



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

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**Committee on the Elimination of Discrimination
against Women**
Twenty-sixth session

Summary record of the 539th meeting

Held at Headquarters, New York, on Wednesday, 23 January 2002, at 10.30 a.m.

Chairperson: Ms. Abaka

later: Ms. Manalo (Vice-Chairperson)

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The meeting was called to order at 10.50 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Initial, second and third periodic reports of the Republic of Estonia (CEDAW/C/EST/1-3)

1. *At the invitation of the Chairperson, the delegation of Estonia took places at the Committee table.*

2. **Ms. Kaljurand** (Estonia), introducing the combined initial, second and third periodic reports (CEDAW/C/EST/1-3), said she welcomed the opportunity to initiate a dialogue with the Committee and expressed regret that, although Estonia had acceded to the Convention on the Elimination of All Forms of Discrimination against Women in September 1991, her delegation was appearing before the Committee for the first time. She recalled that Estonia had a long tradition of women's activism, beginning in the 1880s; by 1907 the Estonian Women's Union was advocating women's rights, including equal pay for equal work and, following independence in 1918, the Constitution of 1920 guaranteed women the right to vote.

3. For historical reasons, such activities had been curtailed for several decades after 1940, but by the late 1980s women's organizations had once more become active and many were re-established, including the Estonian Women's Union. Women's activism continued to grow following the restoration of independence in 1991 and, in follow-up to the Fourth Conference on Women in Beijing in 1995, an inter-ministerial committee for the promotion of gender equality had been formed for the purpose of reviewing decisions adopted at United Nations conferences on social issues. The Committee had defined the priorities in the area of gender equality: development of national structures to promote gender equality, harmonization of domestic legislation with international standards, collection of gender-disaggregated statistics and improvement of the situation of women in the labour market and of their role in decision-making.

4. International cooperation with the United Nations system, the European Union, the Council of Europe and the Nordic and Baltic countries in the area of human rights, specifically women's rights, was an

important factor in Estonia's efforts to promote equality.

5. In September 1991 Estonia had acceded to almost 30 of the most important United Nations conventions and, while the sudden ratification of so many instruments, coupled with large-scale legal reforms at the domestic level, had led to serious delays in meeting reporting obligations, her Government had submitted most of its initial reports and was currently preparing second periodic reports for two treaty bodies. Estonia had also ratified a number of International Labour Organization (ILO) Conventions, including No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

6. As a potential member of the European Union, Estonia had brought its domestic legislation into harmony with European Union labour standards. The National Employment Action Plan 2002, currently under implementation, was based on European Union guidelines on labour policy, including gender mainstreaming, increased employment of women, reconciling work and family life and support for women entrepreneurs. Measures aimed at promoting equality between women and men had formed part of the Government's action plan since 1998 and its National Plan for the Adoption of the Acquis for integration with the European Union contained a chapter on equal pay, equal treatment and equal access and sharing of work and family duties. It also detailed measures for training civil servants, raising public awareness and creating structures for implementation of gender equality. Estonia had also ratified the relative human rights instruments of the Council of Europe and, as part of its cooperation efforts with the Baltic countries, had offered to organize the third Baltic Sea Women's Conference in the spring of 2003, which might also serve as a follow-up to the Women and Democracy conferences held in Reykjavik in 1999 and Vilnius in 2001.

7. Article 12 of the Constitution stressed the equality of all before the law and prohibited discrimination on any grounds, including gender and legislation in the area of employment contracts, public service, holidays, social tax, family benefits, pensions, etc. all protected the rights of women. The language of Estonian laws was usually gender neutral but, until recently, there had been no official definition of discrimination against women or of direct and indirect discrimination. However, the new Gender Equality Act,

drafted by the Ministry of Social Affairs in 2001, provided definitions relating to gender equality, prohibited direct discrimination, contained measures to prevent indirect discrimination and required the authorities and employers to promote equality between men and women, thereby providing a framework for both de jure and de facto equality. The Act also created two institutions, a gender equality council and a gender equality commission, to ensure effective implementation of its provisions. The Gender Equality Act was currently awaiting first reading in Parliament.

8. The Legal Chancellor's office was responsible for ensuring that State agencies respected constitutional rights and freedoms and that national and local legislation was in compliance with the Constitution and individuals had the right to appeal to the Legal Chancellor in cases of alleged rights violations by State agencies. The Legal Chancellor therefore played a role akin to an ombudsman, although to date no petitions directly concerning women's rights had been filed. Individuals also had the constitutional right to appeal to the courts in cases where they felt their rights and freedoms had been violated.

9. Following the Beijing Conference, a Gender Equality Bureau had been established within the Ministry of Social Affairs to coordinate gender mainstreaming into national policies and programmes, make gender impact assessments of legislation and prepare national gender action plans. Gender equality issues were identified and supported by annual national employment action plans and other strategic documents in the context of long-term human resources development planning.

10. The 2001-2003 Employment Action Plan prioritized the promotion of gender equality in the field of employment, including equal opportunity. In order to assist in developing a strategy and methods to achieve that objective, much information had been collected and analysed by academics, officials, scientists and non-governmental organizations. Assistance had also been received from the United Nations Development Programme (UNDP), thanks to its human development reports and a report on gender issues entitled "Towards a Balanced Society. Women and Men in Estonia". With support from the Nordic countries training programmes for civil servants and non-governmental organizations had been organized in cooperation with the International Labour Organization and the European Union's Phare programme. There had

also been extensive research on the economic and social situation of women and men in areas such as the labour market, wage comparisons, living conditions and violence against women.

11. Raising public awareness of women's issues was a priority and since 1997 civil servants, government officials, local authorities and social partners had been receiving training with a view to the creation of a network of specialists trained in gender issues, to improve administrative capacity for gender mainstreaming. The Government's efforts had been supplemented by international cooperation programmes such as a UNDP project on promoting gender equality, which had delivered gender training to over 1,000 persons, and the ILO's "More and better jobs for women" programme, which had trained more than 400 officials, social partners and women. Estonian women's organizations, including organizations for rural women had undertaken numerous joint projects with European and international counterparts. Furthermore, in order to engage civil society in gender equality efforts, the Government had developed and submitted to Parliament a "Framework Concept of Civil Society".

12. Estonia's 160 women's organizations were currently engaged in a process of consolidation, as evidenced by the creation of regional round tables and a parliamentary women's organization and for the first time the Government had allocated financial resources to support such activities and networking in 2001. Non-governmental organizations increasingly played a leading role in the promotion of women's issues. Organizations such as the Centre for Civil Society Training, the Women's Training Centre and the Estonian Women's Studies and Resource Centre, established in the 1990s, and the Estonian Rural Women's Union, had played especially important roles.

13. Nevertheless, women were still underrepresented at decision-making levels, especially in the labour market, despite some progress in recent years. Women's role in society was being debated in the media, both men and women expressed increased willingness to vote for female candidates in local and parliamentary elections and several political parties had incorporated gender issues in their platforms. The Constitution and electoral laws guaranteed equality for all including the right to hold public office at all levels and in the most recent elections, in 1999, women had been elected to 18 per cent of the seats in Parliament (13 per cent in 1992 and 12 per cent in 1995) and 26

per cent of seats on municipal councils. Whereas the previous Government had had only two women ministers, the Government now being formed would have five women ministers: the Ministers of Foreign Affairs, Culture, Social Affairs, Education and Science and Economy and Transportation. For the first time there would be women ministers in ministries not traditionally headed by women, such as foreign affairs, the economy and transportation. Moreover, the Chairperson of the Estonian Confederation of Trade Unions was a woman.

14. Under the Constitution, an Estonian citizen had the right freely to choose his or her sphere of activity, profession and place of work and the Employment Contracts Act ensured the equality of all employees regardless of sex. Participation by women in the labour force declined between 1990 and 2000 from 71 per cent to 54 per cent, whereas at the time of the transition to democracy, unemployment had been virtually unknown in Estonia. In 2000, in contrast the rate of entry employment for women was about 12 per cent, for men, 14 per cent. The willingness of women to accept new jobs despite lower salaries and more frequent shifts from job to job might partly account for that trend. The average wages of women had remained about one quarter less than that of men, and the gap had recently widened. While wage conditions and salary systems had not yet been analysed from a gender perspective, an amendment to the Wages Act guaranteed equal pay for the same work or work of equal value, and prohibited discrimination on the grounds of sex. In the case of a breach of that law, workers had the right to file for compensation.

15. The Estonian labour market continued to be highly segregated, with 54 per cent of men working in the primary and secondary sectors, and about 70 per cent of women working in the service sector. Only a few women were positioned at the top of the employment pyramid. The restructuring of the economy and the decline in available jobs had been accompanied by an increase in part-time employment, with women constituting approximately two thirds of all part-time workers.

16. In addition, the high unemployment rate had prompted many women to seek employment in the informal sector, where they were underpaid and not eligible for social security. In order to redress that situation, the Government had taken measures to personalize the social tax, and the Labour Inspectorate,

the Tax Board and local authorities were together instituting joint regulation. The Ministry of Social Affairs had translated and published the ILO "ABC of Women Workers' Rights and Gender Equality" with a view to raising public awareness.

17. A new National Employment Action Plan had been developed for the year 2002, which aimed to increase employability, create businesses and jobs, encourage flexibility in both enterprises and employees, and strengthen equal opportunities. The Bureau of Equality of the Ministry for Social Affairs coordinated the equal opportunities programme, which sought to implement the ILO programme known as "More and Better Jobs for Women". It also provided courses in legal literacy, confidence-building and creating partnerships and networks. Through 2001, nearly 1000 women, most of them rural, had attended those courses.

18. A number of small-scale female rural business promotion projects funded by foreign sources had been launched in 2002, and efforts were being made to integrate Estonian businesswomen into regional and international business networks. The Ministry of Agriculture was helping to organize rural businesswomen, and planned to set up the necessary training courses and microcredit systems.

19. The Social Tax Act, the Health Insurance Act and the Health Care Act regulated access to medical services. The health of women and children had improved significantly, attributable mainly to better medical care, improved self-care during pregnancy and the increased availability of information on reproductive health, particularly for young people. The programme of health 2000-2009 sought to reduce prenatal and infant mortality and maternal mortality, bearing in mind that good reproductive health was the basis for healthy births.

20. The Termination of Pregnancy and Sterilization Act protected women's reproductive rights: abortions were permitted during the first 11 weeks after conception. Although the number of abortions remained high, it had dropped from 70 to 37 per 1,000 females of child-bearing age in the previous 8 years, and was now smaller than the number of births. Safe sex programmes and free contraceptives had influenced that trend.

21. Estonia had nearly 1,900 persons with HIV, 7 of whom had AIDS. About 1,460 new cases had been

registered in 2001, among them about 360 women. The Estonian AIDS Prevention Centre, a government-funded medical institution, had developed a national prevention and education centre. In addition, the Government had launched a prevention plan covering HIV/AIDS and other sexually transmitted diseases for the period 2002-2006.

22. Significant advances had been made in rights and benefits related to children. Any person raising a child under the age of 3 was insured under the Health Insurance Act and eligible for social benefits, whether or not he or she was the birth parent. Under the Holidays Act, which entered into force in January 2002, the father of a newborn was entitled to leave for 14 days during the mother's pregnancy and maternity leave. In order to make the most of those provisions, awareness raising was necessary for both fathers and employers. The Act also provided for paid holidays for parents of school-age children and the Government committee for child and family policy, was working to create a supportive environment for raising children and more equally distributing family obligations.

23. The Ministry of Social Affairs, in cooperation with the Estonian Open Society Institute, had conducted a survey of violence against women, and its results superseded the information included in the current report, which had been based on police statistics. A databank on violence had been created and was being used by police, social and medical workers, victim support specialists, and representatives of women's organizations. Moreover, a large-scale project for the formulation of a cooperation scheme between police and social workers had been launched. Press, radio and television coverage had sparked a public debate on the issue of violence against women, and a manual for rape victims had been distributed by women's rights organizations. Furthermore, a book entitled *Silenced Voices*, which contained interviews with victims, officials and specialists and articles by scientists had been published.

24. The Government was drafting an action plan for the prevention and mitigation of violence against women, which would update existing legislation (and criminalize even minor cases of domestic violence), increase inter-institutional cooperation, as well as the capacity of police officials by spelling out rights and responsibilities in the handling of such cases. More importantly, it would introduce a victim-centred approach, with immediate medical, legal and

psychological assistance available to victims of violence.

25. Her delegation had circulated to the members of the Committee a booklet entitled *Women and Men in Estonia 2001*. It was the first reference work that contained gender-sensitive statistical data.

26. Estonia had made significant progress in improving its legislation and in enhancing awareness about the position of women in society. The Government had worked closely with non-governmental organizations, in particular in the creation of women's round tables and research centres. She assured the Committee of her Government's commitment to achieving full implementation of the Convention.

27. **The Chairperson** commended Estonia for its detailed and comprehensive report, noting however that it only partially complied with the Committee's guidelines in content, form and timing. She praised Estonia for ratifying the Convention soon after the transition to democracy in 1991, and for ensuring the primacy of international instruments over its domestic legislation.

28. **Ms. Schöpp-Schilling** said that she would also encourage Estonia to submit its reports on time, but she recognized that having ratified many Conventions at the same time the Government had been overburdened by reporting duties. It would be interesting to know what obstacles had hindered it from reporting sooner. She would also like to know to what extent a gender perspective was adopted in other human rights undertakings, and what measures were being taken to educate the public about the Convention.

29. The Government should review its statistical categories and definitions. Citing an example, she said that in its discussions of violence in that country, it had stated that there was more violence between men than against women, but later revealed that women were reluctant to report violence against them. Enhanced definitions improved statistical findings.

30. **Ms. Saiga** said that she was happy to note the long history of the women's movement in Estonia, but was concerned that the lengthy delay in publishing the report might reflect a low level of awareness of women's issues in society.

Article 1

31. **Mr. Melander** said that, since no clear description of discrimination appeared in domestic law, the definition contained in the Convention should be made an explicit part of that law. He wanted to know whether signing Additional Protocol No. 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms meant that Estonia had acceded to that instrument.

Article 2

32. **Ms. Tavares da Silva** welcomed the news that the new Government included five women Ministers and that they held non-traditional portfolios. The new action plan against violence also indicated the political will to address that problem. She would like to know if the draft Gender Equality Act, which seemed to be a framework law, was likely to be adopted by Parliament in the near future.

33. **Ms. Schöpp-Schilling** asked if the draft Gender Equality Act contained sanctions for violators and whether remedies for violations included special temporary measures, if it covered both the public and the private sector, and whether jurists were being given training relating to its provision. She would also like to know if the Government planned to ratify the Optional Protocol to the Convention and the amendment to its article 20. Commenting on the Advertising Act, she asked whether there had been any complaints of gender stereotyping. She would also like to know if procedural regulations allowed the Ministry for Women to review the gender dimension of general legislation or programmes developed by other ministries.

34. *Ms. Manalo, Vice-Chairperson, took the Chair.*

35. **Ms. Goonesekere** said that passage of the Gender Equality Act was crucial, as the Constitution contained no legal definition of discrimination. It was not surprising that few cases had been brought regarding discrimination, since the procedures for addressing violations remained unclear. A massive public awareness campaign was required to elucidate the effect of the law.

36. The definition of the crime of rape contained in the report was overly restrictive, and a concept of statutory rape contingent only on the victim's age seemed to be lacking.

37. **Mr. Melander** noted the very few cases in which the Convention was directly applied, despite its primacy over domestic law, and asked whether that resulted from a lack of training for members of the judiciary.

38. **Ms. Gabr** said that the apparent lack of awareness and education among women concerning their rights could perhaps be remedied through cooperation with non-governmental and international organizations.

39. She welcomed the establishment of the national strategy to combat violence against women, and wondered if there were any bills before the Parliament to strengthen penalties for such crimes or to expedite the implementation of laws regarding the family. Given women's superior life expectancy in Estonia, some thought should be given to setting up a pension scheme for widows. Women also needed greater legal protection in divorce proceedings relating to maintenance and division of property.

40. **Ms. Shin** asked if there were any cases before the courts where the Convention had been directly invoked and if any efforts were being made to raise the awareness of judges about the Convention. Perhaps the Legal Chancellor had not received any complaints regarding women's rights because women were not aware of their rights.

Article 3

41. **Ms. Schöpp-Schilling** sought more information on the national mechanisms for enforcing women's rights and for increasing the budget and staffing of the Gender Equality Bureau. She would also like to know the extent to which the Women's Research and Information Centre received government funding.

42. **The Chairperson**, speaking in her personal capacity, asked how effective the Gender Equality Bureau had been in monitoring the implementation of laws; she would like to see gender-disaggregated data on progress in that respect. She wondered why there were no programmes on gender mainstreaming and no gender budgeting. Had a national plan of action been developed to meet the standards set in the Convention?

43. **Ms. Shin** asked how much power the Gender Equality Bureau possessed and whether it had been established at a high enough level to satisfy the recommendation in the Beijing Platform for Action.

She also wanted more details about the inter-ministerial committee and whether it had enough influence within the ministries and the Government to ensure that projects were implemented. She would like to know what priority was given to the sub-chapter on equal treatment for men and women in the Government's National Plan for the Adoption of the Acquis to integrate into the European Union. Violence against women should also be included among the priority areas mentioned, as it could become a serious obstacle to development.

Article 4

44. **Ms. Schöpp-Schilling** said that while temporary special measures were very important to overcoming the legacy of the past, many of the measures mentioned in the report did not fall into that category. An example of the type of measures intended would be numerical targets in employment sectors where women were underrepresented.

45. **Mr. Melander** asked if there were any plans to invoke article 4, paragraph 1 of the Convention in providing free legal aid to bring discrimination cases to court.

46. **Ms. Shin** said that the Government might lack a clear understanding of the purpose of article 4, paragraph 1, which was meant to accelerate de facto gender equality. For example, the inter-ministerial committee could discuss numerical goals and targets for women's participation and enjoyment of their rights. She hoped that, by its next report, the Government would have instituted more specific special temporary measures.

Article 5

47. **Ms. Achmad** noted that Estonia's report showed that gender stereotyping persisted all over the country. The Government needed to supplement the measures already in place with a comprehensive long-term strategy to fulfil the requirements of article 5 of the Convention and ensure that future generations did not perpetuate outdated attitudes. She would like to know what precise principles were enshrined in the draft Gender Equality Act and whether it contained a definition of discrimination and legal provisions for seeking redress in cases of discrimination.

48. The laws already in place in Estonia, including international human rights instruments, needed to be

incorporated into national programmes and policies. Although the Government bore the main responsibility for implementing such programmes and policies, civil society should also be involved; the existing institutional mechanisms should improve the coordination of action at local and national levels. The Government also needed to evaluate the progress being made and she welcomed its plan to compile statistics for the purpose of quantitative evaluation. However, qualitative evaluation was also important, and she would like to know whether gender studies were being conducted by universities. She also asked whether the Legal Chancellor was involved in the evaluation process.

49. She would like to know whether efforts were being made to integrate a gender perspective into curricula throughout the education system and asked what proportion of the national budget was allocated to gender-related issues.

50. **Ms. Tavares da Silva** said that challenging gender stereotypes was particularly important in Estonia to cope with the reported "survival of traditional roles". The problem needed to be addressed on many fronts, including family education, the school system, teacher training and the media.

51. **Ms. Myakayaka-Manzini** noted that, despite their high level of educational achievement, women still played a subordinate role in many areas of life in Estonia. She asked the delegation to describe the cultural, traditional and religious practices that hampered women's advancement. She also asked whether efforts were being made and whether gender stereotypes had been removed from school textbooks to combat gender stereotyping in the media. The principle of equality should be integrated into the early stages of schooling for both girls and boys, since attitudes learned at a young age were likely to remain ingrained.

52. **Ms. Schöpp-Schilling** said she was astonished by research showing that people who had completed higher education and those with the highest incomes had a negative attitude towards women's participation in politics since it was precisely those two population groups that usually supported gender equality. She asked for further information on the research and whether any measures were being implemented to change opinions. She was also concerned to find that many fathers divorced or separated from their wives did not contribute to the maintenance of their children.

She wanted to know whether the Estonian Government planned to introduce measures to make absent fathers pay their dues.

councils and committees appointed to guide the Government in its work.

The meeting rose at 1 p.m.

Article 6

53. **Mr. Melander** noting that some Estonian women were trafficked to Scandinavian countries and that the police in those countries cooperated with the Estonian police to return them to their country of origin, asked whether any measures were in place to protect them on their return to Estonia and to ensure that they were not trafficked elsewhere.

54. **The Chairperson** said it would be interesting to know why the report provided no information on steps taken by the Government to combat the trafficking of women and children through Estonia, particularly the trafficking of young girls. Was Estonia a destination as well as a transit point for trafficked women?

Article 7

55. **Ms. Gaspard** said she welcomed such recent positive developments in the situation of women in Estonia, as the inclusion of five women in the new Government, two of them in posts usually occupied by men: Minister for the Economy and Minister for Foreign Affairs. The presence of women in top decision-making positions was a particularly effective way to challenge stereotypes. However, she was curious to know whether the Government was implementing or planning to implement civic education programmes in schools to stimulate an interest in politics among young women. She would also like to know whether the students participated in the management of schools, as was the case in some European countries that had local children's councils to which an equal number of girls and boys were elected by children themselves. That was an effective way for girls to learn to participate in community life on an equal footing with boys.

56. The number of women members of the national Parliament was increasing, but slowly. However, she had observed at a seminar in Estonia that more women were being elected to local bodies despite the many obstacles remaining in the path of women who wished to stand for election. She requested statistics on the number of women elected to the executives of local councils and to the office of mayor. She would also like to know how many women held positions on advisory