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Urmas Paet
Minister of Foreign Affairs
Islandi väljak 1
15049 Tallinn
Estonia

16 October 2012

Dear Minister,

OPEN LETTER: ESTONIA'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 12 November 2012. We welcome your submission of election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the letter dated 13 June 2012 from the Permanent Representative of Estonia to the United Nations to the President of the General Assembly.¹

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² On the occasion of Estonia's candidacy, we take the opportunity to comment on your election pledges and to note additional opportunities for your government to promote and protect human rights. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.³

Commitments at the international level

Ratification of international human rights instruments

We welcome your commitment to prepare for ratification of the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. You also say that you will consider ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Further to these commitments, we also wish to encourage you to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Cooperation with the Special Procedures

We note your commitment to distribute the conclusions and recommendations of the Special Procedures to the relevant authorities, non-governmental organizations and the general public in Estonia. We take this opportunity to remind you of the recommendations made by the Special

¹ A/67/121.

² A/RES/60/251, para 9.

³ Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance following his visit to Estonia in 2007.

Cooperation with the treaty monitoring bodies

We welcome your commitment to continue to submit regular reports on the implementation of the human rights instruments to which Estonia is a party, and to ensure the distribution of the concluding observations and recommendations of the Treaty Bodies to the relevant authorities, non-governmental organizations and the general public in Estonia.

In line with the above commitment, we urge you to promptly submit the overdue periodic reports under the Convention on the Rights of the Child, which should include information on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography, as requested by the Committee on the Rights of the Child.

Engagement with the Universal Periodic Review

We welcome your pledge to continue to be actively involved in the Universal Periodic Review debates.

Among the recommendations made to Estonia at its review in February 2011⁴ were calls to investigate reports of excessive use of force by police;⁵ to include a definition of torture in national law in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;⁶ to improve prison conditions;⁷ to address discrimination and violence against women;⁸ and to ensure access to education for Roma children.⁹ We urge the government to ensure prompt and full implementation of these recommendations and to provide regular updates to the Council.

Participation in the deliberations of the Human Rights Council

We note your commitment to ensure the effectiveness of the Council, leading to tangible improvement of human rights across the world, and to work with all Council members in an open, constructive and cross-regional manner to achieve that goal.

In this regard, we urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against persons and groups who have engaged or have sought to engage with the UN human rights machinery are brought to the urgent attention of the Council; that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that perpetrators are held to account; and that the Council requests the government concerned to inform it of measures taken in this regard.

Commitments at the national level

We note your commitments to continue to implement and develop state strategies and action plans with special emphasis on the protection and promotion of human rights; to continue to support and cooperate with the Office of the Chancellor of Justice with a view to ensuring its full compliance with

⁴ Report of the Working Group on the Universal Periodic Review, Estonia, 28 March 2011 (A/HRC/17/17).

⁵ A/HRC/17/17, recommendations 77.74 (Czech Republic), 77.75 (Ecuador), and 77.76 (Iran).

⁶ A/HRC/17/17, recommendations 77.12 (Islamic Republic of Iran), 77.50 (Czech Republic), and 77.51 (Hungary).

⁷ A/HRC/17/17, recommendations 77.52 (Sweden), 77.53 (USA), 77.54 (Czech Republic), 77.55 (Australia), 77.56 (Slovenia), and 77.57 (Austria).

⁸ A/HRC/17/17, recommendations 77.25 (Spain), 77.28 (Thailand), 77.29 (Chile), 77.30 (Australia), 77.31 (Netherlands), 77.33 (Morocco), 77.34 (Lithuania), 77.35 (Bosnia and Herzegovina), 77.36 (Ecuador), 77.37 (Chile), 77.38 (Thailand), 77.39 (Azerbaijan), 77.40 (Algeria), 77.59 (Argentina), 77.60 (Islamic Republic of Iran), 77.61 (Brazil), 77.62 (Malaysia), 77.63 (Canada), and 77.78 (Republic of Moldova).

⁹ A/HRC/17/17, recommendations 77.42 (Brazil), 77.43 (Russian Federation), 77.49 (Denmark), 77.79 (China), and 77.87 (Finland).

the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups; to step up efforts in the area of equal treatment and gender equality, especially with regard to the rights of women; and to improve guarantees in the administration of justice.

We welcome the pledges and commitments already made by Estonia, and we urge your government to use this opportunity to further strengthen its election pledges by including the additional elements listed above. We also encourage your government to announce the steps it will take to fulfil its electoral pledges and to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

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Amnesty International