Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1117 (1997)[1]

Honouring of obligations and commitments by Estonia

Parliamentary Assembly

1. The Assembly notes that Estonia has made considerable progress towards the fulfilment of her obligations and commitments since she became a member state on 14 May 1993.

2. In particular, it welcomes Estonia's ratification of the European Convention on Human Rights and all its protocols except Protocol No. 6, as well as her recognition of the right of individual petition (Article 25) and the compulsory jurisdiction of the European Court of Human Rights (Article 46) on 16 April 1996 with immediate effect.

3. It also welcomes Estonia's ratification of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its protocols on 6 November 1996, the ratification of the Framework Convention for the Protection of National Minorities on 6 January 1997 and the recent signature of other conventions, especially in the criminal law field.

4. The Assembly welcomes Estonia's intention to ratify the conventions it has signed as soon as possible. In particular, it takes note of the country's intention to ratify, by 1 February 1998, Protocol No. 6 of the European Convention on Human Rights on the abolition of the death penalty in times of peace, signed on 14 May 1993, as declared by the Minister of Justice on 19 February 1996 and re-affirmed by the parliamentary delegation of the Republic of Estonia in writing on 17 April 1996 and 2 December 1996, and to uphold the moratorium on executions in the meantime. It also takes note that the Estonian Government has passed Protocol No. 6 to parliament for ratification.

5. However, three problematic areas concerning Estonia's obligations under the Council of Europe's Statute and the European Convention on Human Rights remain. The first one is the practice of detaining refugees and asylum-seekers, in contravention of Articles 5 and 6 of the European Convention on Human Rights, for lack of asylum-procedures, a problem that is currently being dealt with by a special government commission preparing Estonia's accession to the 1951 Geneva Convention relating to the Status of Refugees and its 1967 New York Protocol and the necessary internal legislation.

6. The second problematic area relates to the treatment of the "non-historic" Russian-speaking minority, which has given rise to some concern in the last three years, especially as far as the granting of residence permits and citizenship (and the language test that has to be passed in order obtain the latter) are concerned.

7. The third area consists of the conditions of custody and detention, which remain deplorable despite Estonia's efforts to improve them and the authorities' good co-operation with the Council of Europe on this matter.

8. The Assembly thus urges the Estonian authorities to:

8.1. refrain from detaining refugees and asylum-seekers in contravention of Articles 5 and 6 of the European Convention on Human Rights, to adopt appropriate laws and regulations in compliance with internationally recognised human rights standards without delay, as well as to sign and ratify the Geneva Convention relating to the Status of Refugees and its protocol as soon as possible;

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1. Assembly debate on 30 January 1997 (7th Sitting) (see Doc. 7715, report by the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bindig; and Doc. 7730, opinion by the Political Affairs Committee, rapporteur: Mr Björck). Text adopted by the Assembly on 30 January 1997 (7th Sitting).

8.2. seek to integrate those members of the "non-historic" Russian-speaking minority, who so wish, by improving the teaching of Estonian as a foreign language in public schools and universities, and in adult education by offering language courses free of charge or at a reduced rate to applicants for Estonian citizenship (especially in Russian-speaking areas);

8.3. amend the 1993 Law on Education so as to allow the continued functioning of the Russian language state-funded secondary schools as long as there is a sufficient demand by parents;

8.4. further improve the conditions of custody and detention without delay.

9. Considering that the most important obligations and commitments have been honoured by Estonia, the Assembly has decided to close the monitoring procedure opened on 29 May 1995 under Order No. 508. It resolves to continue to follow developments, in particular with regard to the treatment of refugees and asylum-seekers, the "non-historic" Russian-speaking minority, as well as conditions of custody and detention and the abolition of the death penalty.