

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/EST/CO/5)

ESTONIA

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental procedural safeguards for persons deprived of their liberty

9. The Committee is concerned that persons deprived of their liberty may not enjoy all fundamental legal safeguards against torture and ill-treatment from the very outset of their detention, in particular the right to a lawyer and the right to inform a person of their own choice. It is also concerned by reports that detention registers in police stations are not always kept in a regular manner (arts. 2, 12, 13 and 16).

The State party should:

(a) **Take effective measures to guarantee that all persons deprived of their liberty are afforded, by law and in practice, all the fundamental legal safeguards from the outset of their detention, namely, the rights to be informed of the reasons for their arrest and of the charges against them; to be informed of their rights; to have prompt access to an independent lawyer and, if necessary, to legal aid; to inform a person of their own choice; to receive a medical examination by an independent doctor, if possible, a doctor of their choice; to be brought before a judge without delay; and to have the legality of their detention examined by a court, in accordance with international standards;**

(b) **Ensure that the State party monitors the provision of safeguards by all public officials to persons deprived of their liberty, including by documenting relevant information in detention registers, and ensuring regular monitoring of officials' compliance with these documentation requirements;**

(c) **Ensure that any public official who denies fundamental legal safeguards to persons deprived of their liberty is disciplined or prosecuted;**

(d) Provide data to the Committee on the number of cases in which public officials have been disciplined for such conduct and the nature of the discipline.

(...)

Use of force

11. The Committee is concerned by information that no prosecutions resulted from official applications to the Chancellor of Justice or the Public Prosecutor's Office in relation to allegations of brutality and excessive use of force by law enforcement personnel during the events which took place in Tallinn in April 2007. It is further concerned by instances of "excessive" use of force by law enforcement officers, that the State party's investigation into the events were inadequate, and that the authorities did not made an attempt to obtain additional evidence, be it by questioning the applicants in person or by interviewing the witnesses, as found by the European Court of Human Rights (arts. 2, 10, 12, 13, 14 and 16).

The State party should:

(a) Conduct prompt, thorough, effective and impartial investigations into all allegations of torture, ill-treatment and excessive use of force by law enforcement personnel, and prosecute and sanction officials found guilty of such offences with appropriate penalties;

(b) Establish a specific registry for allegations of torture and cruel, inhuman or degrading treatment and punishment and establish an independent mechanism to investigate allegations of torture and ill-treatment;

(c) Ensure that all victims of torture and ill-treatment obtain redress and have a legally enforceable right to fair and adequate compensation, including the means for the fullest possible rehabilitation, in accordance with article 14 of the Convention;

(d) Ensure that law enforcement officials receive training on the absolute prohibition of torture and on international standards on the use of force and firearms, including on the liabilities in cases of excessive use of force;

(e) Ensure that law enforcement personnel are trained in professional techniques which minimize any risk of harm to apprehended persons.

Domestic violence

12. Recalling its previous concluding observations (para. 21) and the new plans and guidelines for reducing such violence, the Committee remains concerned by the continued absence of specific legislation to prevent and combat domestic violence and the fact that domestic violence is not a distinct crime in the Penal Code (arts. 1, 2, 4, 12, 13, 14 and 16).

The State party should:

- (a) **Adopt, as a matter of priority, comprehensive legislation on violence against women that would establish domestic violence and marital rape as specific criminal offences;**
- (b) **Ensure the effective implementation of the Development Plan for the Reduction and the Prevention of Violence 2010–2014;**
- (c) **Establish an effective and independent complaints mechanism for victims of domestic violence;**
- (d) **Ensure that all allegations of domestic violence, including sexual violence and violence against children, are registered by the police, that all allegations of violence are promptly, impartially and effectively investigated, and that perpetrators prosecuted and punished;**
- (e) **Ensure that victims of domestic violence benefit from protection, including restraining orders, and have access to medical and legal services, including counselling, and to rehabilitation as well as to safe and adequately funded shelters;**
- (f) **Sensitize and train law enforcement personnel in investigating and prosecuting cases of domestic violence;**
- (g) **Compile disaggregated data on the number of complaints, investigations, prosecutions and sentences handed down for acts of domestic violence, on the provision of redress to the victims and on the difficulties experienced in preventing such acts; and provide such data to the Committee.**

(...)

National human rights institution

14. Recalling its previous concluding observations (para. 11) which noted that the Chancellor of Justice had been designated as the National Prevention Mechanism, inspects places of detention and has issued reports, the Committee is nonetheless concerned that there has not been an effort for it or another institution to be accredited as a national human rights institution by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (art 2).

The State party should consider seeking accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights for the Chancellor of Justice or another institution to serve as a national human rights institution and provide it with adequate resources to carry out its mandate.

(...)

27. The Committee requests the State party to provide, by 31 May 2014, follow-up information in response to the Committee's recommendations relating to: (a) conducting prompt, impartial and effective investigations; (b) ensuring or strengthening legal safeguards for persons detained; and (c) prosecuting suspects and sanctioning perpetrators of torture or ill-treatment, as contained in paragraphs 9, 11, 12 and 14 of the present document.

(...)
