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HIGH COMMISSIONER FOR HUMAN RIGHTS

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The Secretary-General of the United Nations presents his compliments to the Minister of Foreign Affairs of Estonia and has the honour to refer to the third periodic report of His Excellency's Government, submitted in accordance with article 40 of the International Covenant on Civil and Political Rights for transmission to the Human Rights Committee.

At its 97<sup>th</sup> session, the Committee indicated its intention to schedule the consideration of the third periodic report of Estonia at its 99<sup>th</sup> session to be held in July 2010 at the United Nations Office at Geneva (consideration at the 99<sup>th</sup> session to be confirmed and specific dates to be communicated after the 98<sup>th</sup> session of the Committee to be held in March 2010).

The Human Rights Committee adopted during its 97<sup>th</sup> session a list of issues on the third periodic report of the State party designed to facilitate the oral dialogue between the Delegation of the State party and the Committee at its 99<sup>th</sup> session (see advance edited version of the list of issues attached). The Committee would appreciate if written replies to the list of issues could be limited to a maximum of 30 pages (the text should only include the answers without repeating the questions already included in the list) and forwarded to the Secretariat at the latest three months before the session, ie by 1 April 2010, so as to allow sufficient time for their translation into the working languages of the Committee. An electronic version of the written replies should be sent to the Secretary of the Human Rights Committee (Ms Nathalie Prouvez, [nprouvez@ohchr.org](mailto:nprouvez@ohchr.org), cc to Ms Ilze Bilane, [ibilane@ohchr.org](mailto:ibilane@ohchr.org)). Please also find attached a note for the presentation of reports to the Human Rights Committee.

24 November 2009

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ADVANCE EDITED VERSION

**CCPR****International covenant  
on civil and  
political rights**Distr.  
GENERALCCPR/C/EST/Q/3  
23 November 2009

Original: ENGLISH

HUMAN RIGHTS COMMITTEE  
Ninety-seventh session  
Geneva, 12-30 October 2009**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE  
CONSIDERATION OF THE THIRD PERIODIC REPORT OF ESTONIA  
(CCPR/C/EST/3)****Constitutional and legal framework within which the Covenant and the Optional Protocol  
are implemented, right to effective remedy (art. 2)**

1. Please provide examples of cases, if any, in which the provisions of the Covenant have been invoked before national courts.
2. Please indicate the steps taken to bring the Chancellor of Justice (Office of Legal Chancellor) institution in full compliance with the Paris Principles (General Assembly resolution 48/134, annex), in terms of independence, mandate, resources allocated and ability to investigate complaints for violations of the Covenant. Please also explain whether all the recommendations regarding individual complaints taken up by the Chancellor have been fully implemented and if not, why not.

**Discrimination against women and domestic violence (arts. 2(1), 3, 26)**

3. Please provide examples of cases, if any, concerning the application of the Gender Equality Act by national courts, in particular regarding matters of equal pay for equal work, and provide information on the relationship between this act and the Equal Treatment Act. What are the steps taken by the State party to give effect to the findings of the Gender Equality Commissioner on violations of the principle of equal treatment between men and women (paras. 55-56 of the report of the State party)? Please provide information on the resources allocated to the Gender Equality Commissioner for its activities and also on the relationship between the Commissioner and the Chancellor of Justice (Office of Legal Chancellor). Furthermore, please provide updated information on progress towards the establishment of the Gender Equality Council to be created under the Gender Equality Act.

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**Right to life (art. 6)**

4. Please provide information on the status of the legislative draft prepared by the Ministry of Justice criminalizing, in relation to "core human rights (including life and health), also attempted instigation, ... and agreement to commit a criminal offence even when the principal act is not yet committed" (para. 105 of the report of the State party).
5. As previously recommended by the Human Rights Committee, please provide information on the measures taken by the State party to revise its outdated legislation on the use of firearms and to ensure that the use of firearms is restricted by the principles of proportionality and necessity.

**Prohibition of torture and cruel, inhuman or degrading treatment, liberty and security of the person, and treatment of prisoners (arts. 7, 9, 10)**

6. What are the intentions of the State party as regards harmonizing the definition of torture in its Criminal Code with article 7 of the Covenant and article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (para. 121 of the report of the State party), as well as amending this Code in order to apply appropriate penalties for acts of torture?
7. Please provide information on the activities carried out by the Chancellor of Justice (Office of Legal Chancellor) relating to the prevention of torture and ill-treatment in detention facilities and in particular on its competence for receiving complaints from detainees (para. 127 of the report of the State party). Please also provide information on the measures taken to guarantee the independence of the Police Control Department responsible for investigating cases of violence and excessive use of force by law enforcement officials.
8. Between 1 January and 10 August 2007, 48 individuals were convicted under Section 122 of the Penal Code for acts of torture, and 16 convicted persons are currently serving a sentence in the prison system for such acts (para. 122 of the report of the State party). Did the State party grant compensation and other forms of reparation to the victims in these cases?

**Elimination of slavery and servitude (arts. 8, 24)**

9. Does the State party intend to enact specific legislation aimed at preventing, combating and punishing human trafficking? If such specific legislation has been adopted, please provide details. Please also provide information and data on the impact of the "Development Plan for Trafficking in Human Beings 2006-2009" and the Nordic-Baltic pilot project (paras. 150-151 of the report of the State party) on the decrease in human trafficking, awareness-raising of the population, assistance and rehabilitation provided to victims of trafficking, the prosecution of traffickers and the training of persons who are dealing with trafficking matters. Furthermore, please indicate whether victims of human trafficking are entitled to medical, psychological, social and legal assistance from the Victim Support Service created by the Victims Support Act (paras. 13-15 of the report of the State party).

10. Please comment on reports according to which the State party only grants residence permits to victims of trafficking if they cooperate with the authorities.

#### **Liberty and security of persons (arts. 9, 10)**

11. Please provide additional information on the measures taken by the State party to reduce the length of pretrial detention. Please also provide information on the mechanisms set up to effectively implement all fundamental legal safeguards for the persons detained, including: (a) access to an independent doctor and to a lawyer; (b) the ability to inform a relative; (c) information concerning the charges brought against them; and (d) prompt presentation before a judge.

12. Please provide information on the measures taken and implemented to improve living conditions in prisons, in particular regarding overcrowding. Please provide information on the conditions in which people are held against their will in mental health facilities.

13. Please provide information on the practical impact of Supreme Court decisions on matters relating to the violations of prisoners' rights (paras. 269-271 of the report of the State party). What measures have been taken to ensure that detainees have easy access to complaints mechanisms and can obtain compensation for abuses of their rights? Please also provide information on the measures taken against officials who have violated the rights of detainees (para. 263 of the report of the State party).

14. Please comment on reports according to which conditions in detention facilities under the authority of the police are inadequate. Please also provide information on the steps taken to improve conditions in these detention facilities and on measures taken to secure separation between accused persons and convicted persons and between juvenile detainees and adults.

#### **Freedom of movement (arts. 2, 12, 23)**

15. Please comment on reports according to which the entry into the country of persons in same-sex relationships, even when their partnership has been officially recognized abroad and their partner is already residing in the State party, remains ruled by the quota system in a discriminatory manner (para. 298 of the report of the State party).

#### **Expulsion of aliens (art. 13)**

16. As previously recommended by the Human Rights Committee, please provide information on the measures taken to ensure that applications for refugee status are assessed on an individual basis and to ensure that a decision declaring an application inadmissible will not have restrictive procedural effects, such as the denial of a suspensive effect of appeal.

#### **Right to a fair trial (art. 14)**

17. In light of the decision of the Supreme Court of 20 October 2005 (para. 364 of the report of the State party), please provide information on the measures taken by the State party to prevent delays in criminal proceedings, both in legislation and practice. Please also clarify

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whether illegally obtained evidence is inadmissible in criminal proceedings (cf. para. 125 of the report of the State party).

18. Please indicate whether the legislation of the State party provides for the award of compensation in cases of miscarriage of justice. Please provide, if any, statistical data on such cases as well as on the amount of compensation granted (cf. paras. 216 and 398 of the report of the State party).

**Freedom of religion and equal protection (arts. 18, 26).**

19. What steps does the State Party intend to take to bring the provisions of the Defence Forces Services Act relating to alternative service (paras. 479-480 of the report of the State party) into line with articles 18 and 26 of the Covenant, with a view to ensuring that the rights of conscientious objectors are fully respected and that persons who want to apply for alternative service are allowed to do so in practice?

**Right to peaceful assembly (art. 21)**

20. Please comment on reports according to which many criminal proceedings initiated by the State party regarding allegations of ill-treatment of demonstrators by law enforcement officials during the events of April 2007 in Tallinn were dismissed due to lack of evidence. Please provide information on the measures taken to prevent ill-treatment and violence by the police during demonstrations.

21. Please comment on reports according to which the protection offered to the Gay Pride March in 2006 and 2007 was not adequate and according to which the organizers were confronted with bureaucratic obstacles.

**Freedom of association and right to take part in the conduct of public affairs  
(arts. 22, 25, 27)**

22. Please provide information on the progress achieved in respect of the legislative provisions ensuring that public servants who do not exercise authority in the name of the State enjoy the right to strike.

23. Does the State party intend to allow non-citizens from non-European Union countries who have been long-term residents on its territory to participate in political parties, to be active in public life and to attain senior positions in public services? To the extent that such persons hold such positions, please provide disaggregated data (para. 534 of the report of the State party).

**Non-discrimination, equality before the law and rights of the child  
(arts. 2 (1), 24, 26, 27)**

24. Please provide information as to whether the legislation adopted under article 2 (1) and 26 of the Covenant, such as Section 152 of the Penal Code (para. 40 of the report of the State party), has been applied by national courts.

25. Please provide information on further measures taken by the State party to encourage, facilitate and motivate stateless persons, in particular parents, to apply for citizenship on behalf of their children, in order to decrease the number of stateless persons in the State party (para. 637 of the report of the State party). Please also provide information on measures taken to grant citizenship to persons who have taken the citizenship of another country during the period of transition (paras. 634-639 of the report of the State party).

26. Please indicate the steps taken by the State party to ensure that the Law of Languages is implemented so as not to lead to discrimination in the labour market for individuals belonging to minorities due to their lack of proficiency in Estonian, in particular for the Russian-speaking minority. Please also provide information on the practical impact of different programmes, such as "Integration Estonian Society 2000-2007" and "Second Integration programme 2007-2013" on the situation of members of minorities, in particular the improvement in their living conditions and integration into the State party (paras. 656 and 680 of the report of the State party).

#### **Dissemination of information relating to the Covenant (art. 2)**

27. Please indicate what steps the State party has taken to disseminate information about the Covenant, about the submission of its third periodic report, its examination by the Committee and the Committee's previous concluding observations on the second periodic report. While it seems that the report of the State party refers to input from non-governmental organizations, please provide additional information on the involvement of such organizations and of the Chancellor of Justice (Office of the Legal Chancellor) in the preparation of the report.

Notes for presentations to the Human Rights Committee

The meeting is expected to last one day (one-and one-half days for an initial report). This means 6 working hours, or in practice approximately 5 1/2 about 10:15 a.m. to 1:00 p.m., and from shortly after 3:00 to 6:00 p.m. As will be appreciated, this does not allow much time for presentation, questions, answers and discussion, and the Committee's schedule must therefore be carefully managed.

The meeting will normally begin with an opening statement by the Head of the Delegation.

The Head of the Delegation or colleagues designated by the Head will then be expected to deal, seriatim, with the list of issues (questions) of interest to the Committee, which the appropriate authorities in the country concerned should have received some three weeks in advance.

At the meeting, the issues will normally be divided into two parts, for ease of presentation and to encourage a more productive discussion. The Chairperson will indicate to the Head of Delegation at the outset of the meeting which issues she would expect to be dealt with in the first part, and which in the second.

Following the Delegation's comments on the first set of issues, members of the Committee who wish will put supplementary questions, which will be answered by the Delegation.

The same procedure will be repeated for the second part of the list of issues.

With a view to covering all the issues adequately, and avoiding time pressure toward the end of the day, it will of course be necessary for the Delegation's answers to be as concise as possible. Statistical or lengthy technical material should therefore be distributed to members (preferably in advance), and not presented viva voce; similarly, constitutional and legislative texts which are available to members need not be repeated.

In order to give balanced treatment to all the issues, it would also be helpful, as a rule of thumb, if the first part could be dealt with at the morning first meeting, leaving the following meeting for the second part, and closing remarks.

Following the completion of questions and answers on both parts, and any further exchange between the Delegation and members of the Committee, the Chairperson will sum up.

The Head of Delegation will normally make brief closing remarks.

