

*Permanent Mission of Estonia
Geneva*

No. 10-6/387

The Permanent Mission of the Republic of Estonia to the United Nations and Other International Organisations in Geneva presents its compliments to the Human Rights Committee, and in response to the letter from 28 July 2010, has the honour to forward the reply of the Government of Estonia concerning the recommendations in paragraphs 5 and 6 of the concluding observations of the Human Rights Committee concerning the considerations of the third periodic report of Estonia on implementing the International Covenant on Civil and Political Rights.

The Permanent Mission of Estonia to the United Nations and Other International Organisations in Geneva avails itself of this opportunity to renew to the Human Rights Committee the assurances of its highest consideration.

Geneva, 10 August 2011



Enclosure: 7 pages

Human Rights Committee

GENEVA

OHCHR REGISTRY

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Recipients :.....HRC.....
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Estonia's replies regarding recommendations in paragraphs 5 and 6 of the concluding observations of the Human Rights Committee concerning the consideration of the third periodic report of Estonia on implementing the International Covenant on Civil and Political Rights (CCPR/C/EST/CO/3)

5. The State party should either provide the Chancellor of Justice with a broader mandate to more fully promote and protect all human rights or achieve that aim by some other means, in full compliance with the Paris Principles, and take into account in this regard the requirements for the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The institution of the Chancellor of Justice enjoys a broad mandate to protect and promote human rights (in compliance with Paris Principles, section "competence and responsibilities" clause 1). A detailed overview of the functioning of the institution was presented in the replies of the Government of Estonia to the list of issues, CCPR/C/EST/Q/3/ADD.1, 03.05.2010).

The government has taken note of the recommendations by various international and non-governmental bodies to accredit the Chancellor of Justice as the national human rights institutions with the ICCNHRI; both the government representatives and the Office of the Chancellor of Justice have been in contact with the said Committee with a view to specify the exact procedure and requirements for accreditation. Nevertheless, the mandate and activities of the Chancellor of Justice are in compliance with the conditions set forth in the Paris Principles, including with regard to status, independence and budget. In some realms of the Principles, such as publishing reports, the Chancellor works closely with the NGOs that are engaged in the tasks set forth in the Paris Principles.

The mandate of the Chancellor of Justice is set forth in the Constitution and in the Chancellor of Justice Act (Paris Principles, "competence and responsibilities", clause 2). Under the supervision of the Chancellor of Justice fall all institutions and bodies entitled with public power, including the legislature.

The Chancellor of Justice is entitled to submit and publicise opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights (Paris Principles, clause 3 a i-iv). Although the Chancellor does not *directly* ensure the harmonization of national legislation, regulations and practices with the international human rights instruments as it is not legislative or executive body (clause 3 b, direct responsibility lays on Ministries), he/she encourages ratification of the aforementioned instruments, relies on them in his/her supervisory functions (ombudsman's, constitutional review, child protection as well as national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment functions) and spreads knowledge about their content and necessity of implementation on state level (clause 3 b-c).

On the proposal of Ministries, the Chancellor of Justice also contributes to the reports which Estonia is required to submit to international organisations, taking account its

constitutional independence (clause 3 d) and cooperates with other similar bodies in different countries and international organisations, e.g. European Committee for the Prevention of Torture, the UN Subcommittee on Prevention of Torture etc (clause 3 e). There is also no legislative hindrance to developing activities in competences enumerated in Principles' clauses 3 f-g – how active is the Chancellor of Justice in these fields, depends on resources available and areas prioritised in the current year. There have been different projects in the field of prevention of torture as well as in child protection (more detailed information is given in NPM annual report etc).

Principles enumerated under the heading "composition and guarantees of independence and pluralism" have been extensively covered in the replies of the Government of Estonia to the list of issues.

All the methods of operation required in Principles enumerated under the heading "methods of operation" (a-g) are fulfilled. The Chancellor can initiate proceedings on his/her own initiative as well as accept any application or complaint submitted by a person (including legal persons). The Chancellor of Justice has access to all persons (including those who are kept in closed institution), documents, places etc necessary to fulfill his/her mandate (a-b). As it was aforementioned, the Chancellor can publicise opinions and recommendation (taking account secrecy of personal data and state secrets) on his/her webpage and in press and has legislative obligation to submit to the Parliament and publicise his/her annual report (c). The Chancellor has broad autonomy with regard to internal administrative matters (d-e) and maintains consultation with other bodies in the area of human rights and NGOs (f-g).

Regarding coordination and facilitation of cooperation between state institutions and civil society, the cooperation of the Office of the Chancellor of Justice with non-profit associations has been an important priority. Non-profit associations frequently submit applications to the Chancellor of Justice on behalf of persons. The advisers to the Chancellor of Justice have participated in seminars and information events organised by the third sector in order to explain the competences of the Chancellor of Justice and the issues of human and fundamental rights, equal treatment, children's rights etc.

Adviser to the Chancellor of Justice has held regular meetings with the members of the Patients Representative Association of Estonia. At these meetings the issues of access to medical care, psychiatric care and health care administration are considered. Representatives of the Patients Representative Association of Estonia regularly participate in inspection visits to closed institutions. The latter applies as well to cooperation with NGOs in different fields of medicine. Members of NGOs (e.g. Estonian Paediatric Association, Estonian Psychiatric Association etc) are involved in the activities of the Chancellor of Justice (e.g. in inspection visits) as medical experts in order to resolve questions related to health care.

Chancellor of Justice performs regular inspection visits to Illuka reception centre for asylum seekers. By preparing and conducting the visits the adviser to the Chancellor