



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-ninth session

Summary record of the 794th meeting (Chamber B)

Held at Headquarters, New York, on Tuesday, 24 July 2007, at 3 p.m.

Chairperson : Ms. Dairiam (Rapporteur)

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In the absence of the Chairperson, Ms. Dairiam, Rapporteur, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women
(continued)

Fourth periodic report of Estonia (continued)
(CEDAW/C/EST/4, CEDAW/C/EST/Q/4 and Add.1)

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

Articles 1 to 6 (continued)

2. **Ms. Šimonović** wondered whether victims of domestic violence could obtain legal aid and whether the Government had provided for national action based on the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

3. **Mr. Flinterman** asked for confirmation that the Gender Equality Act must automatically be interpreted in the light of the Convention, as the Act did not define discrimination against women so much as discrimination on the basis of sex. If that was indeed the case, the judiciary must be made aware of both of those instruments. He assumed that the Gender Equality Commissioner's opinions were not binding, and therefore wondered what remedies were available to complainants, particularly as, while discrimination disputes could be settled by the courts or by conciliation under the Gender Equality Act and the Chancellor of Justice Act, both procedures were under used.

4. **Ms. Halperin-Kaddari** asked whether the Gender Equality Commissioner was empowered to request information from the Government or to attend meetings, in order to perform a gender analysis of statutes and programmes. She also wondered how the Commissioner's recommendations were followed up.

5. **Ms. Sander** (Estonia) said that shelters often reached agreements with legal experts to provide advice. That advice was always free of charge.

6. **Ms. Viik** (Estonia) said that the Government had implemented the Council of Europe campaign by screening television spots in Estonian and Russian, by arranging the writing and publication of articles examining domestic violence from various angles (victims, shelters or the police), and by funding the translation and dissemination of Council of Europe campaign materials.

7. **Ms. Papp** (Estonia) said that the judiciary must of course take the Convention into account, as the Gender Equality Act covered direct or indirect discrimination, in other words, the failure to apply equal treatment. Moreover, the judiciary must consider discrimination from all standpoints, including equal rights and obligations, barriers to equality and gender stereotypes. Legislation must be examined to determine potential for discrimination.

8. The Gender Equality Commissioner provided an opinion regarding discrimination, but it was an individual's personal decision as to whether or not to pursue a claim in the courts. Only the courts could rule that compensation must be provided. The Commissioner could request information from the Government — and could examine all draft legislation, since it was available online, but did not take part in Government deliberations.

9. **Ms. Kaljurand** (Estonia) said that although there were no specific rules governing how the opinions of the Gender Equality Commissioner should be followed up, it was a matter of good practice for the legislative branch of Government to consult and listen to both the Commissioner and non-governmental organizations. The role of independent experts in the legislative process had been increasing from year to year.

Articles 7 to 9

10. **Ms. Belmihoub-Zerdani** said that she hoped that more women would enter local politics. She wondered whether there were any women members of Parliament from ethnic and linguistic minorities, in the light of the large Russian population and smaller Ukrainian and Belarusian populations, and whether the Government could supply data to demonstrate improved representation of women in the judiciary, particularly in more senior positions.

11. She also wished to know whether mothers could pass on their Estonian nationality to their children, and, given that Estonia seemed to have a large number of

stateless persons, whether an Estonian woman could pass her nationality to a stateless spouse.

12. **Ms. Kaljurand** (Estonia) said that it must be remembered that, when Estonia had restored its independence in 1991, 32 per cent of its population had been without a nationality. The figure was now 8 per cent. Children with one parent who was Estonian by birth automatically acquired Estonian nationality. Children of stateless persons could acquire Estonian nationality if their parents made a written application on their behalf. Spouses, too, must apply for citizenship, but had extensive rights even before Estonian nationality was granted by virtue of their status as permanent residents. It was possible that some people failed to apply for citizenship because of lack of motivation, as there were few differences between nationals and non-nationals from the standpoint of economic and social rights; non-nationals could even vote in local elections.

13. Women must be encouraged to apply for decision-making positions in Government. Currently, over half of Estonia's civil servants were women; in the Ministry of Foreign Affairs, half of the under-secretaries, one quarter of the directors-general and one quarter of the ambassadors were women. Women were well represented in senior posts in international organizations, including the European institutions.

14. **Ms. Pikhof** (Estonia) said that the number of women members of Parliament was currently 22, down from 24, as two members had become ministers. The number of women chairpersons and vice-chairpersons of Parliamentary committees was increasing, but was still not high enough.

15. **Ms. Hion** (Estonia) said that women from national minorities had entered Parliament, but it was not considered proper to collect statistics based on national origin. Nationality-based political parties were less popular than they had been and members of national minorities tended to join major political parties with no nationality-based affiliation.

16. **Ms. Kaljurand** (Estonia) said that, with regard to linguistic minorities, it must be remembered that the official language of the country was Estonian. Having said that, Estonia was aiming to build a multi-cultural society in which minorities were integrated rather than assimilated. Being multilingual would place individuals in a better position in society and in the labour market.

Articles 10 to 14

17. **Ms. Zou Xiaqiao** noted that female students continued to choose traditional subjects and could therefore be disadvantaged in employment; she wondered what measures the Government was taking to promote the study of non-traditional subjects. She wished to know the outcome of the study commissioned in 2004 to examine why students dropped out of school, and particularly whether differences had been noted between primary and secondary schools and between rural and urban areas. She also wished to know what steps were taken to ensure that pregnant students' education was not disrupted. In higher education, women were not well represented in senior posts; she would therefore be grateful for information on Government plans to remedy that situation in the medium and long terms. Finally, she hoped that the next periodic report would provide more sex-disaggregated data.

18. **Ms. Tavares da Silva** said that she, too, had been struck by the strong presence of women in education in general, but their sparse numbers in professorial posts, and she had been surprised to see, from its responses, that the Government took the view that it had no direct ability to increase the number of women professors because the country's universities were not State institutions. That seemed to indicate that the Government felt detached from the issue, even though it was an example of inequality.

19. She also wished the delegation to clarify the follow-up to the 2002 Tartu University study of gender roles reflected in school textbooks, as it was not clear whether the Government had ordered textbooks to be revised.

20. **Ms. Arocha Domínguez** said that she was concerned to hear that encouraging women to start their own businesses had done little to increase their income, and she was worried that exploring opportunities for women to reconcile work and family might focus too much on part-time work, which also tended to reduce earnings. The only way to determine whether positive change had taken place was to have sex-disaggregated statistics and she therefore looked forward to receiving such data in the next periodic report.

21. **Ms. Coker-Appiah** asked whether any studies had been performed to determine the reasons for the alarming increase of HIV infection in women. While

the delegation had pointed out in its oral report that a new HIV/AIDS strategy for 2006–2015 was in place, she was preoccupied that the focus was on preventing the epidemic from spreading from intravenous drug users to the general population, ignoring other factors such as the recognition, in the fourth periodic report, that young men behaved in a more risky manner in sexual relationships and in consuming drugs. She wished to know what steps had been taken to address that matter.

22. **Ms. Zou Xiaqiao** asked what educational and advocacy campaigns the Government had launched since the promulgation of the Gender Equality Act and legislation on equality in employment and whether any complaints had been lodged, whether any cases had been taken to labour dispute bodies and whether any employers had been penalized for violations. She particularly wished to know if the Gender Equality Act tackled sexual harassment in the workplace.

23. Although fewer women than men were unemployed, the fourth periodic report pointed to higher rates of unemployment among young and rural women. She wished to know if the causes had been investigated and whether remedial action had been taken. She also wondered whether steps to tackle wage discrimination had had any impact on the wage gap between men and women. Although the Committee, in its concluding comments regarding Estonia's previous periodic report to the Committee (see A/57/38 (Part I)), had requested information on the implementation of the amendments to the Wages Act, which guaranteed equal pay for equal work or work of equal value, she had found no sign of such information in the current periodic report.

24. **The Chairperson**, speaking as a member of the Committee, said that although teenage pregnancies and abortion rates appeared to have declined, the gathering of data seemed haphazard. While the fourth periodic report said that there were no precise and systematic data about the use of contraceptives in Estonia, the responses to the list of issues and questions indicated that information on termination of pregnancies was gathered to help with the formulation of health policies and that details were passed to the World Health Organization to make comparability possible. She wondered why collecting data on the health situation and needs of women seemed to be regarded as a lower priority, particularly in the light of the Committee's reference, in the concluding comments regarding

Estonia's previous periodic report, to general recommendation 24 on women and health, and its recommendation that comprehensive research should be undertaken into the specific health needs of women. Although statistics had been provided on the leading causes of death in women over 48, not enough information had been included on maternal mortality and on women's needs and access to health care. She urged the Government to take action in that regard.

25. **Ms. Tan** said that the report (p. 78) referred to implementation of the European Union's Special Accession for Agriculture and Rural Development (SAPARD) Programme, which was designed to develop the rural economy and rural sectors that largely employed women workers. She asked whether any impact assessment had been carried out since 2001 to establish the effectiveness of the programme. She wondered how it had improved the lives of rural women, how many women had benefited from the programme, what was the total amount of funds available and what amount had actually been used for rural women.

26. As women were underrepresented in local government she wondered how rural women had access to the decision-making process and whether the Government planned to work, on its own or with non-profit organizations, to promote women's participation in political life.

27. Recalling that the Rural Development and Agricultural Market Regulation Act provided for various types of State support (report, p. 83), she asked how much of that support, including start-up capital, had been allocated to women, whether it had been in the form of loans or grants and whether the application process was complicated. She would also like to know what proportion of the loans granted by the Rural Development Foundation, in particular for land purchase, had benefited women farmers. Finally, recalling that, according to the report (p. 84), a housing survey by the PRAXIS Centre for Policy Studies had shown that almost one third of households lived in poor or unsuitable housing, she wondered whether that research applied only to rural areas or to the entire country and whether any projects were under way to improve the well-being of rural inhabitants.

28. **Ms. Kaljurand** (Estonia), responding to questions raised at the previous meeting, said that about 40 women were murdered each year, half of

them as a result of domestic violence, and that three trafficking victims had applied to shelters for assistance.

29. It was difficult to say what could be done to encourage female students to study non-traditional subjects; one encouraging factor, however, was the changing social attitudes. At the end of the 1990s, parents expected their sons to have professional careers and their daughters to be housewives; currently they did not make such distinctions.

30. The Government was concerned at the small, though increasing, number of women professors. A study of the problem was to be undertaken and concrete measures would be introduced to encourage women with doctoral degrees to continue their university careers. Once the study was completed she hoped to provide information on the concrete measures to be taken.

31. In reply to questions put by Ms. Zou Xiaoqiao, she said that pregnant students received the same treatment as other students, and were free to continue in their usual school or to opt for evening classes. Schools cooperated by not requiring attendance at all classes and allowing examinations to be taken at convenient times.

32. Finally, new textbooks were being prepared as a result of the new regulation instructing schools to pay more attention to gender issues in textbooks. All school textbooks and curricula used in schools had to be approved by the Ministry of Education and its experts.

33. **Ms. Hion** (Estonia) said that the high dropout rate was a matter of concern to the Government. Students dropped out for various reasons including a loss of confidence due to lack of success, other interests and preference for working and earning money; pregnancy was not among them. Special measures had been taken to encourage students who had lost their confidence to continue their education.

34. **Ms. Sander** (Estonia), referring to the questions put by Ms. Zou Xiaoqiao, said that previous efforts to reduce pay differentials had not been very successful. A one-year project was about to be launched, with the help of French experts, in the context of which a survey would be conducted of employers' awareness of — and attitudes to — gender equality and the need for rules for equal treatment of men and women. One of the aims was to produce guidelines for private

sector employers on the basic principles of pay calculation and assessment of the value of work in order to eliminate the wage gap.

35. **Ms. Kaljurand** (Estonia) added that the Wages Act did include the principle of equal pay for equal work. If an employee believed that her salary calculation was incorrect or discriminatory on the basis of sex, she had the right to receive an explanation from her employer within 15 days. A few cases had been taken to the Labour Inspectorate and in those cases employers had revised their calculations. The media was paying attention to the issue, which had helped to increase society's awareness of the problem.

36. **Ms. Viik** (Estonia) said that the results of a recent survey had shown that many women would prefer to work part time if they could, which suggested that it was difficult for them to reconcile work and family life. Given that there was a labour shortage in Estonia, the Government was seeking, by a variety of means, to encourage men to share more fully in parenting and household tasks.

37. **Ms. Papp** (Estonia) replying to Ms. Tan said that while there were no statistics on the number of women who had benefited from SAPARD, approximately one fifth of the funds had been disbursed to women entrepreneurs and women's enterprises. Furthermore, large numbers of women had regularly attended training seminars organized by the Ministry of Finance on the preparation of applications for funding.

38. Estonia was also about to implement a programme which was based upon the European Union's Leader approach (links between actions of rural development) to rural development. Two thirds of all funds received from that programme would be allocated to the development of rural life and housing. While tourism was a priority for the Estonian Government, women's enterprises were engaged in a variety of sectors, not just tourism. What was more, the enterprises established by women tended to be more sustainable than those established by men.

39. **Ms. Viik** (Estonia) said that Estonian courts had not yet heard any sexual harassment cases. While the gender equality monitoring survey revealed that 31 per cent of women and 19 per cent of men had experienced sexual harassment, it also showed that most incidents had occurred in social or other settings.

40. With respect to Ms. Coker -Appiah's questions, she said that Government programmes did not focus solely on intravenous drug users, but also targeted vulnerable groups, such as the young, prostitutes and women prisoners. Young people were offered free condoms and advice in counselling centres financed by the Government, but operated by a non-governmental organization. In addition, antiretroviral treatment was available free of charge to all persons diagnosed with HIV/AIDS. All pregnant women were offered free HIV testing.

41. Peer education programmes for the young had been carefully designed to not reinforce gender stereotypes and traditional gender roles, particularly with regard to sexuality.

42. Maternal and reproductive health standards in Estonia were high and there were only one or two incidents of maternal mortality per year. The problem was the unwillingness of men to make use of the reproductive health services available and attend counselling.

43. **Ms. Kaljurand** (Estonia), referring to the Chairperson's comments, said that collecting data on the use of contraceptives was a sensitive matter. Statistics were compiled using data gathered from a variety of sources, such as doctors and abortion clinics, but the accuracy of those data was compromised by the need to protect personal information. However, various measures to improve data collection were being contemplated.

Articles 15 and 16

44. **Ms. Halperin -Kaddari** asked whether unmarried women could avail themselves of the new reproductive technologies that were available to married women, whether birth control was covered by health insurance and whether there were any restrictions on the duration of such coverage.

45. Recalling that a new family law Act was being considered by the Estonian Parliament, she asked the delegation to provide an overview of the changes contemplated in the new law vis-à-vis the old one and to explain why a new law was needed. She also requested data on the number of unmarried persons living together, and asked whether the principles that applied to married couples in respect of property rights applied to unmarried couples and whether the definition of property for purposes of marriage covered

non-tangible property, such as pension rights and future earnings.

46. **Ms. Tan** noted that under the current law, property acquired during marriage was considered common property and divided equally between spouses upon divorce. If she had understood it correctly, under the proposed new law, a wife would have to have made a direct financial contribution to the acquisition of an asset in order for her to be able to receive a portion thereof upon divorce. She asked whether the authorities had considered the impact that such a change would have on women.

47. Noting the paucity of information in the report on de facto relations, she wondered whether such relationships were protected in the same manner as marriage. If that was not the case, she wanted to know whether couples were being educated about the pitfalls of entering into a de facto relationship.

48. **Ms. Belmihoub -Zerdani**, recalling that the Estonian Constitution gave precedence to international law over domestic law and that Estonia had ratified both the Convention and the United Nations Convention on the Rights of the Child without reservations, she urged the Government to raise the legal age for marriage to 18.

49. Referring to the changes outlined in the final paragraph of the report she said that giving such powers to a religious entity was dangerous and should be avoided; she asked the members of the delegation whether they agreed with her assessment.

50. **Ms. Kaljurand** (Estonia) said that the decision to allow religious entities to register marriages had been taken after much public debate; only a limited number of persons were granted that authority. The number of underage marriages in Estonia was very low, and the trend was to postpone marriage. She assured the Committee that appropriate measures would be taken should there be a rise in the number of underage marriages.

51. **Ms. Viik** (Estonia) said that the current Family Law Act had been enacted during the Soviet era and was now outdated. Cohabitation was popular in Estonia and the trend was for couples not to marry until after the birth of their first child. Under the current law, assets a couple accumulated during marriage were considered common property. Under the new law there would be no common property as such. Although no

analysis of the impact of the proposed law had yet been performed, one had recently been commissioned.

52. **Ms. Sander** (Estonia), noting that the new law was still under consideration, said that it would fundamentally change the manner in which property was distributed. Property acquired before marriage would revert to its original owner upon divorce, while property acquired during marriage would be divided between the former spouses based on the calculated difference between the value of property acquired during marriage and the value of the property that each of the former spouses possessed prior to marriage. More information would be provided in the next report.

53. **Ms. Hion** (Estonia), replying to the questions put by Ms. Halperin-Kaddari, said that artificial insemination was available to all women — married and unmarried — and that all pregnant women were covered by health insurance. The insurance paid for 50 per cent of the cost of contraceptives and that proportion could go as high as 100 per cent, depending on the patient's medical needs.

54. **Ms. Halperin-Kaddari** wondered whether cohabiting couples were also subject to the provisions of the proposed new family law Act and asked whether potential post-divorce earnings would also be divided.

55. **Ms. Tan** said that she looked forward to receiving more information on the proposed new Act. Noting that the divorce rate in Estonia had been falling and had stabilized as of 2002, she wondered whether there were any more recent statistics and whether any studies had been done to understand why the rate had fallen.

56. **Ms. Viik** (Estonia) said that while the property rights of cohabiting couples were not regulated under Estonian law — although such couples were encouraged to enter into agreements to clarify such rights — the Ministry of Justice had announced plans to regulate the property rights of such couples.

57. She would have to consult with officials in her country's capital before she could provide the Committee with any information regarding the treatment of post-divorce earnings. As for the divorce rate, it was unclear why it had fallen and no study had been done in that regard.

58. **The Chairperson** urged the delegation to monitor the outcome of the proposed new legislation and to take appropriate action. However, she was concerned that discrimination, as defined in the

Convention, was still not clearly understood. Recalling that there were no references to indirect discrimination in the report, she said that equal opportunity and treatment would not necessarily bring about equality. Differential treatment of men and women was sometimes necessary in order to achieve equality between the sexes.

59. **Ms. Kaljurand** (Estonia) said that the dialogue with the Committee had enhanced her delegation's understanding of the issues and problems that her country would have to address. She assured the Committee there were no obstacles that stood in the way of the ratification of the Optional Protocol to the Convention.

The meeting rose at 5.20 p.m.