



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

Forty-seventh session

14 November-2 December 2011

### Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

#### Concluding observations of the Committee on Economic, Social and Cultural Rights

##### Estonia

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Estonia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/EST/2 and Corr.1) at its 32nd to 34th meetings, held on 15 and 16 November 2011 (E/C.12/2011/SR.32-34), and adopted, at its 59th meeting held on 2 December 2011, the following concluding observations.

##### A. Introduction

2. The Committee welcomes the submission of the second periodic report of Estonia which complies with the Committee's reporting guidelines. The Committee also welcomes the written replies to its list of issues (E/C.12/EST/Q/2/Add.1). Moreover, the Committee welcomes the statistical data provided in both documents which enabled the Committee to make an assessment of the progress in the realization of the rights.

3. The Committee welcomes the dialogue with the State party and the frank and constructive interaction it had with the high-level and large delegation which comprised representatives from relevant ministries.

##### B. Positive aspects

4. The Committee welcomes the ratification of the following instruments: the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (18 Dec. 2006), the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (30 Jan. 2004), and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (3 Aug. 2004).

5. The Committee notes with appreciation the efforts made by the State party in promoting the implementation of economic, social and cultural rights. The Committee welcomes in particular:

- (a) The transparent and consultative process of preparation of the periodic report, which benefited from the participation of civil society organizations;
- (b) The system of collection and production of statistical data which enables the monitoring of the realization of economic, social and cultural rights;
- (c) The establishment of the Unemployment Insurance Fund and the reforms brought to the labour market services;
- (d) The adoption of the Gender Equality Act in 2004 and the conduct of the periodic Gender Equality Monitoring survey;
- (e) The policy of the State party of supporting the teaching of mother tongues of minorities and the promotion of bilingualism in education;
- (f) The integration of human rights education in the school curricula.

### **C. Principal subjects of concern and recommendations**

6. The Committee notes with concern that legal obligations incurred by the State party at the international level are restrictively interpreted by the judiciary as representing merely non-self-executing obligations and not giving rise to subjective claim rights at the domestic level. Thus, individuals are unable to claim violations of their economic, social and cultural rights emanating from the Covenant.

**The Committee recommends that the State party establish training programmes for the legal profession and judges on the scope of economic, social and cultural rights emanating from the Covenant and of the State party's obligation to effectively implement binding human rights obligations at the domestic level. The Committee refers the State party to its general comments Nos. 3 (1990) on the nature of States parties' obligations and 9 (1998) on the domestic application of the Covenant.**

7. **The Committee urges the State party to take steps to make any necessary legislative amendments to bring the Chancellor of Justice into compliance with the Paris Principles and to apply for its accreditation to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in due course. The Committee also draws the attention of the State party to its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.**

8. The Committee notes with concern that the Equal Treatment Act does not prohibit discrimination on all grounds stipulated in article 2, paragraph 2 of the Covenant in the enjoyment of all economic, social and cultural rights.

**The Committee calls on the State party to adopt the necessary legislative amendments so as to prohibit discrimination on all grounds stipulated in article 2, paragraph 2 of the Covenant and in the exercise of all economic, social and cultural rights. The Committee also requests that the State party include in its next periodic report information and statistical data on court cases and complaints lodged to the Gender Equality and Equal Treatment Commissioner on discrimination, as well as actions taken thereon.**

9. The Committee remains concerned that persons with the status of 'non-citizens,' in accordance with the passport issued by the authority, still make up approximately 7 per

cent of the population. The Committee is further concerned that the citizenship of persons who have acquired it by naturalization can be revoked under some circumstances. (art. 2, para. 2)

**The Committee recommends that the State party intensify its effort to facilitate the acquisition of Estonian citizenship by persons with the status of ‘non-citizens’ and to address obstacles encountered by applicants, including by softening the official language qualifications required for those who have long residence in the country and by granting Estonian citizenship to children born in the families of those persons. The Committee also urges the State party to amend its legislation on citizenship so as to ensure that all citizens are treated equally irrespective of the mode of acquisition of the citizenship, in conformity with the obligation of non-discrimination under article 2 of the Covenant.**

10. The Committee expresses concern about the discrimination against the Russian-speaking population which continues to be disproportionately affected by unemployment and poverty. (art. 2, para. 2)

**The Committee calls on the State party to intensify its efforts to address the persistent disadvantages faced by the Russian-speaking population in the enjoyment of economic, social and cultural rights, and to ensure that strategies and policies adopted in this regard address both formal and substantive discrimination, and include the implementation of special measures in the field of employment.**

**Furthermore, the Committee calls on the State party to ensure that language requirements in relation to employment are based on reasonable and objective criteria, linked to the needs for the performance of each individual job, so as to avoid discrimination on the basis of language.**

11. The Committee expresses concern at the entrenched gender role stereotypes in the society and their negative impact on the enjoyment by women of their economic, social and cultural rights, including in the exercise of their right to work. The Committee is further concerned at the gender disparity in the fields of education and employment. The Committee is also concerned at the inadequacy of human resources allocated to the promotion of gender equality, especially in the Office of the Gender Equality and Equal Treatment Commissioner, which consists of only the Commissioner and one advisor. (art. 3)

**The Committee calls on the State party to intensify its efforts aimed at eliminating the societal gender role stereotypes and prejudices, including through awareness-raising campaigns. The Committee also calls on the State party to take concrete measures to improve gender balance in education disciplines traditionally dominated by either sex. Moreover, the Committee urges the State party to allocate the necessary resources for the promotion of gender equality.**

12. **The Committee urges the State party to amend its legislation so as to ensure that work by prisoners is authorized only when freely chosen or accepted without duress.**

13. The Committee is concerned that unemployment remains significant, in spite of the efforts of the State party. The Committee is also concerned about the vulnerability of the employment sector in the State party to economic shocks, as shown by the drastic surge in unemployment between 2008 and 2010. (arts. 6 and 7)

**The Committee recommends that the State party intensify its efforts in reducing unemployment and that measures taken in this regard also seek to reduce the vulnerability of the employment sector to economic shocks. The Committee also recommends that the State party closely monitor the enforcement of the Employment Contracts Act so as to ensure that the application of the provisions aimed at**

**introducing flexibility in employment relations does not lead to violations of rights under articles 6 and 7 of the Covenant. The Committee refers the State party to its general comment No. 18 (2005) on the right to work.**

14. The Committee is concerned that, despite the efforts made by the State party aimed at raising awareness of the provisions of the Gender Equality Act among employers and workers, women remain disadvantaged in the labour market. In particular, women have greater difficulty to be reintegrated into the labour market and generally earn much less than male workers, including when they perform the same work. (arts. 6, 7 and 3)

**The Committee urges the State party to take all necessary measures to ensure an effective enforcement of legislation on gender equality in employment and to create an enabling environment which promotes the participation of women in the labour market, including by ensuring the availability and affordability of day-care services in all regions. The Committee also calls on the State party to ensure that the formulation and the implementation of the plan to address the gender pay gap, called for by the Parliament, take account of the need to expand the mandate of labour inspectors to monitor discrimination in remuneration and the need to ensure equal remuneration for work of equal value.**

15. The Committee is concerned that in spite of efforts undertaken, a large proportion of persons with disabilities are still unemployed. (arts. 6, and 2, para.2)

**The Committee recommends that the State party intensify efforts aimed at providing persons with disabilities with the opportunity to secure an appropriate employment. The Committee recommends that the State party continue to raise awareness of the rights of persons with disabilities as well as of incentives in place, and to address the obstacles identified, such as accessibility and transport. The Committee also calls on the State party to ensure that measures taken in this regard effectively aim at the realization of the right to gain a living by work freely chosen or accepted.**

16. The Committee remains concerned that, in spite of the significant increase in the level of the minimum wage, it does not provide a decent living for workers and their families. (art. 7)

**The Committee recommends that the State party take the necessary measures to ensure that the level of the minimum wage provides a decent living for workers and their families.**

17. The Committee notes with concern that the legislation in force in the State party prohibits civil servants from participating in strikes, including those who do not perform essential services. (art. 8)

**The Committee calls on the State party to ensure that the provisions on civil servants' right to strike in the Public Service Act comply with article 8 of the Covenant by restricting the prohibition of strike to those discharging essential services.**

18. The Committee is concerned that a significant number of persons receiving social security benefits live in poverty. Moreover, the Committee expresses concern about the limited duration of the payment of unemployment benefits. (art. 9)

**The Committee calls on the State party to review its social security policy to ensure that benefits, both in terms of amount and duration guarantee an adequate standard of living to recipients and their families. The Committee refers the State party to its general comment No. 19 (2007) on the right to social security.**

19. The Committee is concerned that unemployment benefits are not paid in cases where the employment contract has been terminated due to professional fault. (art. 9)

**The Committee urges the State party to rescind the condition imposed on the payment of unemployment benefits, as regards the motive of termination of the employment contract.**

20. The Committee notes with concern the prevalence of domestic violence in the State party and the absence of a specific provision of domestic violence as an offence in the Penal Code. Furthermore, the Committee regrets that the 2010-2014 Development Plan for the Reduction and the Prevention of Violence does not foresee large-scale awareness-raising campaigns. (art. 10)

**The Committee calls on the State party to include a specific offence of domestic violence in the Penal Code. Moreover, the Committee calls on the State party to ensure that protection measures, including restraining orders and shelters, are effective and accessible to victims of violence. The Committee also recommends that the State party conduct media campaigns targeting all segments of the population with a view to changing the society's attitudes regarding domestic violence.**

21. The Committee notes with concern the shortcomings in the legislative framework for the protection of the child, including the Employment Contract Act which authorizes longer working time than international standards for children under 15, the provisions of the Penal Code on the participation of a child of 14 and above in erotic work, and the Family Law Act which permits the marriage of a child between 15 and 18 upon a court decision and the consent of parents or guardian. (art. 10).

**The Committee urges the State party to strengthen its legislative framework on child rights protection. In particular, the Committee urges the State party to take the following into account in the formulation of the new Child Protection Act and other legislative measures: bring its legislation on working time as regards children under 15 into line with international standards, prohibit the engagement of children in erotic work, and to ensure that no marriage may be concluded with a child below 18 years of age. The Committee requests the State party to include in its next periodic report information on the number of child marriages on an annual basis.**

22. The Committee notes with concern the acute shortage of housing, including social housing, in Tallinn and, to a lesser extent, in cities and towns as well as rural municipalities, which undermines the ability of the State party to provide accommodation especially for disadvantaged and marginalized individuals and groups. The Committee also regrets that it has not been provided with information on the circumstances in which evictions can be conducted without court decisions. (art. 11)

**The Committee urges the State party to take the necessary measures to address the shortage of housing, including social housing, in all regions concerned, especially for disadvantaged and marginalized individuals and groups. The Committee also requests that the State party include in its next periodic report information on any enactment relating to evictions. In this regard, the Committee refers the State party to its general comment No. 7 (1997) on forced evictions.**

23. The Committee notes with concern that, in spite of efforts undertaken, the number of persons living below the poverty line and those at risk of poverty remains high, particularly among non-Estonians. (art. 11)

**The Committee recommends that the State party formulate and implement policies and strategies to reduce poverty. In this regard, the Committee refers the State party to its 2001 statement on poverty and the Covenant.**

24. The Committee expresses concern that, while the rate of abortion has decreased, it continues to be widely practiced among adolescents, despite efforts to include sex education in the school curricula and the dissemination of information on sexual and

reproductive health directed to adolescents through various media. Moreover, the Committee is concerned that unwanted pregnancy often leads teenage girls to drop out from school. The Committee also regrets that it has not been provided with information on the measures taken by the State party to raise awareness of sexual and reproductive health among the public at large. (arts. 12 and 10)

**The Committee urges the State party to ensure that sexual and reproductive health services are effectively accessible to adolescents. The Committee also calls on the State party to intensify its efforts aimed at preventing teenage pregnancy and to provide the necessary support services for pregnant adolescents, including measures to enable them to continue their education. The Committee requests the State party to include in its next periodic report information on sexual and reproductive health education provided to the public.**

25. The Committee notes with concern the persisting high suicide rate in the State party, in spite of psychological assistance and counselling services made available. (art. 12)

**The Committee calls on the State party to strengthen its efforts aimed at combating suicide. The Committee also recommends that the State party assess whether the services available for the prevention of suicide are effective and are accessible to individuals and groups who are at risk of suicide. The Committee also requests that information on measures taken in this regard, as well as on mental health generally, including on the coverage of ambulatory services, be provided in the State party's next periodic report.**

26. The Committee is concerned at the increase in drug use in the State party. (art. 12)

**The Committee calls on the State party to intensify its efforts with regard to preventing drug use, including through education and awareness-raising programmes, and expansion of the provision of drug substitution therapy. Furthermore, the Committee encourages the State party to continue expanding the needle exchange programme.**

27. The Committee is concerned about alcohol consumption which remains high despite measures taken, such as the increase in the excise tax on alcohol and the prohibition of sales during specific hours. (art. 12)

**The Committee recommends that the State party intensify its efforts aimed at combating alcohol abuse, including through awareness-raising campaigns.**

28. The Committee notes with concern that the number of pupils who do not complete the upper secondary education remains high. (art. 13)

**The Committee recommends that the State party adopt targeted measures to address school dropout among pupils, and include in its next periodic report information on measures taken thereon as well as statistical data on dropout disaggregated by year, sex, ethnic origin, and level of education. The Committee also draws the attention of the State party to its general comment No. 13 (1999) on the right to education.**

29. The Committee expresses concern at the persistent stigmatization of certain nationalities, ethnicities, and population groups and at reports of racist acts against them. (arts. 13 and 2, para.2)

**The Committee calls on the State party to ensure that its education programmes contribute to the promotion of understanding, tolerance and friendship among all nationalities, and all racial, ethnic or religious groups, as called for by article 13 of the Covenant. In particular, it recommends that the courses under the new national curriculum, aimed at supporting the development of ethical, responsible and active citizenship, also attend to the elimination of intolerance and social prejudices.**

30. The Committee regrets that adequate information has not been provided to enable it to ascertain the full enjoyment of the rights guaranteed to the several national, ethnic and linguistic minorities in the State party. The Committee is also concerned about the absence of a legislative framework recognizing the identities and the cultural rights of minorities, in spite of the activities undertaken for their promotion. (art. 15)

**The Committee recommends that the State party guarantee in its legislation the status and rights of national, ethnic and linguistic minorities, including by adopting a comprehensive law, so as to ensure the protection and promotion of economic, social and cultural rights for all minorities. In particular, the Committee recommends that an adequate status be granted to minority languages. For the implementation of this recommendation, the Committee draws the attention of the State party to its general comment No. 21 (2009) on the right to everyone to take part in cultural life. The Committee also requests the State party to include in its next periodic report information on the share of the public budget invested in the promotion of the culture of minorities.**

31. The Committee is concerned that some sections of the population, in particular disadvantaged and marginalized individuals and groups, do not participate in cultural activities due to limited accessibility and affordability. (art. 15)

**The Committee encourages the State party to take measures to promote the realization of the right of everyone to take part in cultural life, including by ensuring that access to cultural goods is facilitated, particularly for disadvantaged and marginalized individuals and groups.**

32. **The Committee requests the State party to include in its next periodic report more detailed information on:**

- (a) **The impact of the implementation of plans on the improvement of the quality of water;**
- (b) **The coverage of health care for older persons, particularly older women, including the services provided to them;**
- (c) **The care of persons with multi-resistant forms of tuberculosis, as well as their number;**
- (d) **The extent of trafficking in persons in and from the State party, and the impact of measures taken, including information on the enforcement of the legislation on trafficking;**
- (e) **The impact of measures taken to address violence in school;**
- (f) **The enrolment of non-Estonian pupils and students at the various levels of education;**
- (g) **The measures taken to ensure that the population benefits, without discrimination, from scientific progress and its application.**

**The Committee further requests that the State party provide the relevant data for (a) to (f) on a disaggregated basis by year, sex, and urban/rural area, during the reporting cycle.**

33. The Committee encourages the State party to increase the level of its contribution of official development assistance, which stood at 0.1 per cent of gross domestic product in 2010, and to establish a timeline for reaching the international standard of 0.7 per cent of gross national income.

34. **The Committee encourages the State party to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**
  35. **The Committee invites the State party to expedite the ratification of the Convention on the Rights of Persons with Disabilities. The Committee also encourages the State party to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and signing and ratifying the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, the International Convention for the Protection of all Persons from Enforced Disappearance, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.**
  36. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, particularly among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue to engage with non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**
  37. **The Committee invites the State party to update its core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting (HRI/GEN/2/Rev.6).**
  38. **The Committee requests the State party to submit its third periodic report, prepared in accordance with the revised reporting guidelines of the Committee adopted in 2008 (E/C.12/2008/2), by 2 December 2016.**
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