

ESTONIA

CEDAW A/57/38 (Part I) (2002)

71. The Committee considered the combined initial, second and third periodic reports of Estonia (CEDAW/C/EST/1-3) at its 539th, 540th and 548th meetings, on 23 and 29 January 2002 (see CEDAW/C/SR.539, 540 and 548).

(a) Introduction by the State party

72. In introducing the report, the representative indicated that the Estonian women's movement had begun in the 1880s when the first women's organizations were established; that the Women's Union, founded in 1907, had spoken publicly about women's rights, including equal pay for equal work, and that the first Estonian Constitution in 1920 had granted women the right to vote. Women's organizations became very active in the 1980s, and after the independence of Estonia in 1991, several new women's organizations were founded, and gender equality issues were readdressed in connection with the Fourth World Conference on Women, held at Beijing. An inter-ministerial committee had been established in 1996 for the promotion of gender equality, and included in its priorities the creation and strengthening of national structures to integrate the principle of gender equality; the analysis of the compliance of Estonian legislation with international standards of gender equality; a guarantee with regard to the availability of gender-sensitive statistics; and the improvement of the situation of women in the labour market and the increase of women's participation in decision-making.

73. Gender equality initiatives in Estonia were promoted by numerous foreign-funded initiatives, including through research into the economic and social situation of women and men, and contacts and cooperation with women's rights advocates, other countries, in particular the Nordic countries, and international and regional organizations. In 1991, Estonia acceded to almost 30 of the most important United Nations conventions. Owing to the speedy ratification process and large-scale legal reforms, Estonia had faced serious difficulties in presenting reports on the implementation of the conventions in a timely manner, but a number of reports had now been submitted. Estonia had ratified a number of conventions of the International Labour Organization (ILO), including convention No. 100 on equal remuneration, and, as a member of the Council of Europe, had ratified the major instruments dealing with human rights. In addition, as an applicant to the European Union, Estonia had harmonized its national legislation with European *acquis* in the area of labour. Since 1998, measures promoting equality between women and men had formed part of the Government's action plan, and the Government's National Programme for the Adoption of the *Acquis* included sub-chapters on equal treatment for women and men and on gender equality.

74. The representative indicated that the Estonian Constitution guaranteed equal rights to everyone, and the rights of women had been addressed in several Estonian laws. The draft Gender Equality Act, which had been submitted to the Estonian Parliament at the end of 2001, inter alia, explicitly prohibited direct discrimination; provided measures against indirect discrimination; and obliged employers to promote equality between women and men. The representative informed the

Committee that the Legal Chancellor's Office was responsible for supervising the activities of the State, including the enjoyment of the guarantee of constitutional rights and freedoms, and no petitions concerning violations of women's rights had so far been filed with that office. The Gender Equality Bureau in the Ministry of Social Affairs coordinated the mainstreaming of gender equality; monitored the legislative process in terms of gender impact; and organized the preparation of national gender promotion action plans.

75. The representative indicated that continuous attention had been given to increasing public awareness of gender issues and a number of gender training programmes had been implemented. The engagement of civil society in gender equality matters was welcomed, and Estonian women's non-governmental organizations, whose numbers had dramatically increased during the past decade, were in the process of consolidation, including through the formation of regional round tables. In 2001, the Government allocated for the first time financial resources to support women's round-table activities and networking.

76. The representative indicated that, while the representation of women in decision-making positions should be greater, positive changes had taken place. Gender equality had been incorporated into the platforms of several political parties; the representation of women in Parliament and in local authorities had increased in the 1999 elections; and the Government that was currently being formed would include five women ministers. Women made up approximately two thirds of all part-time workers; there was a high degree of horizontal and vertical employment segregation between women and men; and women's average wages had been approximately one quarter less than men's wages. The Wages Act guaranteed equal pay and prohibited discrimination on the grounds of sex with regard to remuneration, but the relatively high unemployment rate had caused women to seek employment in the informal sector, where they were underpaid and lacked social security. A number of measures had been taken to address the situation, including joint controls and supervision visits to companies by the Labour Inspectorate and other authorities. The National Employment Action Plan for 2002 promoted employment creation and equal opportunities and included as one of its components strengthening equal opportunities for women and men, and under the Employment Action Plan, strategies in the period 2001-2003 would be devised to integrate gender equality into the areas of employment and occupational life. Strengthening of the policy to guarantee equal opportunities for women and men was also one of the priority activities. The representative informed the Committee about measures taken to promote women entrepreneurs, particularly in rural areas.

77. The representative indicated that the health of Estonian women and children had improved significantly; information concerning reproductive health had become more available; and a programme on reproductive health for the period 2000-2009 had begun in 1999. The number of abortions was still high, but it had dropped in past years. The country was facing new problems, such as HIV/AIDS, and preventive and educational measures had been introduced to address HIV/AIDS and other sexually transmitted diseases. Significant improvements in combating violence against women had occurred, including the creation of a sociological database of the scale and scope of violence against women; and a large-scale project aimed at elaborating cooperation between the police and social workers in respect of prevention activities and assistance to victims. A government action plan for mitigation and prevention of violence against women was being formulated and included as objectives convincing the public of the danger of violence against women; improving

legislation; raising the capacity of police; introducing a victim-centred approach; and increasing inter-agency cooperation.

78. Rights and benefits related to raising children were now equally directed at mothers and fathers, and the new Holidays Act, inter alia, entitled fathers to leave for 14 calendar days during the mother's pregnancy and maternity leave.

79. In closing, the representative informed the Committee that significant progress had been made to improve the position of women in Estonian society, but that efforts still had to be taken to further the full-scale implementation of the Convention. However, the Government was committed to continuing this work.

(b) Concluding comments of the Committee

Introduction

80. The Committee expresses its appreciation to the Government of Estonia for submitting its initial, second and third periodic report, and encourages the Government to present its next report in a timely manner. The report generally follows the guidelines of the Committee and contains some statistical data disaggregated by sex. The Committee also appreciates the delegation's willingness to engage in a frank and constructive dialogue with the Committee. The Committee also commends the State party's efforts to produce, in a short period of time, qualitative and informative responses to the oral questions posed by the Committee.

Positive aspects

81. The Committee notes with satisfaction that the Convention is incorporated into Estonian law and has precedence over conflicting national legislation, and that de jure equality is becoming a reality in Estonia. Furthermore, the Committee notes with appreciation the efforts undertaken to improve the situation of women and the achievement of gender equality, particularly considering the recent independence and restructuring of the country.

82. The Committee commends the State party on Estonia's high level of education, stressing in particular the situation of women in higher education, increasingly in non-traditional areas. The Committee also notes the measures adopted to promote women entrepreneurs and the progressive achievements in this area.

83. The Committee also notes with appreciation the comprehensive legislation and benefits for maternity and paternity protection, as well as projects addressing children's health and the breast-feeding programmes.

84. The Committee notes with satisfaction that the State party recognizes the important role of the increasing number of non-governmental organizations working on women's issues, in particular in the rural sector and with respect to women's political participation.

85. The Committee commends the work undertaken in awareness-raising on equality, pursued with public officials in ministries and government agencies and other social actors, and the gradually increasing role played by the media encouraged by the State party in changing sex-role stereotypes. It also notes with satisfaction the efforts made by the State party to collect and disseminate all statistical data disaggregated by sex, as well as training provided in this regard.

Factors and difficulties affecting the implementation of the Convention

86. The Committee notes that the economic transition, from a centrally planned economy to a market economy, in the last decade has posed serious challenges to the effective implementation of the Convention, and that the restructuring processes have disproportionately affected women. The Committee also notes that the resurgence of traditional views regarding gender roles also constitutes an obstacle to the implementation of the Convention.

Principal areas of concern and recommendations

87. The Committee expresses its concern that, although the Constitution recognizes that everyone is equal before the law and contains a prohibition of discrimination on the ground of sex, Estonian law does not contain a specific definition of discrimination against women modelled on article 1 of the Convention, which prohibits both direct and indirect discrimination.

88. The Committee urges the State party to include the definition of discrimination against women in its Constitution and national legislation. It recommends the adoption of the draft Gender Equality Act containing provisions to allow the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It requests the State party to provide in its next report relevant information on this law, as well as the remedies available to women for redress for violations of their rights protected under the Constitution and the Convention.

89. While welcoming the fact that, in accordance with articles 3 and 123 of the Constitution, the Convention is integrated into domestic legislation and takes precedence over such legislation, the Committee is concerned that there is still a lack of familiarity with the Convention among the judiciary, law enforcement agents and women themselves about the opportunities for the application of the Convention in domestic decision-making.

90. Acknowledging the effort already made with regard to human rights education, including on the human rights of women, and the transparency and participatory nature of the law-making process, the Committee recommends a review of law school curricula and the development of continuing education programmes for judges and lawyers that include the application of the Convention at the domestic level. It also recommends that awareness-raising campaigns addressed to women be undertaken to allow them to avail themselves of the legal remedies that assist them. It invites the State party to provide, in its next report, information about complaints filed in courts based on the Convention, as well as about any court decisions that referred to the Convention.

91. The Committee expresses its concern that the existing national mechanism for the advancement of women, the Gender Equality Bureau, a sub-unit of the Ministry of Social Affairs, although tasked

with the responsibility of mainstreaming gender equality, does not have sufficient strength, visibility or human and financial resources to promote effectively the advancement of women and gender equality. The Committee also expresses its concern about the insufficient overall integrated policy of gender mainstreaming.

92. The Committee recommends that the State party strengthen the existing national machinery in order to give it more visibility and effectiveness, as well as review its mandate to carry out effectively the mainstreaming of a gender perspective in all policies. It also recommends that the State party reassess the capacity of the national machinery, provide it with adequate human and financial resources at all levels and foster more effective coordination among the existing mechanisms for the advancement of women and the promotion of gender equality.

93. The Committee is concerned that a clear understanding of temporary special measures according to article 4, paragraph 1, of the Convention, as well as the reason for their application, seems to be lacking in large parts of Estonian society and in public administration.

94. The Committee recommends that the State party raise public awareness about the importance of such measures in accelerating the process of gender equality. It also recommends that the State party introduce temporary special measures, *inter alia*, in the educational, employment, professional and political fields, including through encouragement to pursue disciplines and areas of work and of political intervention in which one sex is underrepresented. Such provisions should be designed with measurable goals, targets or quotas and time lines to allow their effective monitoring.

95. The Committee is concerned about the resurgence and persistence of traditional stereotypes regarding the role of men and women in the family, and in society at large. The Committee is also concerned about the lack of targeted educational programmes, mass media campaigns and temporary special measures to eliminate these stereotypes.

96. The Committee urges the State party to design and implement comprehensive programmes in the educational system and to encourage the mass media to promote cultural changes with regard to the roles and tasks attributed to women and men, as required by article 5 of the Convention. It recommends that legislation be enacted and policies adopted to cover not only the prohibition of discrimination against women but also of the more subtle utilization of and support for traditional sex role stereotypes in the family, in employment, in politics and in society.

97. While recognizing the efforts made by the State party to combat violence against women, especially domestic violence and the creation, with the collaboration of non-governmental organizations, of a database on the scope and scale of violence in Estonia, as well as the training of police officials and medical workers and specialists engaged in the victim support system, the Committee expresses its concern about the high incidence of violence against women and girls, including domestic violence.

98. The Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the

Convention. In the light of its general recommendation 19 on violence against women, the Committee calls upon the State party to ensure that such violence constitutes a crime punishable under criminal law, that it is prosecuted and punished with the required severity and speed, and that women victims of violence have immediate means of redress and protection. It recommends that measures be taken to ensure that public officials, especially law enforcement officials, the judiciary, the medical profession and social workers, are fully sensitized to all forms of violence against women. The Committee invites the State party to undertake awareness-raising measures, including a campaign of zero tolerance, to make such violence socially and morally unacceptable. It recommends the introduction of a specific law prohibiting domestic violence against women, which would provide for protection and exclusion orders and access to legal aid. The Committee also urges the State party to amend the Criminal Code in order explicitly to define the offence of rape as sexual intercourse without consent.

99. The Committee notes with concern that sexual intercourse with a girl only up to 14 years of age is considered to be rape, and Estonian law permits the marriage of a girl between the ages of 15 and 18 in exceptional circumstances, such as pregnancy.

100. The Committee recommends that the State party amends its law on statutory rape and bring its law on early marriage into conformity with article 16, paragraph 2, of the Convention, and its own policies on the reproductive health of women and girls. It urges the State party to develop preventive welfare programmes to address the problem of teenage pregnancy.

101. Recognizing the efforts made by the State party to address the issue of trafficking of women and girls, the Committee notes with concern that the size of the problem is not reflected in the information provided. It also notes with concern that there is still not enough information on the subject or a comprehensive policy to address the problem, nor is there any distinct legislation regarding trafficking in women and the punishment of traffickers.

102. Welcoming the campaign against trafficking in women to be carried out in 2002, the Committee urges the State party to include in its next report more information and data on this situation and on progress made in that area. It urges the State party to adopt and implement distinct legislation on trafficking and that it increase its collaboration with other countries of origin, transit and destination of trafficked women and girls and to report on the results of such collaboration. It also recommends the creation of social support and reintegration programmes for victims of prostitution and trafficking.

103. While welcoming the information that the new Government will have 5 women ministers out of 14 Cabinet posts, including in portfolios traditionally held by men, the Committee expresses its concern at the low representation of women in decision-making bodies in the various areas and levels of political and public life.

104. The Committee recommends that the State party utilize temporary special measures in accordance with article 4.1 of the Convention to increase the number of women in decision-making levels in governmental bodies, and State-owned enterprises. It also recommends that the State party strengthen its efforts in offering or supporting special training programmes for current and future women leaders and conduct, on a regular basis, awareness-raising campaigns regarding the

importance of women's participation in political decision-making.

105. While noting with appreciation the high level of education among women, the Committee expresses its concern at the continuing gender disparities regarding the educational options of boys and girls, as well as the fact that this high level of education does not result in the elimination of the wage differential between men and women, in particular the gap between female - and male-dominated sectors of employment. It also expresses concern at the indirect discrimination in the recruitment, promotion and dismissal of women.

106. The Committee encourages the State party to analyse the lack of correlation between the high level of educational attainments of women and their income levels. It recommends the introduction of measures, including through the use of temporary special measures, to accelerate the representation of women at all levels of decision-making in educational institutions and economic life. It urges the State party to continue to review and reform the curricula and textbooks in order to combat the traditional attitudes towards women and to help to create an enabling environment for promoting women's presence in high-level and well-paid positions.

107. The Committee notes with concern that the position of women in the labour market is characterized by discrimination and by a strong occupational segregation with a concomitant wage differential. The Committee is also concerned at the situation of young women who face additional difficulties in the labour market owing to the domestic and family responsibilities assigned to them, placing them in a vulnerable position and leading to a higher incidence in part-time or temporary work among them.

108. The Committee recommends that efforts be made to eliminate occupational segregation through the adoption of the new Employment Contracts Act under preparation, as well as through efforts in education, training and retraining. There should be additional wage increases in female-dominated sectors of public employment to decrease the wage differential in comparison with male-dominated sectors. The Committee requests information in the next report on the implementation of the amendments to the Wages Act, which guarantees equal pay for equal work or work of equal value. It also recommends that effective measures allowing for the reconciliation between family and professional responsibilities be envisaged and that the sharing of domestic and family tasks between women and men be encouraged.

109. The Committee is concerned at the increase of poverty among various groups of women, in particular of those who are heads of household and those with small children.

110. The Committee recommends that the State party closely monitor the poverty situation of women within the most vulnerable groups and implement effective poverty alleviation programmes, taking into consideration the gender aspects of poverty.

111. While recognizing some improvements in the area of health, after a deterioration of the situation in the years following independence, the Committee is concerned with the increase of tuberculosis, sexually transmitted diseases and HIV, as well as with high suicide rates among women. The

Committee notes with concern the high rate of abortion among women and the significance of this fact with regard to effective access to family planning methods, including contraceptives, especially among women in rural areas and low incomes.

112. The Committee draws attention to its general recommendation 24 on women and health and recommends that comprehensive research be undertaken into the specific health needs of women, including reproductive health, the financial and organizational strengthening of family planning programmes addressed to women and men and the provision of wide access to contraceptives for all women. The Committee urges the State party to reinforce programmes on sexual education for both girls and boys in order to foster responsible sexual behaviour. It also recommends that structures be established aimed at addressing the mental health problems faced by women, as well as those areas where negative developments have occurred.

113. The Committee expresses its concern that the report does not contain sufficient information on the situation of rural women, including older rural women, including with regard to their cash income, social security, access to free health-care services and social and cultural opportunities. It also expresses concern at the situation of women spouses in family business, whose work is not reflected in official statistics.

114. The Committee requests the State party to provide more information and data on the situation of rural women in its next periodic report. The Committee recommends that the State party monitor existing programmes and develop comprehensive policies and programmes aimed at the economic empowerment of rural women, ensuring their access to training, productive resources and capital, as well as to health-care services, social security and to social and cultural opportunities.

115. The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

116. The Committee also urges the State party to ratify the Optional Protocol to the Convention.

117. The Committee requests that the State party respond in its next periodic report to the specific issues raised in these concluding comments. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes to implement the Convention.

118. The Committee requests the State party to disseminate widely the present concluding comments in Estonia and to support their public discussion, in order to make politicians and government administrators, women's non-governmental organizations and the public at large aware of the steps required to ensure de jure and de facto equality for women. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".