



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

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 548th meeting

Held at Headquarters, New York, on Tuesday, 29 January 2002, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.10 p.m.

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

Combined initial, second and third periodic reports of Estonia (continued)
(CEDAW/C/EST/1-3)

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

2. **Ms. Kaljurand** (Estonia) said that her delegation accepted the Committee's remarks about the lack of an introduction to the report and was therefore submitting the core document first presented in Geneva in 2001, which provided some additional background information about the country. She emphasized that reporting had been delayed not only by understaffing and a lack of experience in writing reports on the implementation of human rights conventions, but also by the far-reaching reforms required to adjust the country's legislation to the principles of a market economy and the rule of law. The translation of the Convention had been published in Estonian in a Soviet official gazette prior to independence and had consequently been accessible to the general public for some time.

3. The Government had set up a working group to help prepare the report and a project had been launched to train civil servants, researchers and non-governmental organizations (NGOs) how to assemble the necessary information; overall responsibility for the report lay with the Ministry of Social Affairs. The first comprehensive guide to human rights instruments in Estonia had been issued in 2001. The Estonian national report could be consulted in Estonian and Russian on the web site of the Ministry of Foreign Affairs.

4. The main tasks of the Legal International Centre of Human Rights were to provide free legal counselling, to collect and disseminate human rights information, to widen the human rights knowledge of lawyers and law students and to help lawyers prepare human rights cases. Its work focused on the situation of aliens and the protection of minorities, rather than on gender issues, although it had submitted comments on the report. None of the civic education projects of the Jaan Tõnisson Institute had been concerned solely with the question of gender equality. The Institute, in

cooperation with the University of Tartu, had drawn up a teacher training curriculum which included the subject of gender equality and it made documentation about human rights issues available, mostly through the Internet, and participated in a variety of activities where gender equality was an important consideration.

5. In response to the remark about the need to review categories of statistics, she explained that statistics on gender equality had first been gathered in 1997 as part of a cooperation programme between the Baltic and Nordic States. Special training courses had been arranged for civil servants and, in addition, guidelines on indicators, definitions and measurements had been prepared by the Bureau of Equality in close cooperation with the United Nations Development Programme.

6. Estonia was in the process of ratifying Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms. She was, however, unable to predict the exact date on which Estonia would ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women or the amendment to article 20.

7. While there was no specific definition of "discrimination against women" in Estonian law, international law, including international treaties, took precedence in the Estonian legal system. The Convention was therefore directly applicable in Estonian courts. The meaning of "direct and indirect gender discrimination" was spelled out in the draft Gender Equality Act.

8. By way of reply to the questions and remarks concerning the section of Estonia's report dealing with article 2 of the Convention, she stated that the purpose of the Gender Equality Act which applied to both the public and the private sector — was to promote equality between men and women by prohibiting discrimination on the basis of sex and by making it incumbent on central and local authorities, educational institutions and employers to further gender equality. Under the Act, affirmative action was not regarded as discrimination and protection was afforded to women during pregnancy, but the idea of quotas had stirred a great controversy. The Act also addressed the issue of sexual harassment. During the drafting of the Act, numerous seminars and workshops had been held for various sectors of society.

9. Advertising standards were governed by a number of laws. A commission of experts had been set up within the Ministry of Culture to determine whether works of art were pornographic or propagated violence or cruelty. The Commission had investigated some complaints relating to the depiction of women and issued a warning that the showing of one particular film would lead to the imposition of administrative penalties. Advertisements treating women like sex objects had triggered wide discussion in society and calls for the banning of some posters. Participants in a round table on violence in the media, held by the Ministry of Culture in 2001, had concluded that, although the legal framework was satisfactory, much still needed to be done to tighten up the application of the law.

10. Gender impact assessment of draft laws was carried out by the Bureau of Gender Equality. As it had proved hard to obtain reliable data and information from other than traditional sources, a working group had been established to evaluate gender-sensitive bills and policies. The Ministry of Social Affairs did, however, receive proposals from diverse groups and persons with regard to the incorporation of gender equality principles in draft legislation. One bill, the draft Family Act, had been rejected after gender impact assessment.

11. Article 141 of the new Penal Code contained a definition of rape, which also extended to domestic rape. If the victim was under 18, if the crime had been committed by two or more persons or if it had caused the death of the victim it was termed aggravated rape. Sexual intercourse with any person under 14 years of age was a criminal offence under article 145 of the Code as was sexual intercourse with a person in a dependent relationship.

12. Although her delegation understood the concerns expressed by the Committee about Estonian lawyers' lack of commitment to and knowledge of gender issues, it did not share those worries, since human rights, including women's rights, formed part of the curriculum of all law departments. The Estonian Law Centre was responsible for providing lawyers with further training in gender equality. All lawyers working for the Ministry of Social Affairs had received gender equality training either in Estonia or abroad.

13. A new Family Act was being drafted and the general public and NGOs were actively participating in

the process, which would probably culminate in the passing of the Act in 2002. The new Act was predicated on the main principles of the Convention.

14. Replying to a question about life expectancy and pensions, she said that, in Estonia, life expectancy for men had risen to 65.1 compared with 73.8 for women. Estonian social insurance was based on a system of individual pensions. The size of a person's pension depended on his or her income-related social insurance contributions. Widows' pensions rested on the principle that women were dependent on men, as they usually earned less. It was the policy of the Estonian Government to improve women's wages and thereby increase their pensions. Instead of a widow's pension, the Social Tax Act provided for a survivors' pension which meant both a spouse and children.

15. She acknowledged that the divorce rate in Estonia was indeed high. Divorce was granted by a vital statistics office or a court and was a fairly uncomplicated proceeding if the spouses could come to an agreement. Divorce was granted not less than one month and not later than three months after the submission, in person, of the spouses' joint written petition, or of a notarized petition. If one of the spouses was declared missing or had no legal capacity, it was granted on the basis of the other spouse's petition. At the request of the spouses, disputes over child custody, alimony or the division of joint property were settled by a court or guardianship authority, which recognized the primacy of the child's welfare and considered the wishes of any child at least 10 years of age, or of younger children with sufficient maturity. Under the Family Act, property acquired by spouses during marriage was considered joint property. It could be declared separate property if its value had significantly increased during the marriage as a result of a spouse's work or expenditure. Separate property was defined as property which a spouse owned before marriage, acquired during marriage as a gift or by succession, or acquired after termination of conjugal relations. Each spouse had an equal right to possess, use and dispose of joint property after divorce; if the spouses could not reach an agreement in that regard, the court would intervene at their request. Joint property could be divided during marriage, upon divorce or after divorce by agreement of the spouses. Agreement on the division of immovable property must be notarized. Joint property was, in principle, divided equally between the spouses though the court could

derogate that principle for a number of reasons, one being if the best interests of a child or spouse would otherwise be compromised.

16. To her knowledge, the Supreme Court had not yet invoked the Convention, but its administrative and Constitutional Review Chambers had already referred to general principles of non-discrimination and equal treatment. Great emphasis was placed on ensuring that judges and prosecutors kept abreast of changes in the law and the Estonian Bar Association was making every effort to provide additional training to attorneys.

17. The role of the Legal Chancellor had evolved into that of ombudsman defending individual rights and freedoms. A new Act gave the Legal Chancellor control over government authorities and set out detailed proceedings for handling complaints involving constitutional rights and freedoms. Although the Legal Chancellor had received no specific complaints of gender discrimination thus far, that situation was likely to change given the new emphasis on prohibition of discrimination on the grounds of sex.

18. Replying to questions under article 3, she said, with regard to national machinery, that in 1996, a Gender Equality Bureau had been established within the Ministry of Social Affairs, which had assumed responsibility for gender equality in 2000. The Gender Equality Bureau coordinated the gender activities of other departments in the Ministry of Social Affairs, as well as of other ministries, for the purposes of implementing various government programmes and projects. As the focal point for gender equality, it acted as an advisory body for legislators, policy makers, researchers and non-governmental organizations and was responsible for increasing gender awareness among the general public. It had two permanent staff and two or three temporary project leaders, all of whom were trained in gender issues, a sociologist from the European Integration Department and civil servants from other departments dealing with specific gender equality issues. The Bureau worked in cooperation with a number of centres, with almost all organizations and persons dealing with gender equality issues. Its budget was part of the budget of the Ministry of Social Affairs. It was also supported by various United Nations agencies, embassies and European bodies.

19. Under the draft Gender Equality Act, a gender equality commission and a gender equality council would be established. She listed the commission's

various functions, noting that anyone had the right to file a complaint of discrimination with it, and that any employer who violated the provisions of the Gender Equality Act would be required to pay compensation for financial and moral damages of at least five months' pay at the minimum monthly wage.

20. Gender mainstreaming was being carried out by various working groups assigned to, inter alia, elaborate indicators, definitions and methodologies for assessing change; analyse legislation, as well as police and local government efforts, to eliminate violence against women; prepare materials for civil servants on the implementation of gender mainstreaming; and investigate sexual harassment at the workplace (data from studies carried out in December 2001 in two Estonian companies were being analysed). Since there was currently no women's research institute in Estonia, research institutes were given individual grants by the Estonian Science Foundation to carry out their work in universities. Gender equality had been a component of the Government's annual action plan since 1999. The 2002 Action Plan included such gender issues as equal pay for work of equal value; reconciliation of family and working life; support for women's entrepreneurship; and the dissemination of information. A comprehensive survey would be taken with a view to integrating the activities of various government authorities. Meanwhile, the Gender Equality Bureau had initiated and supported positive action to eliminate gender inequality. Other measures had included training of civil servants and a vigorous information campaign, including the publication of eight books in five years on the status of men and women in Estonia and the organization of four conferences and numerous seminars and training sessions.

21. According to a survey, two thirds of Estonian men and women (compared to 10 per cent in 1993) recognized the existence of discrimination in the labour market. The first national survey on violence against women had recently been conducted, and a special strategy on the subject was being drafted by the Ministry of Social Affairs. It had been found that 21 per cent of women and 16 per cent of men had experienced psychological, sexual or physical violence.

22. Since the concept of inequality, in its traditional sense, had not been recognized prior to independence, Estonian society had been slow to accept the idea of gender equality and the sometimes unpopular

measures, such as quotas, necessary to achieve it. The draft Gender Equality Act, however, contained an article corresponding to the provisions of article 4, paragraph 1, of the Convention on temporary special measures.

23. Secondary school family education textbooks were being reassessed with a view to combating stereotypes, and very basic ideas about family life and gender roles were introduced as early as pre-school. There were two gender studies centres, the Unit of Gender Studies at the University of Tartu and the Women's Studies Centre at the Tallinn Pedagogical University. Electives offered in the gender studies programme at the University of Tartu included the sociology of gender, gender perspective in sociology, gender and economics and feminist classics (including feminist literary criticism taught by lecturers in the Faculty of Philosophy). Tallinn Pedagogical University offered an introductory course in women's studies. In the past decade, research on family and gender issues had also been carried out at the Institute of International and Social Studies.

24. There were no departments for women's studies in Estonian universities but it was possible to earn academic degrees with a gender studies component through various faculties.

25. The Ministry of Education was responsible for the implementation of youth policy and development of legislation in that area. The number of boys and girls in the Estonian School Council Association was evenly balanced. On the whole, girls were more active in school government than boys and it was felt that the participation of boys in the councils should be further encouraged, but it could be concluded that the question of political activity was no longer influenced by gender stereotypes.

26. Turning to measures for the protection of victims of trafficking, she said that in 1999 and 2000 Estonia had cooperated in regional projects, but it had not yet established specialized units to deal with trafficking. It was estimated that there were several dozen female victims but only a few criminal proceedings against trafficking of persons had been initiated. It was hoped that information campaigns, seminars and projects launched in cooperation with the Nordic and Baltic countries would help tackle the problem, as well as the broader issue of organized crime; increased emphasis would be placed on witness protection.

27. As regards the participation of women in politics, a 1999 study had shown that highly educated women over 25 years of age showed the greatest interest in politics. There had been a remarkable shift in attitudes over recent years, in that two thirds of the population were now prepared to vote for women as opposed to one third previously. In an effort to further encourage the involvement of women, special programmes had been formulated to prepare young women for political life at the local and national levels. In the 1999 local council elections, 35.6 per cent of the candidates were women, resulting in the election of 952 women; women now accounted for 28.38 per cent of the members of such councils. Five town councils were chaired by women as were 25 local municipalities; there were also 21 women mayors. The promotion of female candidates depended mainly on their ranking on the electoral lists of political parties. In the 1999 elections some parties had adopted internal rules to ensure that at least three of every 10 candidates were women.

28. Women's organizations participated on an informal basis in the drafting of legislation since draft laws were made accessible to the public through the Internet. Proposals and opinions which garnered sufficient support from the public were accepted by the relevant ministries for further deliberation. During the ratification process of the revised European Social Charter, women's organizations had been instrumental in the adoption of certain articles concerning equal treatment of men and women. In 2001, the Estonian Government began to allocate special funds for women's organizations; grants were also available to non-governmental organizations through various national and international sources. In addition, a Memorandum of Cooperation had been concluded with the Government in order to enhance the development of civil society.

29. One of the aims of the third Baltic Sea Women's Conference to be held in 2003 was to raise awareness on gender issues, including the Convention.

30. In response to questions raised under article 9, she said the Citizenship Act spelled out, inter alia, how Estonian citizenship could be acquired (by birth or naturalization) and the conditions that aliens wishing to acquire citizenship must meet. The procedure for acquiring citizenship as a minor had been considerably simplified in 1998. Under the Aliens Act, all legal resident aliens were granted a clear legal status and

Constitutional provisions established family life as fundamental to the preservation of the growth of the nation and as such deserving of protection by the State.

31. Responding to concerns raised on the issue of “mixed” marriages, she said problems arising from such unions should be understood at the individual level in the context of differences in cultural backgrounds. Seminars had been arranged in order to raise awareness on the concept of gender roles in various cultures.

32. Estonia had consistently pursued an inclusive policy of integration, notably through a programme entitled “Integration in Estonian Society 2000-2007”, the contents of which were available on line in Estonian, Russian and English, and a massive media campaign. Integration policy was based on the national and social interests of Estonia and the preservation of stability. The task of the State was to support the development of Estonian culture and guarantee minorities the opportunity for cultural development. Rather than seeking to change ethnic identity, integration sought to provide the means for foreigners to adapt to the culture of the host country and to participate fully in Estonian society.

33. To speed up the naturalization process, the authorities had incorporated into school examinations the various tests used to evaluate whether applicants for citizenship had the requisite knowledge of the Estonian language and Constitution. To encourage people to take the language test, a training project called “InterEst” had been implemented along with a scheme that reimbursed 50 per cent of the course expenses for those who later passed the test. Expenses were covered in full for unemployed, retired and disabled persons. As a result the number of people passing the language test had grown significantly, totalling 11,000 in 2000.

34. In reference to article 10, she noted that Estonia was a party to WITEC (Women in Technology and Science) and that an Estonian branch called eWITEC, founded in 2000, was creating a network and developing various programmes aimed at increasing the number of women studying science and involved in research. In 2000, 51 per cent of those graduating with a specialization in natural sciences, mathematics or computer sciences, were women. Girls accounted for 46 per cent of students in vocational schools, up from the percentage documented in past years.

35. Medicine and education had long been female-dominated; both fields were prestigious despite relatively low levels of pay. The minimum salary for doctors was at least equivalent to the average Estonian salary, although it varied according to specialty, region and hospital. Thanks to recent pay increases, salaries for teachers were finally higher than the average.

36. Turning to article 11, she reported that women still worked mainly in the services and sales sectors. An increasing number of women owned their own businesses. In the past women had been excluded from the military and aviation professions, but that was no longer the case; as a result Estonia had its first women aircraft captains.

37. Previously, the pension system had favoured women in terms of retirement age and benefit levels that took no account of previous salary or income. Reforms introduced in 2001 were aimed at equality between men and women and the reconciliation of work and family life for both. Either parent could now earn the additional pensionable years for each child raised, and the caretaker parent was eligible for childcare benefits regardless of whether he or she was employed. Through pension and labour law reforms, Estonia hoped to enhance the value of domestic work and the role of fathers.

38. Turning to health issues, she said that the Government shared the Committee’s concern at the high abortion rate and had made reducing it one of the main aims of its reproductive health programme, the other being raising awareness about contraceptives and family planning. Free contraceptives and free counselling were available at special facilities that offered advice on family planning especially to young people.

39. Clarifying the misunderstanding about legal and illegal abortion, she said that 14 per cent of the abortions mentioned in the report had actually been miscarriages. Under Estonian law, legal abortions were those carried out with the woman’s consent and on the recommendation of a doctor. There had been very few cases of criminal abortions.

40. The suicide rate in Estonia was, indeed, high, although it had declined since 1994. Men aged 35-54 were the most vulnerable group. There was a suicide hotline, “Life line”, which was staffed by 40 specially trained counsellors.

41. Health reforms were being carried out so as to improve significantly people's access to cost-effective and high-quality health services. By the end of 2015, instead of 60 hospitals, Estonia would have 13 general hospitals and the remainder would be turned into health centres, recreation hospitals and social welfare institutions. Under the country's policy for the elderly, older women received home care services provided by local authorities and those who could not care for themselves had daily home help. There were also day care centres where they could interact.

42. She assured Committee members that they would find answers to other issues they had raised in her written text, which had been distributed. However, many of the questions would require in-depth consideration and would therefore be answered in greater detail in the next report.

43. In conclusion, she reminded the Committee that Estonia had not started tackling gender concerns systematically until 1994-1995. Much had already been accomplished and her Government was firmly committed to pursuing its efforts.

44. **The Chairperson** thanked Ms. Kaljurand for her extensive replies [and took note that the answers to any remaining issues would be covered in Estonia's next report].

45. **Ms. Goonesekere** called attention to Estonia's provisions on statutory rape (defined as occurring under age 14) and the option of marriage between the ages of 15 and 18 in cases of early pregnancy. She urged the Government to reconcile the contradictions between those provisions and its obligations under article 16, paragraph 2, of the Convention and under the International Convention on the Rights of the Child.

46. **Ms. Kaljurand** (Estonia) pointed out that the option of marriage between the ages of 15 and 18 was truly exceptional and intended only to reduce the number of children born out of wedlock, who suffered from disadvantages. A pregnant girl under 18 seeking to marry had to have the consent of her parents, guardians or social service authorities. Applications were given careful scrutiny and not all were accepted.

47. **Ms. Tavares da Silva** said that the report gave the impression that Estonians did not have unlimited access to contraceptives, but Ms. Kaljurand had just stated that contraceptives were available to everyone at

reasonable price. Had accessibility improved since the writing of the report?

48. **Ms. Kaljurand** (Estonia) said that her oral reply was based on the latest available data.

49. **The Chairperson** said that concern for children born out of wedlock should not be used to justify early marriage; instead, the solution was to give such children the same rights as others. She knew from experience in her country, Ghana, that, so long as a loophole existed, people would take advantage of it. Estonia should close the loophole.

50. She had been glad to hear that lawyers were being given human rights education and urged that such education be extended to the entire law enforcement system and to health-care providers. Wherever violence against women existed, it was essential to train such personnel to respect confidentiality and provide abused women with advice on how to pursue a case further.

51. She expressed the hope that the Committee's concluding comments and recommendations would be distributed as widely as the report had been, including to the Parliament and she urged the Government to make full use of the Committee's general recommendations, in particular those pertaining to violence. One reason women were failing to report violence might be that they were unaware that their human rights were being violated.

52. In conclusion, she hoped that Estonia would soon deposit the statement of acceptance of article 21 and begin the process of ratifying the Optional Protocol.

The meeting rose at 5.10 p.m.