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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Pre-sessional working group  
3-7 December 2001

**List of issues to be taken up in connection with the consideration  
of the initial report of Estonia on articles 1 to 15 of the  
International Covenant on Economic, Social and Cultural Rights  
(E/1990/5/Add.51)**

## **I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED**

### **A. Information of a general nature**

1. Please indicate whether the State party is considering amending its Aliens Act in order to enable the persons who lived in Estonia before 1990 - including a great number of Russians - to acquire Estonian citizenship.
2. Given the large number of stateless persons living in Estonia, why has Estonia not ratified the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness?
3. Please provide information on migrant workers in the State party and whether the State party intends to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
4. Please provide information on the status of the Russian, Ukrainian and Belarusian languages in the State party. Is the use of these languages permitted before governmental agencies?

### **B. General legal framework**

5. Please provide information on the mandate, power and degree of independence of the "Legal Chancellor" who fulfils the functions of an Ombudsman.
6. Please cite examples and any case law to substantiate whether in fact the provisions of the Covenant on economic, social and cultural rights can be invoked before Estonian courts.

### **C. Information and publicity**

7. Please provide information on the measures taken by the State party to increase awareness of human rights in general, especially among government employees, judges, the police and administrative agencies, university professors and students of human rights.

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **Article 2.2 - Non-discrimination**

8. Please comment on the following concluding observation of the Committee on the Elimination of Racial Discrimination (CERD) of April 2000 on Estonia: "The definition of national minorities in the 1993 National Minorities Cultural Autonomy Act applies only to Estonian citizens. In the light of the significant number of non-nationals and stateless persons residing on the territory of the State party, it believes that such a restrictive and narrow definition may limit the scope of the State Programme on Integration" (CERD/C/304/Add.98, para. 9).

9. CERD, also in its concluding observations of April 2000 on Estonia, expressed its concern that the provisions for restricted immigration quotas established by the 1993 Aliens Act apply to citizens of most countries in the world, except those of the European Union, Norway, Iceland and Switzerland (*ibid.*, para. 10). Please give the reasons for this obvious discrimination.

### **Article 3 - Equality between men and women**

10. Please explain what measures have been taken or are being taken by the State party to address the problem of equality between men and women in view of the fact that Estonian women were hit hardest during the radical economic restructuring of the 1990s. About two thirds of persons employed part-time were women. The overall unemployment rate for women has been higher than for men since 1995. Long-term unemployment is more widespread among women.

11. Please discuss and explain what measures are being taken to correct the wage inequality between men and women. According to the United Nations Development Programme (UNDP) Human Development Report for Estonia 2000, the average wage for women has been lower than that of men workers for work of equal value throughout the decade since independence and continues to grow. The average wage for women was 80 per cent of that of men. In Estonia in the 1990s there was not a single occupation in which women received the same wage as men.

## **III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT (arts. 6-15)**

### **Article 6 - Right to work**

12. Please provide updated information on the measures adopted by the State party to address the problem of unemployment, which has grown from 10 per cent in 1998 to 12.1 per cent in 1999.

13. In its concluding observations of 1995 the Human Rights Committee expressed concern that the conditions of appointment to any government position, in particular the automatic exclusion of persons unable to satisfy the requirement of knowing the Estonian language, as well as the written oath of conscience regarding the applicant's previous activities under the former regime, may give rise to an unreasonable restriction on the right of access to public service without discrimination (see CCPR/C/79/Add.59, para. 14). Please explain whether those or similar requirements are still applied to applicants for State jobs and whether the State party is considering abolishing this discriminatory practice.

14. Please explain how disabled persons' right to work - a right already guaranteed by the Constitution and other legislation - is being respected and protected in practice in daily activities. Please cite examples.

15. Please provide information on the effective measures that have been taken to address the problem of uneven distribution of the benefits of the economic recovery since 1992, especially with reference to the lot of the less-skilled workers, women, and those who have poor command of the Estonian language.

**Article 7 - Right to just and favourable conditions of work**

16. Please indicate whether the minimum wage has been raised and whether it is sufficient to provide a worker and his family with a decent standard of living, especially in view of the fact that the average monthly wage is only US\$ 82 whereas the national average wage is US\$ 296.

**Article 8 - Right of association**

17. Please provide updated information with regard to the exercise of freedom of association for long-term permanent residents in Estonia, particularly in the political sphere. Are long-term permanent residents still denied certain rights such as membership of political parties or appointment to the boards of directors of some social or labour organizations?

**Article 9 - Right to social security**

18. Please explain how the new three pillar pension system which began in 1997 works in practice and in what ways can it be considered an improvement over the old system. What percentage of the workforce is covered by the new pension system? What other social security nets or protection cover those who are not covered by the new pension system, including the elderly, women and the disabled?

**Article 10 - Protection of the family, mothers and children**

19. Please provide information on the measures taken by the State party to combat domestic violence, especially violence against women, including spousal abuse, as well as child abuse.

20. Please provide information on how the newly amended Aliens Act has benefited the family reunification of asylum-seekers.

21. Please provide information on the measures that are being taken by the State party to deal with the problems of street children who were estimated to number 4,000-10,000 in 1998.

**Article 11 - Right to an adequate standard of living**

22. In connection with paragraphs 495 to 503 of the State party's report, please provide information on the measures taken by the State party to alleviate the poverty of the 65 per cent of families with two or more unemployed persons.

23. Please provide information about the percentage or number of persons or families benefiting from the Social Welfare Act which local government authorities are required to provide housing to persons or families who are unable to or incapable of securing housing, or leasing social housing, or of using some form of shelter.

24. Please provide information on the number of homeless people and the measures that have been taken to find shelter or social housing for the homeless, especially among the elderly.

### **Article 12 - Right to physical and mental health**

25. Please provide information on the widespread problem of alcoholism in the State party and what the State party has done to reverse or stop this trend, and to what effect.
26. Information available to the Committee points to the environmental hazards which adversely affect the health of Estonians and the degree of their enjoyment of their human rights under the Covenant. Please provide information on the actual situation regarding environmental hazards and the measures that have been taken by the State party to deal with this problem.
27. According to the State party's report, the number of diseases diagnosed by health-care units has been increasing; adults most often suffer from circulatory system diseases, children are most often hospitalized because of respiratory diseases, the incidence of tuberculosis and sexually transmitted diseases has increased. Please discuss and explain the reasons for these phenomena, the State party's policies to face this situation and how successful they have been.
28. Despite an increase in the use of birth control devices, abortion remains the main means of birth control in Estonia. Does the State party envisage changing this practice in order to avoid or reduce the number of abortions and unwanted pregnancies?
29. Please provide information on the effective measures undertaken by the State party to help the elderly and disabled people.

### **Articles 13 and 14 - Right to education**

30. Please provide information on the high upper secondary school drop-out rate amongst boys between 10 and 12 years of age, despite the improvement in the level of education and the increase in the education budget.
31. Please provide information on the educational facilities for pupils with special needs.
32. Please provide an explanation of the widespread phenomenon of children living or working in the street in spite of their parents' legal obligation to have them attend school.

### **Article 15 - The right to take part in cultural life**

33. The State party has been forced to withdraw from many of its previous functions in the cultural field despite an elaborate infrastructure which existed before the economic transition. Please provide information as to how this has affected the Estonian citizens' enjoyment of their cultural right and what measures have been taken by the State party in order to reverse this trend and to increase its budget for culture.
34. Please provide information on the practical, everyday usage of minority languages and whether they are used in newspapers and radio and television programmes.