United Nations CCPR/C/SR.2716

International Covenant on Civil and Political Rights

Distr.: General
20 July 2010

Original: English

Human Rights Committee

Ninety-ninth session

Summary record of the 2716th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 July 2010, at 10 a.m.

Chairperson: Mr. Iwasawa

Contents

The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Estonia (continued) (CCPR/C/EST/3, CCPR/C/EST/Q/3 and Add.1)

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

2. **The Chairperson** invited the delegation to reply to questions 15 to 27 of the list of issues (CCPR/C/EST/Q/3).

3. **Mr. Kokk** (Estonia), replying to question 15, said that an alien who was in a same-sex relationship with a partner already residing in Estonia could not base his claim for residence on family migration, since Estonia recognized only marriages and not partnerships. The alien could, however, apply for a residence permit on other grounds, such as sufficient legal income to ensure his or her subsistence. The annual quota for immigrants into Estonia, i.e. 0.1 per cent of the permanent population, would then be applicable.

4. Turning to question 16, he said that applications for asylum in Estonia were reviewed individually and impartially. The correctness of the evidence and information provided was verified and the credibility of the statements made by the applicant was assessed. The existence of circumstances warranting international protection for the applicant or rejection of the application was also assessed. All decisions to reject an asylum application and to expel an alien were issued in writing; the applicant, who was entitled to an effective remedy, could challenge such decisions in an administrative court. A challenge to the decision to reject an application did not lead to a deferral of expulsion unless the court suspended execution of the order to leave. In practice, the courts always decided on suspension in such cases.

5. An asylum-seeker could be denied entry to Estonia on limited grounds, for instance if his country of origin could be considered a safe country or if he had arrived in Estonia from a country that could be considered safe. Contrary to some reports, Estonia did not have a list of “safe countries”. The decision was taken in the light of the circumstances of each case.

6. Estonia had provided information in its written reply to question 17 of the list of issues (CCPR/C/EST/Q/3/Add.1) on the 2008 legislation aimed at preventing delays in criminal proceedings. The most important measure concerned the principle of continuity and immediacy of court hearings. Courts were required to hear a case in its entirety and to reach a decision as quickly as possible. Other measures concerned the summoning of witnesses, the commencement of criminal hearings immediately after the preliminary hearing, and the prevention of members of criminal court panels from hearing multiple criminal matters at the same time. According to the statistics of the Ministry of Justice, the duration of proceedings had been reduced by roughly one half during the first six months of 2009. Thus, the average criminal procedure had taken 448 days in 2009, compared with 992 days in 2008. In addition, a new set of measures currently before parliament included the possibility of applying for the acceleration of criminal or civil proceedings.

7. The Committee had also asked whether illegally obtained evidence was admissible in criminal proceedings. The law did not specify grounds for excluding evidence, but required a court to assess evidence in its entirety and in accordance with the conscience of the judges. In several cases the Supreme Court had reaffirmed the principle of case-specific assessment and had indicated that evidence might be admissible even in cases of non-significant procedural violations.

8. With regard to question 18 of the list of issues, he said that the Ministry of Finance provided compensation for miscarriages of justice under the Act relating to Compensation for Damage Caused by the State to Persons through Unjust Deprivation of Liberty.

9. Turning to question 19 on alternative service, he said that the problem of duration had been resolved on 1 July 2010 through the entry into force of the amendment to the Defence Forces Service Act. The period of alternative service was now the same as that for military service, namely 8 to 12 months.

10. On question 20 concerning the events of April 2007, he said that criminal proceedings had been instituted in only eight cases concerning allegations of ill-treatment of demonstrators by law enforcement officials. The proceedings had been terminated after the investigation stage owing to the failure to identify the alleged perpetrators of offences.

11. The Estonian police were bound to respect law and order at all times, including in the event of large-scale disturbances, and received regular training on proper conduct. Police officers bore disciplinary responsibility for any failure to perform their duties. Oversight was exercised by the police officer's direct superior and the Police Control Department. A number of legislative amendments adopted after the events of 2007 addressed, inter alia, administrative proceedings against police officers, the identification of officers and regulations governing the use of force.

12. In reply to question 21, he said that the police had ensured orderly Gay Pride marches in both 2006 and 2007. There had been some cases of misconduct among spectators but the demonstrators had suffered no physical harm and had not pressed charges against the authorities or individuals. Restrictions could be imposed on a meeting, parade or other event only on grounds of national security, public order, morality, traffic safety, the safety of the participants and prevention of the spread of contagious diseases. In 2006 and 2007 the Tallinn Pride Management Board had been provided with written recommendations aimed at limiting possible risks to participants and ensuring road safety. After consultations with the organizers in 2007 and a slight modification of the parade route, permission for the event had been granted in good time.

13. With regard to question 22, he said that while the ban on strikes by State officials was still in force, the new Public Service Bill before parliament would considerably restrict the number of such officials, since a State official would be defined as a person who executed public authority in his or her post. State or local government employees who did not perform such functions would not be considered State officials and the ban on strikes would not apply to them.

14. Turning to question 23, he said that long-term residents with undetermined citizenship and third-country nationals were not granted the right to join political parties or the right to employment in the public service in order to guarantee national security. The principle was laid down in the Constitution. Such rights were granted to EU citizens on the basis of the principle of free movement of those citizens, but they had access only to a certain number of public service positions and were excluded from positions involving the exercise of public authority and protection of the public interest.

15. Referring to question 24, he said that section 152 of the Penal Code concerning violations of equality had not been applied by the national courts during the period 2005–2009.

16. Responding to question 25, he said that not all parents were aware of their rights and options under the Citizenship Act. In 2007, an explanatory campaign aimed at reducing the number of children with undetermined citizenship at birth had been launched. Plans were currently being developed to disseminate information more efficiently and to provide personal counselling for persons of undetermined citizenship. The personal approach

included conversations between officials at the Citizenship and Migration Office and parents of children with undetermined citizenship. A personal letter signed by the Minister of the Interior concerning procedures for obtaining citizenship would also be transmitted to the parents of children with undetermined citizenship. The new approach had received very positive feedback and had increased the pace of naturalization of children under 15 years of age.

17. In 2009 a project entitled "Development of data-sharing between the Citizenship and Migration Board and the Population Register" had been launched. The aim was to obtain data on all children born in Estonia so that their parents could be informed of the need to legalize their children's residence. Parents would be informed that they could apply for Estonian citizenship for their child during the first 12 months after birth without needing to apply first for a residence permit or the right of residence for the child.

18. Briefings had been taking place in Russian-language schools since October 2008. Bulletins stating the advantages of Estonian citizenship were distributed and ways of obtaining citizenship were explained to different age groups. Such information would be distributed in 61 schools. Children under 15 years of age accounted for 40 per cent of all applicants for citizenship and citizenship was almost invariably granted in such cases. There had only been a few cases of termination of the application proceedings because of failure to release the child from his or her current citizenship. Dual citizenship was not permitted under Estonian law. As a result, the number of children with undetermined citizenship aged under 15 had been steadily decreasing: from 6,451 in 2005 to 2,305 in July 2009 and 1,914 in June 2010.

19. In general, the number of persons with undetermined citizenship also continued to decrease and had dropped below 100,000 for the first time in spring 2010.

20. Pursuant to the Citizenship Act, an Estonian citizen could not hold the citizenship of another State. No measures had been taken to encourage the citizens of other countries to opt for Estonian citizenship instead of their current citizenship.

21. With regard to question 26, he said that the Language Inspectorate supervised implementation of the Languages Act, relying on the law, sound management practices and strategic documents, such as the Ministry of Education development plan for 2008–2011 entitled "Wise and active nation". Of the 22 officials employed in the Language Inspectorate, 11 worked as inspectors. Every year the Inspectorate published a report on the number of inspections carried out and the number of warnings and orders issued. All the inspection visits were approved in advance by the Ministry of Education. The institutions concerned were informed in due time and documents were inspected before the visit to ascertain the number of workers in the institution to whom the language proficiency requirement applied and the number who lacked the relevant language certificate.

22. The Minister of Education supervised the Language Inspectorate. When exercising supervision, the Minister could rescind legal acts of the executive authorities. Local executive authorities exercised supervision over an institution's regional offices or inspectorate and the relevant officials pursuant to the rules in force and to the extent prescribed by the Minister.

23. In addition, the Inspectorate's legal acts could be contested in the administrative courts. Issues concerning fundamental rights could be addressed to the Chancellor of Justice and issues concerning discrimination to the Commissioner for Gender Equality.

24. Estonia had adopted a new integration programme for 2008–2013. The preparations had included an analysis of the implementation and impact of the previous national programme "Integration into Estonian society in 2000–2007". The analysis indicated that the whole integration programme should be differentiated and that it would be preferable to

define target groups more accurately instead of concentrating on ethnic groups in general or specific groups such as persons with undetermined citizenship and social risk groups.

25. The most recent assessment of the practical results of the integration programmes had been conducted in 2008. It showed that the indicators of structural integration of Estonian society, including Estonian-language proficiency, the ratio of Estonian citizens to the overall population and several other socio-economic indicators, had been gradually improving. On the other hand, several indicators reflecting people's attitudes had deteriorated after 2005. Income differences between the Estonian and Russian-speaking populations had narrowed. The remaining differences were largely due to the significantly lower representation of Russians with higher education qualifications in the highest income group.

26. The Russian-speaking population felt that the advantages of the transition to partial Estonian-language instruction in schools were accompanied by a number of significant risks. However, as schools were determined to complete the partial transition significantly sooner than officially required, it could be concluded that the Russian-speaking population had no misgivings about the teaching of Estonian. The Estonian-language skills of the Russian-speaking population had gradually improved over the past 20 years. The integrational role of the Estonian language had receded while its utilitarian role had been preserved and strengthened, since it was felt that a command of the language was essential in order to obtain a good job.

27. The 2008–2013 integration strategy added new activities to those organized in 2000–2007. It comprised an educational and cultural component, a social and economic component, and a legal and political component. It focused more on the individual, since it was based on the principles of the Council of Europe Framework Convention for the Protection of National Minorities, which emphasized individual rights. It aimed to enhance welfare and security, to broaden opportunities for participation and self-fulfilment, to raise self-esteem and to assist in clarifying personal identity. A further objective was to promote a sense of belonging to Estonian society through shared values and a command of the State language. A person who was successfully integrated could work towards self-fulfilment, feel secure, and participate in the economic, social, political and cultural life of society.

28. With regard to question 27, training courses in human rights covered the core international human rights instruments. Estonians were, however, more familiar with the European Convention on Human Rights than with the Covenant.

29. Estonia had begun to teach human rights in schools on recovering its independence 20 years previously. The subject was currently part of the social studies curriculum at the lower and upper secondary levels, and was also taught as an optional subject. The course dealt with the nature of human rights, human rights instruments, the impact of human rights on everyday life and the situation of human rights in the contemporary world. The Estonian Union for Child Welfare and the Estonian Human Rights Institute had compiled a 96-page textbook on human rights in 2009. Higher education institutions also offered optional courses in human rights.

30. **Ms. Keller**, referring to question 15, asked whether the proposed amendment to the Estonian Family Law Act stating that any marriage contracted between persons of the same sex was invalid had already been enacted. Would the State party nevertheless consider amending relevant laws to ensure that the criteria for obtaining a temporary residence permit that were applied to heterosexual couples were also applied to same-sex couples, namely close financial ties, a psychological relationship, family stability and assurances that the marriage or partnership was not bogus? If not, what was the reason for the differential treatment in the light of the Covenant provisions concerning non-discrimination and freedom of movement, which were also fundamental principles under EU law? She

asked whether the State party would be willing to develop a policy document dealing specifically with the same-sex partners of immigrants.

31. Turning to question 16, she referred to paragraph 123 of the replies to the list of issues, in which the State party said that in practice courts always suspended the execution of an expulsion order if the decision to reject an asylum application had been challenged. In paragraphs 124 and 125, however, the State party listed three grounds for immediate execution of an expulsion order, namely where there was reason to believe that the applicant could move to a safe country of origin or third country or where another country could be considered the principal asylum country. She pointed out that it was precisely such findings that an applicant would normally seek to challenge. If the findings were incorrect, how could the applicant file an appeal under the existing procedural framework while remaining in the territory of the State party?

32. The Committee felt that the Obligation to Leave and Prohibition of Entry Act contained a number of shortcomings, including lack of guidance on a person's right to stay in the territory of the State party if his or her expulsion order had been suspended. It also failed to regulate the detention of unlawful immigrants in transit zones and to provide sufficiently detailed guidance on how to deal with unaccompanied minors. Would the State party consider amending the Act to ensure that aliens' rights were spelled out more clearly?

33. She asked whether steps had been taken to guarantee full respect for the principle of non-refoulement by ensuring fair asylum procedures, particularly accelerated procedures conducted by border guards. She mentioned by way of example the establishment of independent monitoring procedures at the border.

34. Referring to question 23, she asked why the State party drew a distinction between long-term residents from EU countries and those from non-EU countries and stateless persons with respect to participation in political parties and public life, and access to public service. Both in its written replies and in its oral presentation, the State party had referred to the need to protect national security. It seemed that conducting security clearance checks for all persons engaging in the above-mentioned activities would obviate the need for such differential treatment.

35. With regard to question 24, the State party had reported that from 2005 to 2009 section 152 of the Penal Code on violation of equality had not been applied by domestic courts. She asked whether the State party had identified any possible obstacles to the application of that provision, such as lack of awareness of its existence among law enforcement officials. If so, what remedial measures would be taken?

36. It appeared that no administrative, civil or labour dispute cases involving issues of discrimination had reached the relevant courts or tribunals. She asked whether the State party had taken, or intended to take, any measures to ensure the proper functioning of the relevant mechanism.

37. Turning to question 25, she asked whether the State party planned to accede to the Convention on the Reduction of Statelessness or the Convention relating to the Status of Stateless Persons.

38. Concerning question 26, she enquired about the rationale for enforcing the Languages Act in areas where the majority of the population did not speak Estonian. She asked whether the State party was willing to amend the Act in order to reflect regional differences or, should strict enforcement of the Act continue, ensure that all language courses were reimbursable or not prohibitively expensive.

39. **Mr. Thelin**, referring to question 17 of the list of issues, commended the 50 per cent reduction of delays in criminal proceedings. He enquired whether the 18-month delay also applied to cases where the accused person had been detained; that period was excessive if

he or she was already in custody. He asked whether if there were no special conditions, the Government was considering speeding up proceedings in such cases.

40. The Estonian Patients' Advocacy Association had raised concerns relating to the protection of the rights of mentally disabled persons in criminal proceedings. According to the Association, the psychiatric assessment of the mental state of the accused person was not always carried out properly. The lack of proper legal representation guaranteeing the full rights of accused persons with mental health problems also seemed to be a cause for concern. The Association had further expressed concerns about interference with the privacy of mentally disabled persons in civil proceedings. Allegedly, there were cases where a relative was appointed as the legal guardian of a person with mental health problems and then engaged them in civil proceedings, without their having a full understanding of the implications. If the Association's claims were well founded, the State party should review the relevant legislation to strengthen the protection of the individual's rights in such situations.

41. He requested clarification whether the State party subscribed to the so-called "fruit of the poisonous tree" doctrine whereby evidence obtained illegally was not admissible in court. Information before the Committee suggested that it was for the court to evaluate the admissibility of evidence once it had been produced. While that system was applied in several countries, adherence to the aforementioned doctrine in Estonia could instil greater respect for the Constitution and deter police and prosecutors from using illegal means to obtain evidence.

42. With regard to question 22, he requested the delegation to explain the apparent contradiction between the new provisions allowing public servants who did not exercise authority in the name of the State to strike, and the prohibition of strikes by national and local government officials.

43. Turning to question 27, he said it was disappointing that reports on the implementation of the Covenant and the opinions and recommendations of the Committee were made available only on the webpage of the Estonian Ministry of Foreign Affairs. A default system should be put in place whereby such information was made available on all public service databases, including public libraries and schools, thus enabling the citizens of Estonia to familiarize themselves with their rights under the Covenant.

44. **Mr. Bouzid**, referring to question 18, said the State party had admitted that there was no specific legislation providing for compensation or other forms of redress for victims of miscarriage of justice. He asked whether there were plans to fill that important legal gap by enacting legislation establishing an appropriate procedure.

45. **Mr. O'Flaherty**, addressing question 19, welcomed the measures taken to create parity between military service and alternative service in compliance with article 18 of the Covenant. However, according to the State party report, in 2007 only 11 out of 65 applications for alternative service had been successful. He enquired as to the reasons for the low success rate and requested information on the assessment criteria used in 2007. Had those criteria changed since, and was the success rate likely to be higher in 2010? He also wished to know what mechanisms were in place to ensure that conscientious objectors were not called up for reserve military service.

46. With regard to question 20, he enquired about procedural changes in the identification of police officers, investigations into allegations of abuse by police officers, and police monitoring following the incidents known as the "Bronze Night" in April 2007. Information before the Committee, including a petition filed with the European Court of Human Rights in 2009, revealed that the 2007 incidents had involved false arrest and imprisonment, inter alia. He asked whether the State party had compensated or intended to compensate the victims.

47. Turning to question 21, he noted with satisfaction that Gay Pride marches in recent years had reportedly proceeded without any incidents or a greater police presence. However, in relation to the Gay Pride march held in 2007, the Chancellor of Justice had found that the Northern Police had been remiss in failing to cooperate fully with the organizers of the march. The Chancellor had also found that, although the authorities appeared to be aware of their obligation not to interfere with the parade, they were less aware of their positive obligation to promote an environment where freedom of assembly and related rights could be enjoyed. He asked the delegation to comment. Underlying the events of the 2007 parade seemed to be persistent social prejudice against homosexuals. He would welcome information on programmes aimed at combating prejudice and promoting inclusiveness.

48. It was regrettable that the State party had failed to provide a satisfactory reply to question 27 of the list of issues. The Committee would welcome additional information, especially about the involvement of NGOs and the Chancellor of Justice in the preparation of the report. The level of civil society engagement in Estonia appeared to be low, and the Committee would welcome information about the vitality of the Estonian human rights movement and possible measures to stimulate its activity. In order to ensure the effective dissemination of information about the Covenant and the Committee's work, relevant documents should be distributed in both Estonian and Russian. He asked whether State party reports and the Committee's concluding observations were disseminated in Russian.

The meeting was suspended at 11.05 a.m. and resumed at 11.30 a.m.

49. **Mr. Kokk** (Estonia) said that the Estonian Family Law Act did not grant same-sex partners the same rights as conventional married couples. The possibility of giving additional rights to same-sex partnerships was currently being considered, but could give no information about the outcome of the discussions.

50. With regard to the immigration of persons in same-sex relationships, he said that gay marriages were not recognized by Estonian law; affording equal treatment to same-sex couples would therefore raise a number of legal issues. In practice, the problem had not arisen since EU citizens could enter freely and not many other countries in the world recognized same-sex partnerships. However, the Government would give further consideration to the matter and identify remedial measures should problems arise in practice.

51. While it was true that the police might not have acted appropriately to protect participants in the Gay Pride marches in 2006 and 2007, he rejected allegations that the police were unable to fulfil their positive obligation to ensure the safety of participants in those marches. Measures had been taken to improve police action and, as a result, there had been no further incidents in the marches since 2007.

52. **Ms. Sepper** (Estonia) said that a campaign would be launched in autumn 2010 by the Ministry of Social Affairs, in cooperation with several NGOs and financed through EU structural funds, with the aim of combating the widespread prejudice against sexual minorities. The campaign would comprise conferences, public awareness activities and film festivals, among other things. The Equality of Treatment Act had entered into force as recently as 1 January 2009 and so far only one official in the Ministry of Social Affairs was responsible for dealing with issues relating to sexual minorities.

53. **Mr. Kokk** (Estonia), in response to questions raised about the Languages Act, explained the historical background of Estonia's language policy and said that there were no plans to amend the constitutional provisions stipulating that there was a single official language. Integration programmes aimed at teaching Estonian to the Russian-speaking population were open to all. While a command of the Estonian language was required for officials and others who worked with the public in the north-eastern region, other residents

were free to use their own language in daily life. Most of the younger members of the Russian-speaking minority were proficient in Estonian and well integrated into Estonian society.

54. **Ms. Parrest** (Estonia) said that the Office of the Chancellor of Justice had thoroughly examined the events of April 2007 in Tallinn, undertaking investigations into all the places of detention that had been used and asking all the persons arrested how long they had been detained. That had revealed that, where there had been no grounds to charge the detainees with a criminal or administrative offence, they had been detained for purposes of identification on administrative grounds only and for periods of less than 24 hours. The Office had received many complaints about those events, which had resulted in amendments to legislation in three major areas. Firstly, a provision had been introduced for administrative detention, enabling the police to detain individuals to verify their identity, for example. Secondly, legislation and practice had been changed to ensure that whenever it was deemed necessary to remove a police officer's name badge, it was replaced with an identity number to enable anyone wishing to complain about police treatment to identify the officers involved. Thirdly, legislation now specified how long plastic handcuffs could be used and under what circumstances.

55. **Mr. Kokk** (Estonia) added that there were no plans to pay compensation to any persons who had been detained during those events.

56. Turning to the question of conscientious objection, he said that the main reason most people chose to do military service was that the required period was shorter than for alternative service. Moreover, individuals could not merely decide to opt out of military service on a whim; their grounds for conscientious objection must be verified. In the event of war, reservists who had done alternative service would be required to perform an alternative function. He undertook to provide the Committee with updated figures on the number of people who had completed alternative service.

57. Persons who did not have Estonian citizenship were not permitted to join Estonian political parties or serve in government offices, as indeed was the case in most other countries. Non-nationals could, however, participate in local elections. The Government had insufficient resources to carry out all the security checks that would be necessary in order to admit non-nationals to public service. Nonetheless, it was not difficult to obtain Estonian citizenship and many Estonian citizens of Russian origin were civil servants. Persons with so-called undetermined citizenship were not considered stateless since they could apply for both Estonian and Russian citizenship. In practice, they kept their foreign passports, which enabled them to travel to other European countries and Russia without a visa; that was not the case if they had an Estonian or Russian passport. Under current domestic legislation, stateless persons enjoyed more rights than those enshrined in the Convention relating to the Status of Stateless Persons. Nonetheless, the Government would continue to work towards ratifying that Convention.

58. **Ms. Parrest** (Estonia) said that, like many other countries, Estonia had a system of normal criminal proceedings which included all the usual steps, such as court hearings, and simplified proceedings when, for example, defendants admitted guilt and received lower penalties. While the average length of normal criminal proceedings had indeed been 490 days in 2009, those data applied to only 7 per cent of all proceedings. Almost 90 per cent of all criminal cases were simplified proceedings, which were always significantly shorter, the timescale depending on the offence. If a detainee was found guilty and sentenced to a period of imprisonment shorter than the period during which he had already been detained, he received compensation.

59. On the question on the admissibility of evidence, in the case of a violation of the rules of evidence it was up to the courts to decide whether the violation was so significant

that the evidence could not be used by the police and prosecutors, or whether it was due to a minor error, in which case the evidence could be used. Supreme Court case law contained examples of distinctions between major and minor violations. Paragraph 111 of the Code of Criminal Procedure provided that information obtained through surveillance activities could be used only if it had been obtained within the requirements of the law.

60. **Ms. Hannust** (Estonia) said that all asylum applications were reviewed on an individual basis, and all asylum-seekers had the right to appeal decisions within 10 days. Under no circumstances could they be deported immediately. Border guards received regular training on how to proceed in asylum cases; that was particularly necessary as there were so few asylum applications that guards could easily forget the procedures to be followed. Some guards received special training in how to deal with vulnerable groups such as minors. The Government maintained a good level of cooperation with UNHCR, which periodically reviewed the decisions reached on asylum applications and invariably deemed them to be satisfactory.

61. **Ms. Parrest** (Estonia) said that a bill currently before parliament proposed amending the definition of civil servants. If passed, it would extend the right to strike to many people currently classified as civil servants and hence denied that right.

62. **Mr. Kokk** (Estonia) added that, under the bill, the number of civil servants, which currently stood at about 24,000 (including military personnel), would be at least halved. Some 10,000 civil servants who performed core civil service functions would still be prohibited from striking in order to ensure law and order, and security.

63. **Ms. Hannust** (Estonia), responding to the question on protecting the rights of people with mental disabilities, said that all necessary provisions already existed in the Mental Health Act and the Codes of Civil and Criminal Procedure. The Code of Civil Procedure had been amended to include a specific procedure for cases involving persons who were totally incapable of expressing their consent. Mentally disabled persons enjoyed all the usual rights in criminal proceedings, including the right to be informed of decisions that affected them. The report of the Estonian Patients' Advocacy Association had not cited any specific cases in which persons had been unable to participate in their own criminal trial. In the case of civil proceedings, no person was subjected to psychiatric assessment without the court's thorough consideration of all the circumstances. The Government recognized the need to raise awareness of that issue among judges, lawyers — particularly those providing legal aid — and managers of care institutions.

64. Many databases had links to the website of the Ministry of Foreign Affairs, which posted the text of the Covenant and Estonia's periodic reports. Once the Russian version of the report was ready, the Ministry would include a link to that text on its website. The Ministry had planned to translate the report into Russian itself but had been unable to do so owing to budgetary restrictions. While the Ministry maintained a fruitful dialogue with some NGOs, civil society was still young in her country; the Government would welcome more participation from NGOs. The Ministry planned to disseminate the Committee's concluding observations widely. It would also provide feedback to NGOs on the issues they had raised with the Committee and which had been discussed during the consideration of the report. The national curriculum had been amended to include human rights in the social studies courses taught in all schools; social studies teachers would receive appropriate training on human rights.

65. **Mr. Kokk** (Estonia) said that when Estonia had regained independence, very few NGOs had existed in the country. There were now thousands, which could function in part thanks to financial assistance from the Government.

66. Reverting to the issue of compensation, he said that the State Liability Act covered instances of miscarriage of justice. It provided that, if a specific case was not covered by

the Act for some reason, reference would be made to the Constitution. The Ministry of Justice was preparing an amended version of the Act which would include a specific provision on compensation for detention in a psychiatric establishment.

67. **Ms. Seeper** (Estonia), replying to the question why so few discrimination cases had yet been brought, said that the Gender Equality Act of 2004 and the Equal Treatment Act of 2009 were still relatively new, and awareness of the law among the general public and the legal profession was still insufficient. However, her Office, the Office of the Gender Equality Commissioner, in conjunction with the Ministry of Social Affairs, was organizing training on the subject for judges and legal aid lawyers, to begin in January 2011. Her Office was also planning an awareness-raising campaign to be conducted among actors in the labour market, where discrimination was most likely to occur. As to why article 152 of the Penal Code, on the violation of equal rights, had not generated discrimination cases, it had only recently been realized, partly because of differences in the language used, that there was scope in that article for litigation. Both her Office and the Ministry of Social Affairs were endeavouring to make the law enforcement agencies aware of the fact.

68. **Mr. Thelin**, commenting on the State party's replies to questions relating to article 14 of the Covenant, said that compelling the State to pay compensation to persons who had been unlawfully deprived of their liberty seemed a retrograde approach to the problem. It would be better to fast-track proceedings so that cases could be dealt with speedily.

69. He noted that, according to paragraph 134 of the State party's written replies, the provision of the Collective Labour Dispute Resolution Act prohibiting strikes in government and other State agencies was still in force, but its scope was to be amended.

70. **Mr. O'Flaherty** said he was anxious to obtain more information about the right of conscientious objection and the number of people exercising that right. What were the criteria for assessing an individual's entitlement to an alternative form of service?

71. With reference to the incidents of April 2007, he was disappointed that no compensation had been paid to those unlawfully detained, especially as some of them had been held in custody for up to 24 hours and there had been reports of inappropriate forms of restraint being used. Such incidents could take on a disproportionate significance over time, and for the sake of both individual justice and societal cohesion, a remedy should be available for the abuses suffered.

72. **Mr. Amor** queried the exercise of the right to strike. Apparently, the figure of 30,000 civil servants prohibited from going on strike would be reduced to 10,000 as a result of the bill now going through parliament. Did that figure include military and police personnel, who could reasonably be debarred from striking in the interests of public order?

73. Secondly, were there any new religious movements or sects in Estonia, and if so what was the legal regime governing them? Was there any religious extremism, and if so what action were the authorities taking in consequence?

74. **Ms. Keller** raised the question of freedom of association in the context of citizenship and the benefits it brought. Since Estonia did not allow dual citizenship, an applicant for Estonian citizenship had to forfeit his or her existing nationality, with all the consequent disadvantages.

75. **Ms. Motoc** said that to all appearances Estonia was a model of good governance. As to the translation problem mentioned earlier, her own country (Romania) was also affected by it.

76. **Mr. Kokk** (Estonia), replying to the questions raised, said that citizenship in Estonia derived from *ius sanguinis*. It had been decided in 1991, when Estonia had regained its independence, that its citizens were those who had been in the country on 16 June 1940, the

date on which it had been occupied. About 900,000 people fell into that category. During the Soviet era, another 600,000 people had been brought into the country, and for that reason a right of dual citizenship would produce undesirably high numbers of dual citizens. The present legal situation governing citizenship would, however, be revised at a future date.

77. With regard to the right to strike, he estimated that between 4,000 and 6,000 people who were members of neither the military nor the police were subject to the prohibition. The exact figure could, however, only be ascertained once a check had been carried out.

78. **Ms. Parrest** (Estonia), replying to the question about the length of court proceedings, said the Supreme Court had been aware of that problem for several years. Where a person involved in criminal proceedings was being kept in custody, the length of the sentence handed down could be reduced. Such decisions were, however, taken on the basis of case law rather than statute. Amendments to the Code of Criminal Procedure, aimed at expediting proceedings had been drafted and were pending in parliament.

79. **Mr. Kokk** (Estonia) added that any person who had been unlawfully detained could apply for compensation. In the incident previously referred to, which had led to mass arrests, a number of people had simply found themselves in the wrong place at the wrong time. They had, however, been released quite promptly.

80. **Ms. Hannust** (Estonia), replying to the question about religion, said that every person in Estonia enjoyed freedom of religion. The State could not punish anyone for holding a particular belief, but could restrict any religious practices which posed a threat to public order. There were 9 associations of churches, 70 religious congregations and 7 monasteries. None, however, could be categorized as extremist.

81. **Mr. Kokk** (Estonia) observed that Estonia did not have a State church. All religious bodies could be registered if they so wished. Religious extremism was unknown.

82. **Mr. Seilenthal** (Estonia) said there would be little agreement on what constituted a “sect”. There was a Union of Christian Churches in Estonia, comprising Lutherans, Catholics, the Estonian and Russian Orthodox Churches, and Armenian Christians. There were also newer, post-modernist Churches which were highly active but had only small memberships.

83. **Mr. Kokk** (Estonia), summing up at the invitation of the Chairperson, said that much had changed in Estonia, mostly for the better, since the preparation of its first report to the Committee in 1995. He was well aware of the improvements still needed, and the Committee’s recommendations would be given very serious consideration.

The meeting rose at 12.40 p.m.