

*Permanent Mission of Estonia
Geneva*

No. 10-6/344

The Permanent Mission of the Republic of Estonia to the United Nations and Other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in response to the Latter's letter, has the honour to forward the reply of the Government of Estonia to the questionnaire on the negative impact of corruption on the enjoyment of Human 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 Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 01 November 2013



Enclosure: 3 pages

*Office of the High Commissioner for Human Rights
GENEVA*

Response of Estonia to the questionnaire on the negative impact of corruption on the enjoyment of human rights

1. How do you deal with corruption in your country? Do you have a policy to combat corruption (specific fields and specific categories)?

In Estonia, the Ministry of Justice coordinates the anti-corruption policy, including drafting anti-corruption legislation and anti-corruption strategy. The Ministry of Finance coordinates the personnel policy of the state, i.e. develops personnel and training policy, strengthens the core values and ethics of public service. Corruption offences are investigated either by the Central Criminal Police or the Security Police. Pre-trial proceedings are led by the Prosecutors' Office.

The implementation of the Anti-Corruption Strategy for the years 2008-2012 ended in 2012. The strategy had 8 general objectives with different measures and activities implemented for attaining each objective:

- 1.) Prevention of corruption in the private sector and the non-profit sector;
- 2.) Prevention of conflicts of interest, and reinforcing the anti-corruption attitude and ethical behaviour of public sector personnel;
- 3.) Prevention of corruption in local governments;
- 4.) Prevention of corruption in the health care sector;
- 5.) Prevention of corruption in foundations established by the state and local governments;
- 6.) Prevention of corruption in the grant of the right to drive and in roadworthiness testing and registration of vehicles;
- 7.) Prevention of corruption in the financing of political parties;
- 8.) Improvement of the efficiency of investigating corruption offences.

On 3.10.2013 the Estonian Government approved the new Anti-Corruption Strategy 2013-2020. The new strategy has three broader objectives:

1. enhancing awareness of corruption;
2. increasing transparency of decisions and activities;
3. strengthening of the capacity to carry out proceedings and deter corruption endangering national security.

To attain those objectives several measures have been planned, including following measures:

- Enhancing awareness of citizens and shaping their attitudes towards corruption;
- Enhancing awareness and shaping attitudes towards corruption in public sector;
- Enhancing awareness in private sector and emphasizing the role of prevention;
- Increasing transparency of law-making and of political decision-making;
- Increasing transparency of the financial contracts and working processes of local governments;
- Increasing transparency of governmental bodies as well as supporting a culture of preventive anti-corruption policy;

- Preventing corruption and increasing transparency in relation to public procurements;
- Increasing transparency of benefit-granting decisions (e.g. EU funds);
- Preventing corruption and undue influence in law-enforcement agencies and courts;
- Increasing transparency in health-care sector;
- Enhancing analytical capacities to investigate corruption offences.

Although there are measures (and activities related to those) not related to any specific categories or topics, some of them can be mentioned: political decision-making, health-care sector, law-enforcement agencies and courts.

2. a) Is there an anti-corruption agency in your country? If so, does it address the negative impacts of corruption on human rights in its work? Can you cite some examples to this effect?

There is no anti-corruption agency in Estonia.

The Ministry of Justice acts as a coordinator of anti-corruption strategy, other ministries and (government) agencies implement anti-corruption activities. Every ministry and some agencies have a designated contact person to coordinate anti-corruption activities within one's domain. Pursuant to Anti-Corruption Act (ACA) § 11 an agency performing official duties shall ensure upon organisation of its work that officials would not be required to make a decision or perform an act with respect to such official or a person connected to him or her. Even if the agency fails to comply with this requirement, this shall not release officials from the obligation to comply with the restrictions on activities.

Parliament has a Select Anti-Corruption Committee. Pursuant to the ACA (§ 15) the verification of the declarations of interests will be done by a parliamentary select committee, committee formed by a local government council or an authorized official.

Corruption offences are investigated by two agencies:

- a) Police and Border Guard Board
- b) Security Police (investigates corruption related to national security)

All anti-corruption measures and activities are directed at enhancing democracy, equality and transparency which are all related to human rights.

b) Are there national human rights institutions in your country? If so, are they mandated to deal with corruption?

The institution of the Chancellor of Justice shall ensure that authorities and officials performing public duties would not violate people's constitutional rights and freedoms, laws and other legislations of general application, as well as the practice of good administration. Nevertheless, the Chancellor of Justice does not investigate corruption cases.

c) Do your anti-corruption agency and national human rights institutions cooperate in tackling corruption? If so, what mechanisms exist to promote cooperation between the respective institutions?

Not applicable

- 3. Which measures have been adopted in your country, that take into account the negative impact of corruption on the enjoyment of human rights? What are the best practices and what are the challenges in this respect?**

All anti-corruption measures are indirectly targeted at negative impact of corruption on the enjoyment of human rights.

- 4. In your county, which are the human rights that are most affected by corruption? What specific negative impact can corruption have on the enjoyment of human rights by vulnerable groups such as women, children, elderly, persons with disabilities, indigenous people and others?**

As far as we are concerned there are no outstanding impacts that could be specifically mentioned as an outcome of corruption. Universally, corruption hampers equality which leads to restrictions in different fields political, social, economic rights etc.

- 5. What measures can be taken by the Human Rights Council and its subsidiary bodies or by States to combat corruption with specific consideration regarding the negative impact of corruption on the enjoyment of human rights?**

Several relevant measures have been taken by the UN, GRECO and OECD. Further role of the UN could be seen in educating specific groups about their rights (i.e. young people, women), and training journalists for better investigation of corruption cases. The protection of the latter could also be involved in the agenda of the UN.

- 6. How can the United Nations human rights mechanisms be utilized for anti-corruption efforts? What other institutional mechanisms could be used to integrate a human rights based approach in combating corruption or vice-versa at both, the international and national level?**

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- 7. Are there any other observations or suggestions you wish to provide regarding the topic?**

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