

Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS
HUMAN RIGHTS
Regional Office Europe

RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and UN system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms](#); [A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

INSIDE THE CONTRIBUTION ESTONIA

- Period of contribution: January - December 2024
- Contents of contribution:
 - The Committee on the Rights of the Child (CRC) adopted its concluding observation on Estonia ([CRC/C/EST/CO/5-7](#)) on 24 May 2024 and the report was published on 18 June 2024.
 - The Committee on the Elimination of Discrimination against Women (CEDAW) adopted its concluding observation on Estonia ([CEDAW/C/EST/CO/7](#)) on 17 May 2024 and the report was published on 6 June 2024.
- Forthcoming relevant information (January - May 2025): N/A
- Resources:
 - [Rule of Law in Europe | OHCHR](#)
 - OHCHR country page - [Estonia](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

Quality of justice – accessibility of courts

- The Committee on the Rights of the Child recommends that the State party:
 - (a) Ensure that all children, including children with disabilities and children in rural areas, have access to confidential, child-friendly and independent complaint mechanisms in all settings, including schools, alternative care settings and detention facilities, for reporting all forms of violence, abuse, discrimination and other violations of their rights and to legal support and representation, age-appropriate counselling and remedies, including compensation and rehabilitation;
 - (b) Raise awareness of and widely disseminate information about existing mechanisms for reporting violations, violence and abuse, including the child helpline and the portal for reporting online violence, and provide sustainable funding for such services to ensure that they are accessible, confidential, child-friendly and effective;
 - (c) Ensure the systematic and mandatory training of all relevant professionals working with children on child-friendly procedures and remedies, children’s rights and the Convention. ([CRC/C/EST/CO/5-7, para. 11](#))

- The Committee on the Elimination of Discrimination against Women notes the development of a curriculum for training on gender sensitive treatment of victims of crime for judges, prosecutors, police officers, victim support staff and other persons who come into contact with women and girl victims of gender-based violence and discrimination. The Committee, however, notes with concern:
 - (a) The lack of adequate mobilization of the funds of the Recovery Plan funded by the European Union in the area of access to justice for women;
 - (b) The lack of capacity-building for the judiciary and law enforcement officials on gender-sensitive complaint handling and investigation and the insufficient measures to prevent revictimization in criminal proceedings;
 - (c) The barriers to access to justice and redress faced by women victims of gender-based violence, disadvantaged groups of women, such as migrant women, older women, lesbian, bisexual, transgender and intersex women, women with disabilities and women belonging to ethnic minority groups. ([CEDAW/C/EST/CO/7, para. 13](#))

- In the light of its general recommendation No. 33 (2015) on women’s access to justice, the Committee recommends that the State party ensure that women have access to effective remedies in cases of violations of their rights and:
 - (a) Adequately fund legal aid schemes, in particular in cases of gender based violence against women, including women facing intersecting forms of discrimination;
 - (b) Ensure the mobilization of resources under the Recovery Plan funded by the European Union to strengthen access to justice for women;
 - (c) Strengthen capacity-building programmes for judges, prosecutors, other law enforcement officers, lawyers and victim service support professionals on gender-sensitive investigation and interrogation methods and court procedures to prevent the revictimization of women;
 - (d) Ensure access to justice and redress for disadvantaged groups of women, such as women with disabilities, migrant or refugee women, lesbian, bisexual, transgender and intersex women and women from ethnic minority groups, including through the collection of data and regular monitoring and evaluation of the outcomes of the provision of services for access to justice and redress. ([CEDAW/C/EST/CO/7, para.14](#))

Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

There is no relevant information under this pillar for the coverage period.

Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

There is no relevant information under this pillar for the coverage period.

Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

The enabling framework for civil society

- While welcoming the strategic partnership as a new form of cooperation with civil society and the aim of providing long-term financing to civil society organizations, the Committee on the Rights of the Child recommends that the State party further strengthen its collaboration with civil society organizations, including by providing support also to smaller and newer organizations and by ensuring the meaningful participation of civil society in the drafting of legislation, policy and strategies relevant to children's rights. ([CRC/C/EST/CO/5-7, para. 14](#))

Independent authorities

- The Committee on the Rights of the Child welcomes the availability of the website of the Ombudsman for Children' in Estonian, Russian and English and the fact that the Ombudsman accepts complaints from children in all three languages. It recommends that the State party strengthen the Children's and Youths' Rights Department of the Chancellor of Justice to be able to discharge its mandate relating to children's rights in an effective and independent manner. ([CRC/C/EST/CO/5-7, para. 12](#))

SPECIAL THEME - Child justice system

In his [New Vision for the Rule of Law](#), the UN Secretary-General noted that we need to move urgently and collectively towards more transparent, inclusive and responsive justice systems and that children should have access to specialized and efficient justice institutions and be recognized as fully-fledged and distinct rights holders. The best interests of the child shall always be the primary consideration. Referred to as "child justice system", it includes the legislation, norms and standards, procedures, mechanisms and provisions specifically applicable to, and institutions and bodies set up to deal with, children considered as offenders. Children differ from adults in their physical and psychological development. Such differences constitute the basis for the recognition of lesser culpability, and for a separate system with a differentiated, individualized approach. Exposure to the criminal justice system has been demonstrated to cause harm to children, limiting their chances of becoming responsible adults.

For more info:

- [General comment No. 24 \(2019\) on children's rights in the child justice system \(CRC/C/GC/24\)](#)

- The Committee welcomes the integration of restorative justice measures in the child justice system, the creation of separate facilities as an alternative to imprisonment and the significant drop in the number of children in prison. The Committee is concerned however that:

- (a) Children with serious psychosocial problems may be referred to secure care service;
 - (b) Children may be disciplined by solitary confinement for up to three days and there is an automatic ban on visits with family and next of kin during disciplinary confinement;
 - (c) Children in prison do not have adequate access to support services, in particular a modern teaching and learning environment, and may consequently discontinue their education. ([CRC/C/EST/CO/5-7, para. 43](#))
- Recalling its general comment No. 24 (2019) on children's rights in the child justice system, and with reference to the global study on children deprived of liberty, the Committee recommends that the State party continue actively promoting non-judicial measures, such as diversion and mediation, for children alleged as, accused of or recognized as having infringed criminal law and, wherever possible, the use of non-custodial measures for children, such as probation or community service, and ensure that health and psychosocial services are provided to such children. In particular, the Committee recommends that the State party:
 - (a) Ensure the timely assessment and referral of children with serious psychosocial problems and further develop a network of open institutions and rehabilitation to prevent such children from ending up in closed children's institutions;
 - (b) Ensure that detention is used as a measure of last resort and for the shortest appropriate period of time and is reviewed on a regular basis with a view to its withdrawal;
 - (c) Abolish disciplining children in detention by solitary confinement and, in the meantime, enable them to maintain contact with their families and next of kin at any time;
 - (d) Modernize the services for children in prison, in particular through more interactive education, as well as social skills training and health and psychosocial support;
 - (e) Provide adequate follow-up services and support for children after the end of their imprisonment. ([CRC/C/EST/CO/5-7, para. 44](#))