



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Seventy-sixth session

**List of issues to be taken up in connection with the consideration of the
second periodic report of Estonia (CCPR/C/EST/2002/2), adopted by the
Human Rights Committee on 30 October 2002**

**Constitutional and legal framework within which the International
Covenant on Civil and Political Rights is implemented (art. 2)**

1. In the light of the provisions of articles 3 and 123 of the Estonian Constitution and paragraph 26 of the report, please clarify to what extent the provisions of the Covenant have been applied by domestic courts. Please provide examples.
2. Given that capital punishment was abolished in 1998, does the State party plan to accede to the Second Optional Protocol to the Covenant?
3. Please provide information on the functions of the Chancellor of Justice, particularly his role as Ombudsman. What is his role vis-à-vis members of the Russian-speaking population?

Equality of the sexes and prohibition of discrimination (arts. 3 and 26)

4. Please clarify the law and available remedies in cases of discrimination against women in employment, in particular in respect of recruitment, promotion, salary, sexual harassment and dismissal, particularly of pregnant women.
5. Neither domestic violence nor marital rape have been made specific criminal offences, although they can be prosecuted under existing law. Are there any plans to make these acts criminal offences?

States of emergency and counter-terrorism measures (art. 4)

6. Please clarify whether the State party, in preparing and presenting its reports of 26 December 2001 and 24 July 2002 to the Security Council's Counter-Terrorism Committee (see S/2001/1315 and S/2002/870), has given due consideration to the protection of the rights enshrined in the Covenant.

Right to life and prohibition of torture (arts. 6 and 7)

7. The report (para. 189) notes that after receiving a complaint about cruel or degrading treatment, the Police Department shall initiate disciplinary proceedings and, if necessary, institute criminal proceedings. Please provide information on the results of such proceedings during the reporting period. Does the State party plan to establish an independent authority to investigate allegations of abuse of power by police or law enforcement officers?
8. In April 2001, five officers from the Pärnu Branch of the Criminal Police were charged with excessive use of force, abuse of power for the purpose of criminal activities, and neglect of official duties. According to media and NGO reports, prisoners from a local prison had been used systematically to ill-treat, harass and rob pre-trial detainees in order to obtain a confession. By the end of 2001, charges of ill-treatment had not been brought against the five police officers, and no date had been set for putting them on trial. Please provide up-to-date information on this case.

Slavery-like practices (art. 8)

9. Please provide information on the issue of trafficking of persons into and out of the State party's territory. What measures has the State party taken to combat such practices, in the light of article 8 of the Covenant?

Liberty and security of the person (art. 9)

10. In the light of paragraphs 308-343 of the report, please provide additional information about the practice governing arrest and detention. Are all persons apprehended by the police brought before a judge or judicial officer within the legally prescribed deadlines?

11. Please comment on information before the Committee that hospitals do not in fact inform a patient who is detained involuntarily of the reasons for his detention, and that mental patients who are treated against their will are persuaded to sign a form giving consent to the treatment. How is a period of 14 days of detention in hospital without the requirement of a court authorization considered compatible with article 9 of the Covenant?

12. According to information before the Committee, those who desert from the armed forces are detained for up to three months in solitary confinement, after which they must resume their military service. Please provide information on the legal basis for this measure, and the frequency with which it is resorted to, whether it is subject to judicial review, and whether conscientious objectors may be considered deserters.

Rights of detained persons (art. 10)

13. According to information before the Committee, the conditions in the Valkla Social Welfare House amount to degrading treatment, with patients being locked up in a room all day, and many instances of unjustified invasions of privacy. Please comment.

14. Please provide information regarding the separation, in practice, of accused persons from convicted persons, as required by article 10, paragraph 2 (a), of the Covenant.

Situation of stateless persons, aliens and refugees (arts. 13, 24, paras. 3 and 7)

15. Are there any plans to abolish the existing differences in immigration quotas, which were considered discriminatory by the Committee on the Elimination of Racial Discrimination and which vary depending on the nationality of the prospective immigrants?

16. A number of procedural amendments to the Refugees Act allow the Board of Citizenship and Migration speedy processing of an application where the country of origin of the applicant is safe, where the applicant has arrived in Estonia from a safe third country, or where the application is obviously unjustified. Please explain the meaning of the concepts "safe country of origin", "safe third country" and "manifestly unfounded applications".

17. The introduction, in June 2001, of amendments to the Law on the Obligation to Leave the Country and Refusal of Entry, which grants certain privileged groups 90 days to regularize their status or risk the imposition of large fines, appears to have made the position of illegal aliens in Estonia more vulnerable. The procedure of regularization generally takes at least one year. In the framework of this legislation, a considerable number of illegal aliens will not be able to regularize their status and face the threat of expulsion. Please comment.

18. Are any further approaches envisaged to reduce the number of stateless children in Estonia and to encourage the process of naturalization, over and above the measures addressed in paragraphs 913 to 922 of the report? Please address this issue in particular in view of the high proportion of stateless persons in Estonia and the slow pace of naturalization.

19. According to information before the Committee, 47 members of the Roma community were refused entry to Estonia in mid-October 2001, allegedly on the ground that the refusal was justified by “a large number of crimes committed by Roma” in Tallinn. Estonian authorities were said to consider the prohibition on entry for Roma to Estonia “the only way to create order in the streets and keep crime down”. Please clarify this issue.

Independence of the judiciary (art. 14)

20. Information before the Committee suggests that the executive branch continues to administer closely district and regional courts, thereby enabling the Ministry of Justice to exercise only indirect influence over decisions taken by these courts and undermining the independence of the judiciary. Please clarify the extent of such executive control over the courts.

21. According to information before the Committee, many judges have argued that several provisions of the draft of the new Courts Act do not offer sufficient institutional independence to the courts. Please indicate whether the draft Courts Act has been reviewed accordingly. What is its current status?

Freedom of religion and conscience, and alternative service to military service (arts. 18 and 26)

22. According to the report (paras. 270 and 281), the duration of alternative service to military service may be twice as long as compulsory military service (16 to 24 months compared with 8 to 12 months). How is the difference in service times determined in practice and how is alternative service twice as long as military service considered compatible with articles 18 and 26 of the Covenant?

Freedom of opinion and expression (art. 19)

23. Information before the Committee suggests that the legislation regulating public signs is contrary to the Council of Europe’s Framework Convention for the Protection of National Minorities. Even where Russian speakers are in the majority, all signs, signposts, announcements, notices and advertisements addressed to the public must be only in Estonian. How is this practice considered compatible with articles 19 and 27 of the Covenant?

24. Please explain to what extent Estonian language proficiency is required for the provision of services in the private sector.

**Right to freedom of association; right to participate in public affairs; minorities
(arts. 22, 25 and 27)**

25. How is the requirement of Estonian citizenship for membership in a political party considered compatible with article 22 of the Covenant?

26. Please provide detailed information on how the authorities effectively implement those provisions of the Law on Languages and the Local Government Organization Act which allow the use of the Russian language in the work of local public administration if more than 50 per cent of the local population are Russian speakers.

27. Please provide information on language training programmes for members of the Russian minority, for the purpose of integration, and comment on reports that the Estonian language proficiency examination is not always administered in a fair manner.

Dissemination of the Covenant and the Optional Protocol (art. 2)

28. Please give details of the education and training provided for public officials of all categories, in particular teachers, judges, lawyers and police officers, concerning the Covenant. Please indicate also the steps taken to increase awareness and understanding of the Covenant and the Optional Protocol procedure amongst the general public, including ethnic and linguistic minorities.

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