, targeting minorities, migrants, asylum seekers and refugees, as well as violent attacks against asylum seekers; and (b) discrimination against and the harassment of lesbian, gay, bisexual and transgender individuals, homophobic and transphobic discourse by politicians and impunity for such acts. Please report on steps taken to ensure the collection of data on cases of racist, homophobic and transphobic hate speech and violence, encourage reporting of such cases and raise awareness of the criminal nature of such acts, including among law enforcement officers, prosecutors and judges.

Equality between men and women (art. 3)

9. Please report on measures taken to combat patriarchal attitudes and gender stereotyping in society and the family. Please also provide information on: (a) steps taken to address the significant gender pay gap and to implement the action plan approved in 2012 aimed at reducing the gender pay gap, and on the resulting outcome; (b) steps taken to increase the representation of women in political life and in decision-making positions; and (c) efforts made to streamline and clarify the overlapping mechanisms of the Office of the Gender Equality and Equal Treatment Commissioner and the Chancellor of Justice for handling complaints relating to issues of gender equality.

Violence against women, including domestic violence (arts. 3, 7 and 26)

10. Please report on results achieved following the entry into force of amended section 121 (2) (2) of the Criminal Code and clarify whether it criminalizes all forms of domestic violence, abuse and marital rape. Please also report on the results, including the relevant statistics, achieved following the implementation of the Norway Grants programme concerning violence against women (2012-2016) and of the National Development Plan for Preventing Violence 2015-2020. Furthermore, please provide information on any measures taken to: (a) ensure mandatory training for police, judges and medical staff who handle cases of domestic violence; (b) encourage reporting of such cases and ensure their effective investigation, the prosecution of the alleged perpetrators and the provision of effective remedies for violations; and (c) to provide sufficient resources and support services for victims, including safe shelters.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)

11. In reference to the previous concluding observations (para. 7), please indicate whether the definition of torture in the Criminal Code has been amended with a view to bringing it in full conformity with article 7 of the Covenant and other internationally established norms, and whether the raising of the upper limit of the punishment for torture is fully consistent with the expectation that sentences always be commensurate with the gravity of the crime. Please clarify whether a fully independent mechanism with the authority to investigate all reported allegations of torture and ill-treatment has been established, and provide information on the number of cases of torture and ill-treatment reported, on any subsequent investigations and prosecutions initiated and on actual criminal convictions, including disciplinary sanctions, and reparations granted to victims.

12. Please report on measures taken to: (a) prevent any misuse or abuse of means of restraint in prisons and mental health facilities, including as a form of punishment and for long periods of time; and (b) promptly and independently investigate complaints concerning the use of restraints. Please indicate what efforts have been made to address the excessive use of solitary confinement, particularly as a disciplinary sanction, in relation to adult and juvenile offenders at Viru Prison and to ensure that solitary confinement is imposed as a measure of last resort, that it is proportionate to the offence committed and that it is applied for as short a period of time as possible.

Rights of persons with disabilities (arts. 2, 7, 9, 14 and 26)

13. Please report on measures taken to ensure that the free and informed consent to treatment of persons with mental and psychosocial disabilities is required under the law and is adhered to in practice, and indicate whether clear criteria and procedures have been established for authorizing and monitoring, including through judicial means, involuntary hospitalization and involuntary treatment. Please also report on measures taken to ensure that experts appointed to assess patients' need for continued involuntary treatment are impartial.

14. Please provide information on steps taken since the adoption of the previous concluding observations (para. 12) to: (a) safeguard, both in law and in practice, the right of persons with mental or psychosocial disabilities to a fair trial, including the right to be sufficiently informed about criminal proceedings and the charges against them, the right to a fair hearing and the right to adequate and effective legal assistance; and (b) provide training to judges and lawyers on the rights that ought to be guaranteed to persons with mental or psychosocial disabilities tried in criminal courts.

15. Please provide information on the measures taken to increase the integration of children with disabilities in regular kindergartens and schools and to provide the assistance necessary to meet their special needs.

Elimination of slavery and servitude (art. 8)

16. Please report on measures taken to: (a) ensure prompt identification and referral of victims of trafficking and to provide specialized training to all stakeholders dealing with trafficking matters, including judges; (b) provide effective protection and assistance, including legal assistance, to all potential victims and ensure that such assistance is not dependent on whether a criminal case is pursued or not; and (c) effectively investigate cases of trafficking and prosecute those responsible. Please include statistics on the number of cases of trafficking reported, the investigations and prosecutions initiated and actual criminal convictions, and the reparations awarded to victims.

Liberty and security of person and humane treatment of persons deprived of their liberty (arts. 7, 9 and 10)

17. Please clarify: (a) whether measures have been taken to ensure that any exceptions to the right of notification of custody are clearly defined and do not last longer than absolutely necessary; (b) whether the right of persons held in police establishments to have access to a doctor as from the very outset of their deprivation of liberty is guaranteed; (c) whether the Code of Criminal Procedure provides for the immediate notification of a parent or guardian whenever a minor is detained by the police as a suspect in a crime; and (d) whether the presence of a lawyer is mandatory during police questioning of juveniles detained on suspicion of having committed a misdemeanour. In the light of the previous concluding observations (para. 8), please indicate what reparations were granted to persons deprived of their liberty following the events of “bronze night” in 2007.

18. Please provide information on measures taken to improve the material conditions of incarceration, in particular with regard to infrastructure, hygiene and sanitary conditions, overcrowding and access to health care in prisons and police detention houses, in particular in Tallinn prison and its disciplinary unit (block K1), pending closure, and in Haapsalu Police Detention House. Please report on efforts to counter discrimination against linguistic minorities in detention facilities and to ensure that complaints from prisoners are filed and duly considered regardless of the language in which the complaint was submitted. Please clarify: (a) whether the practice of accommodating, in police detention houses, remand and sentenced prisoners, both minors and adults, has been abolished; and (b) whether the costs of using the rooms for long-term visits at Tallinn and Viru prisons are still to be borne by prisoners and their families.

19. With reference to the Committee’s previous concluding observations (para. 13), please indicate whether the Criminal Code incorporates provisions stipulating the need to expedite proceedings where the accused persons are being detained. Please also provide information on the role of the State Liability Act in ensuring compensation for those whose court cases are delayed for years without a valid reason.

Treatment of aliens, including refugees and asylum seekers (arts. 7 and 13)

20. Please report on measures taken to: (a) ensure that the right of asylum seekers to lodge asylum applications at border crossing points or in transit zones is guaranteed both in law and in practice, and is in strict compliance with the principle of non-refoulement; (b) ensure, in practice, the exercise of the right to an effective appeal with a deportation-suspensive effect; (c) prohibit, by law, the issuance of orders for individuals who may be in need of international protection to immediately leave the territory; (d) amend legislation with a view to ensuring that individuals exercising their right to seek asylum are released

from any criminal liability for illegal entry or stay; (e) review the national detention policy so as to ensure that the detention of asylum seekers is used only as a last resort and, where necessary, for the shortest period possible; and (f) reduce overcrowding, improve conditions in immigration detention facilities and ensure that minors held in immigration accommodation centres have access to education services.

Right to privacy and family life (art. 17)

21. Please report on measures taken to: (a) bring the legislation on data retention, including article 111 of the Electronic Communications Act, in line with the State party's obligations under article 17 of the Covenant; (b) ensure sufficient safeguards against arbitrary interference in the privacy of individuals with regard to interception and surveillance activities by State security and intelligence agencies, to the sharing of intelligence with foreign entities, including oversight mechanisms and judicial involvement in the authorization of such measures; and (c) notify victims whose right to privacy has been infringed through State-authorized surveillance activities about the infringement and provide them with an effective remedy.

Freedom of association (arts. 2 and 22)

22. Please provide information on steps taken to ensure that the State party's legislation denies only civil servants performing essential services the right to strike and fully protects the enjoyment of that right for those who do not exercise public authority. Also indicate whether advance notice needs to be provided in order to render a support strike lawful under Estonian law and, if so, how much in advance.

Family rights and the rights of the child (arts. 7, 16, 23, 24 and 26)

23. Please provide information about studies suggesting the high prevalence of sexual abuse among children and youth and about measures taken to address child abuse, including domestic violence, Internet-based abuse, sexual abuse, school violence and bullying. Please include statistics, as relevant. Please also provide information on the implementation of the new Child Protection Act and its impact. Please indicate whether consideration has been given to the possibility of increasing the age of protection of child victims under the Criminal Code from the age of 14 years. Furthermore, please clarify whether, under the Child Protection Act, the corporal punishment of children is explicitly prohibited in all settings.

24. Please indicate what safeguards are in place against the misuse and abuse of the legal provision allowing removal from the family, without a court warrant, of a child believed to be in danger for up to 72 hours, including clearly defined criteria on what constitutes "danger".

Right to nationality and to take part in political life and government, non-discrimination and the rights of minorities (arts. 2, 26 and 27)

25. Please explain the reasons for the blanket ban on prisoners voting and whether plans have been made to revise the relevant provisions of the Riigikogu Election Act.

26. Please provide information on the impact of amendments to the Citizenship Act that came into force on 1 January 2016 on reducing the number of persons with undetermined citizenship (please include relevant statistics). Please indicate what measures, if any, have been taken to: (a) address the situation of stateless children who are between 15 and 18 years of age as of 1 January 2016, children born to stateless parents who have not been residing legally in Estonia for the past five years, and children born to parents who have a nationality but are unable to transmit it to their child owing to a conflict in nationality laws;

(b) establish a statelessness determination procedure; (c) ease the language proficiency standards required in naturalization tests; and (d) remove limits for stateless persons to gain access to the civil service, the judiciary and other professions.

27. With reference to the Committee's previous concluding observations (para. 16), please report on measures taken to integrate Russian-speaking minorities into the labour market, in particular with regard to professional and language training. Please indicate whether steps have been taken to review Estonian language policies and practices that may result in direct or indirect discrimination against the Russian-speaking minority and may affect the enjoyment of the rights of those belonging to that minority under the Covenant, including their access to justice. Please provide information on the impact of the new Strategy of Integration and Social Cohesion in Estonia and of the measures of the European Social Fund for the period 2014-2020 on the integration of minorities, including the Russian-speaking minority.

28. Please provide information on the application of the Estonian Language Act by the Language Inspectorate in relation to public employers and political parties, including those serving and representing mostly speakers of Russian. Please also address concerns about the implications of restricting the use of Russian in the education system on the ability of Russian-speaking students to receive an adequate education.
