



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/1/Add.85
19 December 2002

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Twenty-ninth session
11-29 November 2002

**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 considered the initial report of Estonia on the implementation of the Covenant (E/1990/5/Add.51) at its 41st, 42nd and 43rd meetings, held on 19 and 20 November 2002 (see E/C.12/2002/SR.41-43), and adopted, at its 56th meeting, held on 29 November 2002, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Estonia, which was prepared in conformity with the Committee's guidelines. The Committee expresses its appreciation for the high quality of the written replies given to the list of issues (E/C.12/Q/EST/1) and for the satisfactory answers provided by the State party's high-level delegation during an open and constructive dialogue.

B. Positive aspects

3. The Committee commends the State party for the significant steps it has taken to bring its legislation in harmony with international human rights norms and, in particular, with the provisions of the Covenant. The Committee notes with satisfaction the State party's assurances that the provisions of the Covenant have been fully incorporated into the domestic legal system and may be invoked before the courts.

4. The Committee notes with appreciation that the State party, in the preparation of the report, encouraged the active involvement of civil society organizations. The Committee also commends the State party's efforts to make the outcome of its dialogue with United Nations human rights treaty bodies known to the public, including by making its reports available on the web site of the Ministry of Foreign Affairs and by translating the concluding observations of treaty bodies into Estonian.
5. The Committee welcomes the establishment in November 2001 of the Office of the Legal Chancellor, who fulfils the functions of an Ombudsman and whose mandate includes economic, social and cultural rights, and the efforts to make this institution easily accessible through the creation of a number of regional offices.
6. The Committee notes with satisfaction the recent reduction in unemployment. According to information supplied by the delegation, the unemployment rate has been reduced from 14.8 per cent, at the beginning of 2001 to 9.4 per cent in the second quarter of 2002. The Committee also commends the State party on its targeted efforts to combat unemployment among high-risk groups, including those affected by long-term unemployment, young people, people with disabilities and rural women.
7. The Committee welcomes the adoption of the Trade Union Act of 14 June 2000, which formalized free and independent trade unions in Estonia.
8. The Committee commends the State party on its initiatives in the area of public health, which have led to a number of improvements, including a reduction in infant mortality, from 15.4 in 1993 to 8.4 in 2000, and in maternal mortality, from 0.47 per 100,000 in 1995 to 0.13 in 1999. The Committee notes with satisfaction that public awareness campaigns have been launched in order to combat the phenomenon of widespread alcohol and tobacco abuse.
9. The Committee welcomes the measures undertaken to protect the rights of persons with disabilities, including the introduction of a social welfare scheme to cover additional expenses incurred due to disability.
10. The Committee notes with satisfaction that many cultural activities, such as theatrical performances, concerts, ballet and the like, continue to be subsidized in order to encourage the widest possible attendance.

C. Factors and difficulties impeding the implementation of the Covenant

11. In the view of the Committee, there are no factors or difficulties impeding the implementation of the Covenant in the State party.

D. Principal subjects of concern

12. The Committee expresses its concern that unemployment rates are higher in certain regions of the State party than in others and that the unemployment rate for ethnic minorities is around 16.6 per cent, which is well above the national average of around 9.9 per cent. The Committee also notes with concern the high rate of unemployment among older women and single mothers.
13. The Committee expresses its concern that convicted prisoners in the State party are required to perform forced or compulsory work and that they face “penalties” in the form of loss of privileges, such as early release, if they refuse to do so.
14. The Committee is also concerned about the marked difference in the wages of men and women. The Committee takes note that, although it is possible to seek legal redress in cases of discrimination in employment and remuneration, few women have as yet sought such relief.
15. While taking note that the minimum wage has increased over the past years compared with the consumer price index, the Committee is concerned that the minimum wage is still insufficient to provide a worker and his/her family with a decent standard of living.
16. The Committee expresses its concern that the State party’s legislation on the right to strike for civil servants contains restrictions which are not in conformity with international norms.
17. The Committee also expresses its concern that unemployment benefits, which are calculated at 50 per cent of the amount earned in a previous job, may in some cases be insufficient to secure a decent standard of living for a worker and his/her family.
18. The Committee further expresses its concern that recent studies suggest that many cases of domestic violence still go unreported.
19. The Committee is concerned about the continually rising incidence of trafficking in women.
20. The Committee is also concerned about the extent of the problem of street children in Estonia.
21. The Committee is further concerned that the law allows the work of children between 13 and 15 with the written consent of one parent or a guardian and the labour inspector, and that the list of permissible work includes that of an industrial nature.
22. The Committee is concerned that the improved economic situation in the State party has not yet resulted in the reduction of the poverty level and economic inequalities between its populations. In this regard, the Committee notes with regret that it did not receive adequate information on how the national poverty line is defined and on the number of people living below the poverty line.

23. The Committee is deeply concerned about the lack of social housing, as acknowledged by the State party.
24. The Committee is concerned that the measures taken by the State party to address the growing problem of homelessness are insufficient, as they focus solely on providing shelter to the homeless rather than dealing with the underlying causes of homelessness.
25. The Committee expresses its concern that forced evictions may be carried out in the State party without provision for alternative lodging or adequate compensation.
26. The Committee notes with regret that the statistical data received on the health situation in the State party lacked disaggregation on a comparative basis and thus did not provide a sufficient basis for the Committee to monitor effectively the implementation of the Covenant.
27. The Committee expresses its concern that, in spite of the measures undertaken by the State party to combat HIV/AIDS, the incidence of reported new cases is still very high.
28. The Committee notes with concern the high rate of cases of tuberculosis.
29. The Committee is concerned about the high morbidity rate due to alcohol and tobacco abuse, particularly among men.
30. While recognizing that affordable contraception is widely available in the State party, the Committee expresses its concern that abortion is still commonly used as a method of birth control, which puts the health of women at risk.
31. The Committee notes with concern the high drop out rates among children in primary and secondary schools.
32. The Committee is concerned about the persisting lack of attention to the issue of minority languages and cultural rights, including the realization of the right to education in minority languages.

E. Suggestions and recommendations

33. In the light of the Vienna Declaration and Programme of Action (para. 71), the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action to implement its obligations under its international human rights instruments, including the Covenant, through an open and consultative process. The Committee requests the State party to include in its second periodic report a copy of the national human rights plan of action and information on its implementation.
34. The Committee urges the State party to intensify its efforts to encourage investment and development in the regions of Estonia with the highest unemployment rate with a view to providing employment for workers affected by restructuring programmes, particularly in the heavy industry and agrarian sectors.

35. The Committee recommends that the State party make work for convicted prisoners conditional on their consent, in conformity with International Labour Organization Forced Labour Convention (No. 29).
36. The Committee also recommends that the State party review its legislation in order to prohibit under all circumstances the work of children under the age of 15.
37. The Committee further recommends that the State party intensify its efforts to ensure the right of equal remuneration for men and women for work of equal value, including through public awareness-raising campaigns. The Committee also recommends in this regard that the State party ratify the International Labour Organization Discrimination (Employment and Occupation) Convention (No. 111).
38. The Committee recommends that the State party undertake the necessary measures to ensure that the minimum wage is sufficient to secure a decent standard of living for a worker and his/her family.
39. The Committee also recommends that the State party undertake measures to amend the Civil Service Law with a view to lifting the restrictions imposed on civil servants' right to strike, in conformity with International Labour Organization norms.
40. The Committee further recommends that the State party undertake the necessary measures to ensure that the lowest level of unemployment benefit is sufficient to secure a decent standard of living for a worker and his/her family.
41. The Committee recommends that the State party intensify its efforts to combat domestic violence, including through ensuring the availability and accessibility of crisis centres where victims of domestic violence can find safe lodging and counselling.
42. The Committee also recommends that the State party take effective measures to combat trafficking in women, including through ensuring that traffickers are prosecuted. The Committee calls upon the State party to ratify the international instruments aimed at intensifying cooperation in this field among States.
43. The Committee further recommends that the State party address the situation of street children with a view to eliminating the underlying causes of the problem. The Committee requests the State party to provide detailed information as well as up-to-date and comparative statistics on this issue in its next periodic report.
44. The Committee urges the State party to monitor closely the level of poverty and to provide in its next periodic report disaggregated and comparative data on the number of people living below the poverty line. The Committee furthermore recommends that the State party integrate human rights, including economic, social and cultural rights, into the formulation of a national strategy for poverty reduction. In this regard, the Committee refers the State party to the Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee on 4 May 2001 (E/2002/22-E/C.12/2001/17, annex VII).

45. The Committee recommends that the State party allocate sufficient resources for the provision of social housing, especially to the disadvantaged and marginalized groups.
46. The Committee also recommends that the State party intensify its efforts to combat the problem of homelessness.
47. The Committee further recommends that the State party ensure that alternative lodging or adequate compensation is provided for people who are evicted from their homes and, in this regard, refers the State party to the guidelines set out in its General Comment No. 7 (1997) on forced evictions.
48. The Committee recommends that the State party, in its next periodic report, provide more disaggregated and comparative data on public health, including an indication of indicators and benchmarks used in its national health strategies, as explained in paragraphs 57 and 58 of its General Comment No. 14 (2000).
49. The Committee also recommends that the State party take measures, in line with General Comment No. 14, to ensure that adequate and affordable health care is accessible and available to everyone, especially older women in rural areas.
50. The Committee further recommends that the State party intensify its efforts to control the spread of HIV/AIDS, including through public information campaigns, and report on progress thereon in its next periodic report.
51. The Committee recommends that the State party intensify its efforts to combat the spread of tuberculosis.
52. The Committee urges the State party to ensure the effective implementation of national strategies and measures to address the problem of alcohol and tobacco abuse.
53. The Committee recommends that the State party promote a general awareness of safe contraceptive methods, as well as sexual and reproductive health information, and instil awareness about the health risk of using abortion as a method of birth control.
54. The Committee also recommends that the State party strictly enforce the domestic and international standards for environmental protection, so as to prevent harmful effects on the health of the population in Estonia.
55. The Committee requests the State party to take all appropriate measures to address the problem of high drop out rates among children in primary and secondary schools.

56. The Committee also requests the State party to provide in its next report statistical data detailing the enrolment rate, at all levels of education, disaggregated by gender. The Committee refers the State party to its General Comment No. 13 (1999) for guidance on how to prepare the information on the right to education in its report. The Committee draws the attention of the State party to the recommendations of the Dakar Framework for Action, especially the Regional Framework for Action for Europe and North America, adopted at the World Education Forum (Dakar, 2000).

57. The Committee recommends that the Law on Cultural Autonomy of National Minorities be revised to provide for the expedient and full recognition of the rights of minority groups. The Committee also calls upon the State party to ensure that ethnic groups continue to have ample opportunities to be educated in their own languages, as well as to use these languages in public life.

58. The Committee encourages the State party to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

59. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, and in particular among State officials and the judiciary, and to inform the Committee, in its next periodic report, of all steps taken to implement them.

60. Finally, the Committee requests the State party to submit its second periodic report by 30 June 2007, and encourages the State party to consult with non-governmental organizations and other members of civil society in the preparation of the report.
