Universal Periodic Review (38th session)
Contribution of UNESCO

Estonia

I. Background and framework

Title	*Date of ratification, accession or succession*	*Declarations /reservations*	*Recognition of specific competences of treaty bodies*	*Reference to the rights within UNESCO's fields of competence*
Convention against Discrimination in Education 1960	Not a State Party	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	27/10/1995 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	27/1/2006 Approval			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	18/12/2006 Approval	Declaration of the European Community in application of Article 27(3) (c) of the Convention indicating the competences transferred to the Community by the Member States under the Treaties, in the areas covered by the Convention.		Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The Constitution of the Republic of Estonia of 1992[1], as amended in 2015, enshrines the right to education for all in its Article 37 which further provides "Education is compulsory for school-age children to the extent specified by law, and shall be free of charge in state and local government general education schools".

2. The Basic Schools and Upper Secondary Schools Act of 2010[2] provides that education is compulsory for nine years, starting at the age of seven (Article 9). The Republic of Estonia Education Act of 1992,[3] amended to 2016 provides in its Article 4(7) that "The acquisition of secondary education in public educational institutions shall be free of any tuition fees."[4]

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. The Constitution of Estonia guarantees freedom of expression under paragraph 45. [5] The same paragraph also prescribes that freedom of expression may be subject to restrictions in circumstances provided for by law in order to protect public order, public morality and the rights and freedoms, health, honor and good name of others. Censorship is also explicitly forbidden. Paragraph 44 of the Constitution of Estonia guarantees the right to access information.

4. The Penal code of Estonia regards defamation as a criminal offense by making a difference between offending individuals on the one hand and national symbols, state authority, and persons enjoying international immunity on the other hand.[6] The defamation of the latter can lead to fines or imprisonment of up to one year (§245 and §249) or two years (§247) if targeting and insulting people enjoying international immunity. Defamation against individuals is covered by paragraphs 131, 134, 1046 and 1047 of the Law of Obligations Act and is punished by fines only.[7]

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[1] http://www.unesco.org/education/edurights/media/docs/65044000cbd88e78ab324cf92d4410df76f0855a.pdf

[2] http://www.unesco.org/education/edurights/media/docs/1bd79e74fc5ab87d02dc89264afa95340514f25b.pdf (In Estonian)

[3] https://www.riigiteataja.ee/en/eli/506012016003/consolide (In Estonian)

[4] Unofficial translation

[5] See the Estonian Constitution on the president's website: http://www.president.ee/en/republic-of-estonia/the-constitution/index.html#II.

[6] See Division 4, paragraphs 249-305 of the Estonian Penal code on the national legal database https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/522012015002/consolide.

[7] See the Law of Obligations Act on the national legal database: https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/516092014001/consolide.

[8] See the Public Information Act on the national legal database: https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/522122014002/consolide.

5. There is no encompassing media law, but several laws concerning individual aspects, such as the Public Information Act from 2001, [8] the Estonian Public Broadcasting Act from 2007, [9] the Media Services Act from 2010 for audio-visual media and radio services, [10] or the Act on Electronic Communications from 2004. [11] Activity licenses for broadcast media are issued based on the decisions of an advisory committee, formed by the Director-General of the Technical Surveillance Authority. The advisory committee includes media experts and legal experts as well as a representative of the Ministry of Culture.[12]

Media Self-Regulation:

6. Self-regulatory mechanisms of the media exist through entities such as the Estonian Press Council (*Avaliku Sõna Nõukogu),* which is tasked to self-regulate print media.[13] Together with the Estonian Press Council, the Estonian Newspaper Association[14] passed a Code of Press Ethics[15] in 1997. The Estonian Union of Journalists (*Eesti Ajakirjanike Liit*) is the largest professional association of journalists in the country, uniting professional journalists and media workers on a voluntary basis.[16] The Estonian Union of Journalists has adopted its own charter[17] and refers for its membership to the Global Charter of Ethics for Journalists.[18]

Safety of journalists:

7. UNESCO has recorded no killings of journalists in Estonia since systematic reporting began in 2008.[19]

III. Review and specific recommendations

A. Education

[8] See the Public Information Act on the national legal database: https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/522122014002/consolide.

[9] See the Estonian Public Broadcasting Act on the national legal database: https://www.riigiteataja.ee/en/eli/509012014002/consolide

[10] See the Media Services Act on the national legal database: https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/509072014004/consolide.

[11] See the Electronic Communications Act on the national legal database: https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/523012015010/consolide.

[12] See Article 41 of the Media Services Act.

[13] See the website of the Press Council: http://www.asn.org.ee/english/in_general.html

[14] The Eesti Ajalehtede Lit: http://vana.meedialiit.ee/index_eng.html

[15] The Code of Ethics of the Estonian Press: http://www.asn.org.ee/english/code_of_ethics.html

[16] The Eesti Ajakirjanike Liit: http://www.eal.ee/

[17] Charter of the Estonian Association of Journalists: http://www.eal.ee/eng/index.html

[18] Global Charter of Ethics for Journalists: https://www.ifj.org/who/rules-and-policy/global-charter-of-ethics-for-journalists.html

[19] See UNESCO Observatory of killed journalists – Estonia: https://en.unesco.org/themes/safety-journalists/observatory/country/223755

Policy framework:

- The National Reform Programme 'ESTONIA 2020'[20] was revised in April 2018, as per every year, as it takes into account the statistics for the indicators related to the progress made. It has five priorities of government policy:
    - Improving the quality of the educational system and adapting it to demographic changes.
    - Aligning training and education with the needs of the modern labour market (including making better use of the EU internal market potential and other policies) and increasing the proportion of people with professional education at the vocational or higher education levels
    - Increasing international competitiveness of higher education
    - Increasing the impact of the active labour market policy and the sustainability of financing
    - Increasing healthy life years by improving health related behaviours and reducing the number of accidents, as well as developing healthcare infrastructure.

- The Action Plan for Estonia 2020 for 2019-2020[21] was adopted on 30 May 2019 to supplement the implementation of the 'ESTONIA 2020'.
- The Ministry of Education and Research is preparing strategies for the next period (2021–2035) of which the general goal is: "to equip the population of Estonia with the knowledge, skills and attitudes that prepare people to fulfil their potential in personal, occupational and social life and contribute to the promotion of quality of life in Estonia, as well as global sustainable development."[22]

Free and compulsory education

- ● The Constitution provides for free of charge education in state and local government general education schools. However, the Education Act of 1992 specifies that secondary education shall be free of "tuition fees" only. This does not precludes the possibility to apply other direct or indirect fees. Furthermore, the national legislation does not provide free nor compulsory pre-primary education. However, the Education 2030 Framework for Action advocates for "at least 12 years of free, publicly funded, inclusive and equitable quality primary and secondary education" and "at least one year of free and compulsory pre-primary education of good quality"[23].
- Furthermore, the Committee on Economic, Social and Cultural Rights (CESCR) shared concerns regarding compulsory education by noting the "decrease in the net enrolment rate in primary education; […] The substantial increase in the number of out-of-school children, particularly among boys; […] The absence of uniform legal regulations for preschool

[20] https://www.riigikantselei.ee/sites/default/files/content-editors/Failid/nrp_estonia2020.pdf

[21] https://www.riigikantselei.ee/sites/default/files/content-editors/Failid/eesti2020/nrp_estonia_2020_action_plan_2019-2020_30.05.2019.pdf

[22] https://eacea.ec.europa.eu/national-policies/eurydice/content/ongoing-reforms-and-policy-developments-20_en

[23] SDG4-Education 2030 Framework for Action, para. 12, accessible at: http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf

education and of compulsory preschool education;"[24]

Non-discrimination

- The legislation on education does not expressly proscribe discrimination in education. An explicit prohibition of all kinds of discrimination including "based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth"[25] is essential to ensure that everyone has an equal right to education.

Corporal punishment

- While the Basic Schools and Upper Secondary Schools Act protects from violence, corporal punishment and gender-based violence are not explicitly prohibited.

Inclusion, language and gender equality

- While acknowledging the efforts made, the CESCR was concerned at the persistence of gender stereotypes in education[26] and recommended to "create an enabling environment and opportunities for female students to pursue education in science, technology, engineering and mathematics"[27]. The Committee on the Rights of the Child (CRC) reported that children with disabilities have limited access to education and that teachers do not have sufficient support to teach them.[28]
- The CESCR[29] and the CRC[30] raised concerns regarding the linguistic rights of minorities, notably due to a language policy that encourages the teaching of Estonian in secondary and vocational schools, which negatively affects the capacities of minorities in learning core subjects.

Teachers

- According to the Action Plan for Estonia 2020 the "average wage of teachers in municipal schools has increased by more than 40% over the past five years. While in 2014, the average wage of teachers in municipal schools was 1,025 euros, it reached 1,475 euros by 2018 (initial data). The average wage of teachers in municipal schools amounted to 113% of the 2018 average wage of Estonia."[31] Despite this improvement, the CESCR was concerned with the challenges faced by the country in attracting high-quality teachers, particularly mathematics and science teachers"[32].

[24] Para. 48 (a), (b) and (d)

[25] Article 1(1) UNESCO Convention against Discrimination in Education

[26] Concluding observations of the Committee on Economic, Social and Cultural Right, Doc. E/C.12/EST/CO/3, 27 March 2019, para. 18.

[27] Ibid. para. 18 (c)

[28] Concluding Observations of the Committee on the Rights of the Child, Doc. CRC/C/EST/CO/2-4, 8 March 2017, para. 38 (e)

[29] Ibid., para. 48 (g)

[30] Concluding Observations of the Committee on the Rights of the Child, op. cit., para. 44 (c)

[31] Action Plan for Estonia 2020 for 2019-2020, op. cit., p. 1.

[32] Concluding Observations of the Committee on Economic, Social and Cultural Right, op. cit., para. 48 (c)

Financing education

- In 2016, the expenditure on education as a percentage of total government expenditure (all sectors) was of 13.11%[33], knowing that the Education 2030 Framework for Action calls on states to allocate at least 15% to 20% of public expenditure to education[34].The CESCR was concerned at the low level of the public budget and the absence of detailed information on allocations to education.[35]

COVID-19 responses

- Due to the spread of the coronavirus in Estonia, the Government decided to move all educational institutions, except kindergartens to remote learning since 16 March 2020. The educational institutions stay closed until at least 15 May 2020 as the decision is reconsidered every two weeks. A transition period after that date, during which not all students have an obligation to go to school, but with the agreement of all parties (i.e. teacher, student, school) and contact teaching can be arranged individually or in groups of up to ten, is in studies. Schools retain the right to continue distance learning if deemed necessary, reasonable and possible.[36]

Specific recommendations:

8. Estonia should be encouraged to:

- Ratify the Convention against Discrimination in Education.
- Participate in the ongoing 10th Consultation on the implementation of the Convention by submitting a national implementation report[37]
- Ensure secondary education is truly free and not only limited to tuition free education in order to correspond to the 12 years of free primary and secondary education advocated by the Education 2030 Framework for Action. Envisage introducing at least one year of free and compulsory pre-primary education.
- Proscribe by law all kinds of discrimination in education as defined by Article 1 (1) of the UNESCO Convention against Discrimination in Education.
- Combat gender-stereotyping in education and ensure that career guidance is provided that encourages girls and women to pursue education in STEM.
- Develop inclusive education including by ensuring teachers and professionals are trained and assigned to support children with disabilities in mainstream education.
- Explicitly prohibit corporal punishment and gender-based violence in education in national legislation.

[33] UIS UNESCO data : http://data.uis.unesco.org/

[34] SDG4-Education 2030 Framework for Action, op. cit, para. 105

[35] Concluding Observations of the Committee on Economic, Social and Cultural Right, op. cit., para. 8

[36] For more information, see https://www.hm.ee/en/spread-covid-19-recommendations-educational institutions

[37] https://en.unesco.org/themes/right-to-education/convention-against-discrimination/consultation

- Increase to at least 15% government expenditure on education (and 4-6% of GDP) (as domestic funding target should be 15-20% of public funding and 4-6% of GDP) and continue its efforts to increase the status and benefits of teachers.
- Continue efforts to ensure access to vocational education including for adults.
- Continue submitting regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.[38]

B. Freedom of opinion and expression

9. Estonia is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.[39]

C. Cultural Rights

10. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)[40], the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)[41] and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)[42], Estonia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Estonia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

11. **Estonia** submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (http://unesdoc.unesco.org/images/0025/002592/259256e.pdf). **Estonia** reported that the guiding principles of the 1974 Recommendation, including the principles of respect for freedom of intellectual creation, scientific research and activities, as well as respect for intellectual property, equal access to employment in scientific research, promotion of scientific integrity, responsibility and freedom are fully respected and guaranteed. According to Article 45 of the Constitution of the Republic of Estonia, everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. There is

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[38] http://www.unesco.org/education/edurights/index.php?action=countries&lng=en

[39] See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

[40] Periodic Report available at: http://whc.unesco.org/document/137745

[41] Periodic Report available at: http://ich.unesco.org/doc/download.php?versionID=33207

[42] Periodic Report available at: http://en.unesco.org/creativity/governance/periodic-reports/2016/estonia

no censorship. The Copyright Act provides for the protection of a specific right (copyright) of authors of scientific works for the results of their creative activity as well as the persons who may acquire rights, etc. According to the Organisation of Research and Development Act § 9 (1), research staff is to be elected by research councils or by the corresponding body of a legal person in public law or a legal person in private law by way of public competition. In future, **Estonia** is encouraged to report to UNESCO on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging the active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.