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European Social Charter (REVISED)

European Committee of Social Rights

Conclusions 2023

ESTONIA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns Estonia, which ratified the Revised European Social Charter on 11 September 2000. The deadline for submitting the 20th report was 31 December 2022 and Estonia submitted it on 27 February 2023.

The Committee recalls that Estonia was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2019).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2019), the Committee concluded that the situation was in conformity, there was no examination in 2023.

Estonia has not accepted the following provisions from the above-mentioned group: 7§5, 7§6, 31§§1-3.

The conclusions relating to Estonia concern 31 situations and are as follows:

- 23 conclusions of conformity: Articles 7§2, 7§4, 7§§7-8, 8§§1-3, 17§2, 19§§1-12, 27§§1-3.
- 8 conclusions of non-conformity: 7§1, 7§3, 7§9, 7§10, 8§§4-5, 16, 17§1.

Conclusions and reports are available at www.coe.int/socialcharter.

Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

The Committee takes note of the information contained in the report submitted by Estonia.

. The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee has observed that many States’ legislation is in conformity with Article 7§1 of the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

In its previous conclusion (Conclusions 2019), the Committee concluded that the situation was in conformity with the Charter as regards performance of light work by children aged 7 to 14 years during school term. However, as regards school holidays, it concluded that the situation was not in conformity with the Charter since during school holidays, Subsection 43 (4) of the Employment Contract Act (ECA) allowed children aged 13 to 14 years, or subject to compulsory school attendance, to work 7 hours a day and 35 hours over a period of seven days.

The Committee concluded that the duration of such light work was excessive and therefore could not qualify as light work.

As regards the Committee’s finding of non-conformity, the report states that the ECA regulation (Subsection 43 (4) of the ECA) is based on Council Directive 94/33/EC, according to which working time of children aged 13 to 14 years during school holidays should not exceed 7 hours a day and 35 hours a week.

The report also states that, according to Article 8, subsection 2 of the ECA, the legal representative of a minor may not consent to the latter to work for more than a half of each school holiday period. Therefore, according to the report, since minors mostly perform light work during the summer holidays, which last 11 weeks, they can only work 5.5 weeks.

The Committee also notes from the report that, in accordance with the Child Protection Act, when concluding an employment contract with a minor, the employer must, above all, act in the interests of the minor, and that the minor’s legal representative, when allowing the minor to work, must, first and foremost, take into consideration how working during the school holidays affects the minor’s ability to attend school and learn.

The Committee notes that the report does not provide any new information regarding the previous finding of non-conformity. The Committee recalls that, under Article 7§1 of the Charter, children under the age of 15 and those who are subject to compulsory education should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risks that the performance of such work might have for their health, moral welfare, development or education (Statement of Interpretation on Articles 7§1 and 7§3, 2015). Therefore, the Committee reiterates its previous finding of non-conformity on this ground.

As regards the Committee's targeted questions concerning child labour, the Committee notes from the report that, according to Article 8 of the ECA, an employer is prohibited from allowing a minor to work without the consent or approval of a legal representative. The employment of a minor needs to be registered in the employment register. The employer must enter the consent of the minor's legal representative, the minor's working conditions, including the place of work and work responsibilities, as well as the information regarding compulsory schooling. Another option for detecting child labour is state and administrative supervision, performed by the Labour Inspectorate. The purpose is to ensure that the minors are registered as workers and that the conditions and regulations for minors are being followed.

According to the report, the Labour Inspectorate also carries out targeted inspections, during which it verifies compliance with requirements arising from legislation on employment relationships. According to the Labour Inspectorate, in 2021, there were 3 840 minors under the age of 15 who were actually working. According to the report, in 2020, 10 violations involving minors were identified, of which 6 related to exceeding the permitted working time. In 2021, 25 violations were identified for failure to assess risks that the working conditions could represent for a minor.

The report states that, in 2020, a new working information system was introduced which provides more detailed information about the violations, involving a wider range of legislation. This system has made it possible to identify more violations of different laws, such as those relating to health and safety, or the signing of an employment contract with a minor without the consent of a legal representative, working hours, signing of an employment contract for a job which is prohibited to minors, etc. The Committee notes that, in 2021, 40 violations have been found on various grounds. Of these violations, 11 have been subject of injunctions.

In response to the Committee question in the previous conclusion, as regards minors in agricultural work, the report states that according to Council Directive 94/33/EC (Article 4, subsection 2, point c) and ECA Article 7, an employer may enter into an employment contract with a minor of 13 years old and allow them to work if the duties are simple and do not require any significant physical or mental effort (light work).

The Committee notes that Article 7 of the ECA also sets out that an employer shall not enter into an employment contract with a minor or allow a minor to work if the tasks exceed the minor's physical or psychological capacity, are likely to impair the minor's moral development, are likely to interfere with the minor's education and could harm the minor's health due to the nature of the work or of the working environment.

Consequently, according to the report, minors are only allowed to work in agriculture if the work performed is light work and meets the requirements laid down in the law. The report states that picking berries, which is considered agricultural work, is suitable for minors, but it may not be appropriate in a situation where a minor spends the working time on a harvesting machine in a forced posture, exposed to hot sun and fuel fumes from a machine that has not been maintained.

The report goes on to state that, after registering employment of a minor worker, the labour inspector is required to verify that the work is not prohibited for the minor that, the minor's working conditions are in accordance with the requirements provided by law, and that the minor wishes to do the work.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 7§1 of the Charter on the ground that the duration of working time for children aged 7-14 is excessive and therefore cannot be regarded as light.

Article 7 - Right of children and young persons to protection

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2019) the Committee found that the situation in Estonia was in conformity with the Charter. The Committee reiterates its previous finding of conformity.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 7§2 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of children subject to compulsory education

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 7§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion, the Committee found that with regard to work during school holidays, given that Subsection 43 (4) of the ECA allows children aged from 13 to 14 years old or subject to compulsory school attendance to work 7 hours a day and 35 hours over a period of seven days during school holidays, the duration of this work is excessive and therefore does not correspond to the definition of light work.

The Committee notes that the report does not provide any new information concerning this finding of non-conformity. The report reiterates that the ECA provides children with sufficient time to rest during school holidays and the work they perform during holidays does not affect their ability to attend school and learn.

The Committee recalls that, since Article 7§3 is concerned with the effective exercise of the right to compulsory education, it requires States Parties to ensure that children still subject to compulsory education and employed to work are not deprived of the full benefit of their education. The Committee case law regarding the employment of children in light work during school holidays is the same as for Article 7§1 and therefore, limits the permissible working time to 6 hours a day and 35 hours a week.

Therefore, the Committee reiterates its previous finding of non-conformity with Article 7§3 of the Charter on the ground that the duration of light work for children still in compulsory education during school holidays is excessive.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 7§3 of the Charter on the ground that the duration of working time for children still subject to compulsory school attendance is excessive and may deprive them of the full benefit of education.

Article 7 - Right of children and young persons to protection

Paragraph 4 - Working time

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§4 requires that the working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.

In its previous conclusion, the Committee found that the situation in Estonia was in conformity with Article 7§4 of the Charter, pending receipt of the information requested (Conclusions 2019).

In its previous conclusion (Conclusions 2019), the Committee noted that Section 43 (1) of the ECA did not provide for any exception on working time for young persons under the age of 18 who were no longer subject to compulsory education. The Committee asked for confirmation that the maximum working time for young persons under 18 not subject to compulsory education was 8 hours a day and 40 hours over a period of seven days. The report confirms that the maximum working time for young persons under the age of 18 who are not subjects to compulsory education is 8 hours a day and 40 hours over a period of seven days. An overtime work agreement is considered void.

The Committee has also asked in its previous conclusion for disaggregated data concerning violations found and measures taken by the Labour Inspectorate in relation to working time for young persons under 18 years of age who are no longer subject to compulsory school attendance. The report states that there no separate data is available about the minors who were no longer subject to compulsory school attendance.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 7§4 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 7§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in Estonia was in conformity with Article 7§7 of the Charter (Conclusions 2019). Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 7§7 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 7§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in Estonia was in conformity with Article 7§8 of the Charter (Conclusions 2019). Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 7§8 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 9 - Regular medical examination

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 7§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Estonia was in conformity with Article 7§9 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for confirmation that legislative amendments introducing yearly medical examinations for young workers under 18 years of age entered into force in January 2019. The report confirms that is the case.

The Committee also asked for information on the number and nature of the violations detected, as well as on the sanctions imposed on employers for breach of the regulations regarding the regular medical examinations of young workers under 18 years of age. The report reiterates that no data is collected as regards the matter in question, the reason for that being that medical examinations are provided by diverse private medical practitioners and based on conditions specified under different regulations.

Due to the failure to provide requested information on the number and nature of the violations detected, as well as on the sanctions imposed on employers for breach of the regulations regarding the regular medical examinations of young workers under 18 years of age, the Committee concludes that the situation in Estonia is not in conformity with Article 7§9 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Estonia of their reporting obligations under Article C of the Charter.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in Estonia is not in conformity with Article 7§9 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Estonia of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- on the number and nature of the violations detected, as well as on the sanctions imposed on employers for breach of the regulations regarding the regular medical examinations of young workers under 18 years of age.

Article 7 - Right of children and young persons to protection

Paragraph 10 - Special protection against physical and moral dangers

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

Previously, the Committee deferred its conclusion (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of deferral and the targeted questions.

Protection against sexual exploitation

The Committee previously asked that the next report provide updated information on whether the sexually suggestive or explicit material had to be for the child’s own private use and could only be shared with other children, as well as on the measures taken to ensure that adequate action could be taken to address ‘sexting’ that was non-consensual and/or that constituted sexual exploitation. It also asked for updated information on measures taken to prevent sexual exploitation of children, detect sexual exploitation and assist victims (Conclusions 2019).

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee, and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

In reply to the questions asked in the previous conclusions, the report states that Estonia recently amended its Penal Code to comply with the requirements of Lanzarote Convention. The Committee notes that these amendments were introduced in 2022 and are outside the reference period for the purposes of the present reporting cycle.

The report further states that the Barnahus model (children’s house) has grown from one children’s house in 2017 to four in 2022 covering all four regions of Estonia. These houses provide child-friendly and highly specialised assistance to sexually abused children and those suspected of being abused. Child victims of sexual exploitation or abuse are entitled to state-funded victim support services.

In reply to the targeted question, the report states that in order to strengthen the protection of children from sexual exploitation, the Estonian Police have adopted guidelines to ensure the best protection of children and to avoid any other harm. These guidelines provide how to act around and treat children and they also cover the treatment of unaccompanied minors. Statistics show a slow but steady rise in the number of registered crimes of sexual abuse of children – in 2021, 663 cases were recorded compared with 505 in 2018.

The report further states that Estonia has only limited experience with migrant, refugee and displaced children who are sexually exploited or abused but border guards and police are trained to pinpoint them and hand them over to the Social Insurance Board for further assistance.

The report states that labour inspections participated in training on combatting human trafficking along migration routes. In recent years, specialists carried out thematic lectures to school children in Estonia about sexual exploitation and trafficking. Further, lawyers representing minors under the state-funded legal aid procedure have had to undergo additional training since 1 January 2021.

Protection against the misuse of information technologies

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

The report states that during the reference period, various activities were carried out to achieve smarter internet use by children and their parents. Moreover, the free online service www.vihjeliin.ee enables internet users to report illegal content posted online. The Violence Prevention Agreement 2021-2025 covers prevention of violence in the digital world.

Due to the failure to provide the requested information on the protection of children from grooming, the Committee concludes that the situation in Estonia is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Estonia of their reporting obligations under Article C of the Charter.

Protection from other forms of exploitation

The Committee previously asked to comment on concerns that the figures of formally identified victims probably did not reflect the real scale of the phenomenon of trafficking in human beings in Estonia since insufficient attention was paid to detecting human trafficking for purposes other than sexual exploitation and there were shortcomings in the identification procedure. It also repeated its request to be informed of the measures taken to protect and assist children in vulnerable situations, with particular attention to street children and children at risk of child labour, including those in rural areas. The Committee considered that if this information was not provided in the next report, there would be nothing to establish that the situation in Estonia was in conformity with Article 7§10 of the Charter (Conclusions 2019).

The report states that Estonia has guidelines for victim identification and assistance, which are not limited to identifying the victims of sexual exploitation but cover all target groups.

The report further states that in Estonia, children are effectively protected from domestic/labour exploitation and from trafficking for the purposes of labour exploitation and begging. But these cases are extremely rare in Estonia. According to the Employment Contracts Act, employers are prohibited from allowing a minor to work without the consent of a legal representative; the minor also has to be registered in the employment register and a labour inspector shall verify that a particular job is not forbidden to a minor.

The report also states that Estonia is a small country and has relatively small communities where vulnerable children do not go unnoticed. According to the Estonian Child Protection Act, every person has the duty to notify the local government of a child in need and the local government's child protection worker must assess the child's needs without delay and provide assistance.

Covid-19

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen the monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report states that during the pandemic, the data concerning child exploitation and abuse were monitored more closely to detect any changes.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in Estonia is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Estonia of their reporting obligations under Article C of the Charter.

List of questions/Information missing: on the protection of children from grooming.

Article 8 - Right of employed women to protection of maternity

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 8§1 of the Charter only a question in relation to Covid. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

In its previous conclusions (Conclusions 2019), the Committee found that the situation in Estonia was in conformity with Article 8§1 of the Charter, pending receipt of information on relevant statistical data on the proportion of women taking less than six weeks' postnatal leave.

Right to maternity leave

In its previous conclusion (2015 and 2019), the Committee asked for information confirming that in practice, the entitlement of women to at least six weeks' compulsory postnatal leave was guaranteed. It particularly requested any relevant statistical data on the proportion of women taking less than six weeks' postnatal leave.

In reply, the report states that there were 41,032 women whose children were born between 1 January 2018 and 31 December 2021 and who received maternity benefit. Overall, 16 out of the 41,032 women (i.e. 0.039% of women) received maternity benefit for less than six weeks after an agreement between the employee and the employer.

In view of the low number of women taking less than six weeks' maternity leave, the Committee considers that the situation is in conformity with the Charter.

Right to maternity benefits

The Committee had previously concluded that the situation in Estonia was in conformity with the Charter on this point. Therefore, there was no examination of the situation in 2023 and the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

The report indicates that the Covid-19 crisis did not have an impact on the right to paid maternity leave.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 8§1 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 2 - Illegality of dismissal during maternity leave

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

As the previous conclusion found the situation in Estonia to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

Covid-19

The Committee asked whether the Covid-19 crisis had had an impact on the possibility of dismissing pregnant employees and those on maternity leave; it also asked whether there had been any exceptions to the ban on dismissal during pregnancy and maternity leave during the pandemic.

The government has indicated that the Covid-19 crisis has had no impact on the possibility of dismissing pregnant employees and those on maternity leave, or on the exceptions to the ban on dismissal during pregnancy and maternity leave.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 8§2 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children migrants and families").

As the previous conclusion found the situation in Estonia to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023.

Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 8§3 of the Charter.

Article 8 - Right of employed women to protection of maternity
Paragraph 4 - Regulation of night work

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§4 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Estonia was in conformity with Article 8§4 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

According to the report the Occupational Health and Safety Requirements for Work of Pregnant and Nursing Women Regulations provide that pregnant women and women who are nursing are entitled to ask to be temporarily moved to work that is adapted to their condition and can accordingly refuse to perform night work. An employee can temporarily refuse to perform work duties if the employer cannot provide work adapted to the employee’s condition.

Employees offered alternative employment which is remunerated at a lower rate than that specified in their employment contract will be compensated in accordance with the Health Insurance Act to ensure they receive 100% of their previous remuneration. Employees who cannot be offered work suitable to their condition are entitled to a temporary work incapacity benefit which correspond to 70% of the employee’s average wage (Section 54(3) of the Health Insurance Act). The Committee recalls that the Charter requires that women who cannot be transferred to another post and are granted leave should be entitled to 100% of their previous pay. As this is not the case in Estonia the Committee concludes that the situation is not in conformity with the Charter on this point.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 8§4 of the Charter on the ground that pregnant women, women who have recently given birth or are nursing who cannot perform night work and cannot be offered suitable alternative employment and are obliged to take leave are not entitled to 100% of their previous salary.

Article 8 - Right of employed women to protection of maternity

Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Estonia was in conformity with Article 8§5 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave and women concerned retain the right to return to their previous employment once their condition permits.

The report refers to the information submitted under Article 8§4. The Committee notes that pregnant and nursing women whose ordinary employment has been deemed unsuitable due to their condition and who cannot be offered work suited to their condition are entitled to a temporary work incapacity benefit which correspond to 70% of the employee’s average wage (Section 54(3) of the Health Insurance Act). The Committee recalls that the Charter requires that women who cannot be transferred to another post and are granted leave should be entitled to 100% of their previous pay. As this is not the case in Estonia the Committee concludes that the situation is not in conformity with the Charter on this point.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 8§5 of the Charter on the ground that pregnant women, women who have recently given birth or are nursing, whose ordinary employment has been deemed unsuitable due to their condition and who cannot be offered suitable alternative employment and are obliged to take leave are not entitled to 100% of their previous salary.

Article 16 - Right of the family to social, legal and economic protection

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that for the current reporting cycle, States were asked to respond to several targeted questions for Article 16 of the Charter as well as, where applicable, previous conclusions of non-conformity, deferral or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the Charter's implementation in respect of the provisions relating to the "Children, family and migrants" thematic group).

In its previous conclusion (Conclusions 2019), the Committee found that the situation in Estonia was not in conformity with Article 16 of the Charter on the ground that the eviction notice period was too short.

The Committee's assessment will therefore relate to the information provided in the report in response to the conclusion of non-conformity, and to the targeted questions.

Legal protection of families

Domestic violence against women

The Committee notes firstly that Estonia has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which entered into force in Estonia in February 2018.

In its previous conclusion (Conclusions 2019), the Committee asked for updated information in the next report on domestic violence against women and related convictions. It also asked for information on the availability and use of restraining orders, the implementation of the various measures taken and their impact on reducing domestic violence against women.

In addition, in a targeted question, the Committee asked States for updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and conviction rates.

The report indicates the measures taken to prevent and combat domestic violence, including several information and awareness-raising campaigns which have been carried out since 2018. Many of these aimed to encourage victims and witnesses of violence to report any incidents and seek help and some targeted men and boys (for example, the 2020 campaign entitled "What kind of role model are you?"). A national victim support system was also set up. Specialists in each county provide advice and information to domestic violence victims and their relatives. Sixteen women-only domestic violence shelters were opened, providing free, safe and temporary accommodation for victims and their children, 24 hours a day, seven days a week. A risk assessment system involving all relevant professionals (including the police), which began as a pilot project in 2015, was rolled out nationwide in 2019.

As the prevention of gender-based violence goes hand-in hand with gender equality policy, strategic measures and policies to promote gender equality and equal opportunities were included in the Welfare Development Plan 2016-2023.

With regard to temporary restraining orders, approximately 60 applications were received each year between 2018 and 2021, mostly for physical violence (59%), stalking (14%) and threats (11%). From 2020, in urgent cases restraining orders may be issued *ex officio* by public prosecutors (i.e. even without the victim's consent), on condition that they are submitted for court approval within two days. In 2020-2021, about one in four restraining orders were issued by a prosecutor, in 78% of cases to protect women from intimate partner violence. The Government states that there is less data available on long-term restraining orders (i.e. those issued following a conviction).

Breaching a restraining order is an offence punishable by a fine or up to one year in prison. Between 2017 and 2021, there were 102 convictions for breaching restraining orders, with 53% of cases resulting in a prison sentence.

The Government reports that the number of recorded domestic violence offences gradually increased between 2011 and 2019 and then decreased in 2020 and 2021 (3 607 in 2018, 4 119 in 2019, 3 987 in 2020 and 3 760 in 2021). Most of these were committed against women and girls and in the context of a current or former partnership. Estonia criminalised stalking in 2017. Around 200 cases of stalking were reported each year during the reference period. Most cases took place in the context of an intimate relationship and the perpetrator was often the victim's partner or ex-partner.

Social and economic protection of families

Family counselling services

In its previous conclusion, the Committee asked that the next report indicate whether family counselling services and psychological support for children's education were provided by existing service providers.

In reply, the report states that family counselling services and psychological support are provided by municipalities when an assessment shows that they are clearly required. Assistance for families with children is governed by the Child Protection Act, which stipulates that as soon as municipalities become aware that a child is in need of assistance, they must immediately carry out a needs assessment and take measures to assist the child.

Childcare facilities

In its previous conclusion, the Committee asked for updated information in the next report on the implementation of measures and the participation rates of preschool children in preschool childcare institutions, in particular for children below the age of 3.

In reply, the report states that according to Statistics Estonia (data based on the Estonian Social Survey), 33.1% of children under 3 years of age were in formal childcare in 2021. Under the Estonian family benefit system, parents are entitled to 18 months of fully paid parental leave based on their previous income, to be used as needed within a three-year period. As a result, most children under 18 months of age are kept at home with their parents. According to the study on preschool education and childcare in Estonia, only 3.1% of children in this age group are placed in childcare facilities. Once the benefit is withdrawn, the number of children in formal childcare rises rapidly (57% of children aged 18 months to 2 years).

Family benefits

Equal access to family benefits

The Committee noted in its previous conclusion that equal treatment is guaranteed for permanent residents in Estonia and asked about the requirements for acquiring permanent resident status (Conclusions 2019).

In a targeted question, the Committee asked whether a length of residence requirement was imposed on nationals of other States Parties lawfully resident in the country for eligibility to family benefits.

In reply, the Government states that no length of residence requirement is imposed on nationals of other States Parties lawfully resident in Estonia for eligibility to family or child benefits. Other sources confirm that family benefits are provided under a universal scheme covering all residents: permanent residents and foreigners residing in Estonia with a fixed-term permit or right of residence (<https://ec.europa.eu/social/>; <https://www.cleiss.fr>).

Level of family benefits

Among the targeted questions that it raised, the Committee asked for information about the amounts paid in family benefit as well as the median equivalised income for the reference period. It also asked whether family or child benefits were subject to a means-test and, if so, what percentage of families were covered.

The Committee points out that family benefit must be such as to provide a significant number of families with sufficient extra income. Adequacy is assessed with respect to the monthly median equivalised net income as calculated by Eurostat.

The Committee notes from Eurostat data (published on 17 March 2023) that the annual median equivalised income stood at €1 052 in 2021.

In response, the report states that family and child benefits are not means-tested. The principle of universality applies, with the exception of parental benefits (i.e. the benefit paid to parents who temporarily stop working to care for their child), which are based on parental income.

Family benefits are paid in the form of lump-sums and monthly payments. Lump sums are paid for births, multiple births (for three or more children) and adoption. Other family benefits are paid monthly, including child benefit, childcare benefit, single parent benefit, large-family benefit, foster care benefit and child benefit for parents on compulsory national service.

The Committee notes that since 2019, the monthly child benefit has been €60 per child for the first two children (previously €55) and €100 per child for the third and each subsequent child. This corresponded to at least 5.7% (first two children) of the median equivalised income in 2021. This percentage was higher for the third and subsequent children and also higher when other benefits were paid (the amounts of which are noted by the Committee).

Measures in favour of vulnerable families

In its previous conclusion, the Committee asked what measures had been taken to protect single-parent families (Conclusions 2019).

In response, the report states that a decision was taken in 2021 to change the way child support/maintenance is calculated; as of January 2022, the minimum monthly payment is no longer linked to the minimum wage but depends on the child's needs, household income, family benefits received from the State and the number of children entitled to support from the same person. In addition, a regulation was adopted in 2021 which, from July 2022, enables a child to be awarded state maintenance if the parent responsible for paying support has been declared bankrupt.

Among the targeted questions that it raised, the Committee asked what measures had been taken to ensure that vulnerable families could meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services).

The report states that a special measure to compensate for high energy prices was introduced for families whose average monthly income was at or below the relative poverty line from September 2021 to April 2022. These families received support to compensate for 80% of the price increase (based on their electricity, gas and heating bills). Two other general measures were also taken in the winter of 2021-2022: (i) excise duties on energy carriers were reduced and (ii) all electricity consumers were entitled to a 50% reduction in the electricity network charge (halving the network service cost on electricity bills).

In a targeted question, the Committee asked whether, in cases where specific temporary measures had been taken to financially support vulnerable families during the Covid-19 pandemic, they would or were expected to be maintained or withdrawn and, if they had been withdrawn, what effect this was expected to have on vulnerable families.

The report indicates that parents of children with special needs received additional financial support from March to May 2020. The aim was to support parents who had taken unpaid leave

due to school/nursery closures to look after their children and ensure that their educational and personal care needs were met.

The pandemic also led to a change in the way parental benefits are calculated in the event of unemployment. In the case of unemployment between 1 July 2021 and 31 December 2023, the period of unemployment is excluded from the calculation of parental benefit, which is based on taxed income prior to unemployment. Further measures may be taken following an impact assessment.

Housing for families

Among the targeted questions that it raised, the Committee asked States Parties which have not accepted Article 31 of the Charter to provide updated information on the availability of adequate affordable housing for families.

In reply, the Government states that the legal framework governing access to housing has not changed. It provides information on measures taken to adapt housing for people with disabilities, to develop family-based care for people with mental disabilities (deinstitutionalisation) and to improve care for people with dementia and their physical environment. The Committee notes that these issues are considered under Article 15 of the Charter, which is not part of the thematic group on “Children, families and migrants”.

According to other sources, “the country does not seem to face housing supply shortages” and “housing is affordable” (see *The State of Housing in Europe 2021 – 21 country profiles*, by Housing Europe and the French social housing association (USH), March 2021 p. 55, and the references cited: European Commission, OECD and Swedbank).

In its previous conclusion, the Committee found that the situation was not in conformity with Article 16 of the Charter on the ground that the (14-day) eviction notice period was too short. It accordingly asked for clarification in the next report as to whether the request for interim relief had an automatic suspensive effect and, if so, for how long the minimum notice period could be extended. The Committee also asked whether the prohibition of carrying out evictions at night or during the winter existed in law or in practice (Conclusions 2019).

In reply, the Government states that under Article 30 of the Code of Enforcement Procedure, enforcement measures may only be taken on days off, public holidays and at night (from 10 pm to 6 am) in urgent circumstances. There are no separate regulations on evicting tenants.

The Committee concludes that the situation is not in conformity with Article 16 of the Charter on the grounds that (i) the notice period for evicting tenants is too short and (ii) evictions may be carried out in winter and during the night.

In its previous conclusion, the Committee asked for information in the next report on the overall results of the Development Plan for Children and Families 2012-2020 and its impact on the housing conditions of families with many children (Conclusions 2019).

In reply, the Government states that the housing benefit for large families is one of the measures included in the Development Plan for Children and Families 2012-2020. The benefit, which aims to improve housing conditions for large families, was introduced in 2014. From 2018 to 2021, 2 845 applications were received and the benefit was granted in 1 364 cases, helping to improve conditions in a total of 72 250 m² of housing.

In its previous conclusion, to determine whether there was an adequate supply of housing for vulnerable families, the Committee asked to be provided in the next report with figures on the overall availability of social housing (supply and demand) and the waiting periods for social housing (Conclusions 2019).

In its reply, the Government provides detailed information for 2018-2021 on the number of housing units (apartments and rooms) owned by local governments and the number of

apartments, rooms and beds in social accommodation units, including how many are occupied. These figures show that the number of unsuccessful housing applications (i.e. the number of families in need of housing) decreased from 3 032 in 2018 to 1 909 in 2021 (5 799 persons in 2018 and 3 914 in 2021). At the end of 2021, 19 local governments (i.e. 24% of the total number) had received requests that they had been unable to meet. Most of the people on the waiting lists (more than 90%) were from Tallinn; waiting times are not known.

In its previous conclusion, the Committee asked for information in the next report on the situation in practice as regards access to housing for refugee families.

In reply, the Government states that once foreigners have been granted refugee status, they do not have to leave the reception centre where they are staying immediately. For four months, they have access to assistance in finding suitable accommodation. They may also refuse this support, in which case they have two months to find accommodation on their own. The law provides for financial aid to cover the costs associated with the rental contract. In general, refugees usually manage to find accommodation within four months, but large families (7-8 members) present a challenge.

Estonia participated in voluntary resettlement (Turkey) and relocation (Greece and Italy) schemes in 2016-2019, under which 213 people came to Estonia. Funding was allocated to municipalities receiving refugees and a call for tenders was launched to find property companies to ensure that the process of finding accommodation for refugees ran smoothly. A contract was signed with a real estate agency for 2016-2017 for 85 rental units for refugees. While this initiative was found to be very useful, it became clear that the rental accommodation offered to refugees was located outside of (large) cities, which limited their access to the labour market and other services essential for successful integration.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 16 of the Charter on the grounds that:

- the notice period for evicting tenants is too short;
- evictions may be carried out in winter and during the night.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 1 - Assistance, education and training

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§1 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In its previous conclusion, pending receipt of the information requested, the Committee concluded that the situation in Estonia was in conformity with Article 17§1 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of conformity pending receipt of information, the targeted questions and the general questions.

The legal status of the child

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

The report states that applications for birth registration can be submitted via the e-population register or to any local government. All public services and social benefits are related to the personal identification code. Therefore, the percentage of unregistered children in Estonia is practically non-existent. If the local government notices that there is a family whose child's birth has not been registered, it considers the child is in need of assistance.

The report provides no information on measures taken by the State to reduce statelessness. The Committee notes from other sources (UN Human Rights Council Working Group on the Universal Periodic Review, thirty-eighth session, 3-14 May 2021) that recommendations were made to Estonia to accelerate the acquisition of Estonian citizenship by persons with undetermined citizenship by removing the remaining obstacles and to grant Estonian citizenship to stateless children born in the country regardless of their parents' legal status.

Child poverty

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care. It also asked for information on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

The report provides information about increasing support of a child for single parents. The report also states that all children in need must receive a range of services and support from education, health and social systems in order to live their lives to the full, go to school, and participate in society and the labour market on an equal footing with everyone else.

The Committee notes from EUROSTAT that in 2021, 17.4% of children in Estonia were at risk of poverty or social exclusion, while in 2018, the percentage was 17%. The Committee notes that this percentage is significantly lower than the EU average (24.4% in 2021).

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Right to assistance

The Committee previously asked for information on accommodation facilities for migrant children whether accompanied or unaccompanied, including the measures taken to ensure that children were accommodated in appropriate settings that were adequately monitored. It also asked what measures had been taken to adopt alternatives to detention. Finally, it asked whether Estonia used bone testing to assess age and, if so, in what situations and what potential consequences such testing could have (Conclusions 2019).

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

The report states that care and accommodation for unaccompanied children are provided through the Child Protection system and the children are placed into Alternative Care Services. There are no special accommodation centres; such children receive the same services and support as Estonian children would. If a migrant child is discovered, a local government social worker is immediately involved, including in finding suitable accommodation.

The report further states that in 2020, one migrant child was placed in detention, none in 2021. Detention is a measure of last resort and it is applied only when the child is considered to be at greater risk when they are at liberty than in detention.

The report states that bone testing is not an automatic or a routine procedure for assessing the age of unaccompanied children and it is rarely used. The outcome of testing is an opinion establishing the likelihood that the person's age is under or over 18. This opinion is not the sole basis for determining a person's age. Children will not be excluded from the child protection system on the basis of an age assessment test. The Committee notes that it has already stated that the use of bone testing to determine the age of unaccompanied foreign minors is inappropriate and unreliable (European Committee for Home-Based Priority Action

for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, decision on the merits of 24 January 2018, §113). In these circumstances, the Committee considers that the situation in Estonia is not in conformity with Article 17§1 of the Charter on the ground that bone testing is used to assess the age of children in irregular migration situation.

In reply to the targeted question, the report states that crisis help for children separated from their families is mainly provided by local governments. In crisis situations and emergencies with a wider impact, the local government units are supported by the Social Insurance Board that has been organising psychosocial crisis aid in emergency situations since 2018.

Rights of children in public care

In its previous conclusion, the Committee asked for information on whether a decision to remove a child from their family for up to 72 hours prior to obtaining a court order could be challenged and on what grounds. It also asked for information on the number of children in institutions, in foster families and trends in this field, as well as on the mechanisms in force to monitor the care provided to children in institutions and in foster care generally (Conclusions 2019).

The report states that the child may be separated from the family for up to 72 hours but a petition must be filed before a court so that the court can decide on it within 72 hours of the child's separation from the family. The child is separated from the family based on a decision of the local municipality unit or the Social Insurance Board, which can be challenged in accordance with the Administrative Procedure Act on the grounds that a child's parent or custodian had their rights violated or restricted.

The report further states that between 2018 and 2021, the number of children in institutional care decreased from 899 to 787 persons. The number of children in family or community-based care during the same period decreased from 1,552 to 1,426. The number of children in foster care increased from 124 to 146. Since 1 January 2018, the support for foster families has doubled. In order to encourage family-based care, training and support services for foster families have been offered and developed, a pilot project has been launched to offer a family-based service in a temporary crisis situation. On 1 January 2020, restrictions on the number of children living in one residential care unit came into force and now the maximum number is six children.

Children in conflict with the law

The Committee previously sought confirmation that children in conflict with the law could no longer be subject to criminal proceedings and could only be detained if necessary, in a closed childcare institution. It also asked what was the maximum period a child could be detained in such an institution, whether children could be detained prior to trial and for how long and whether children could be held in solitary confinement, for how long and under what circumstances. Finally, the Committee asked for information on the number of children placed in closed childcare institutions and the number of children subject to other measures (Conclusions 2019).

The report states that in 2018, certain changes were made to legislation in order to foster the implementation of restorative justice. The juvenile system for children became more child-friendly, the number of minors in prison dropped (there were five minors in prison in 2020 and 2021), the list of non-penal measures was extended, and instead of detention, a child can now be referred to a closed youth institution for up to one year.

The report further states that children can be detained prior to trial for a period of up to two months. In 2018, 52 children were placed in closed youth institutions, in 2019 – 107, in 2020 – 123 and in 2021 – 122. In 2018, 132 children were cared for by the social rehabilitation services, in 2019 – 174, in 2020 – 323 and in 2021 – 721. In 2018, 161 children were in multidimensional family therapy, in 2019 – 184, in 2020 – 182 and in 2021 – 186.

Due to the failure to provide requested information on whether children can be subject to solitary confinement, for how long and under what circumstances, the Committee concludes that the situation in Estonia is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Estonia of their reporting obligations under Article C of the Charter.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 17§1 of the Charter on the ground that bone testing is used to assess the age of children in irregular situation.

Due to the failure to provide the information listed below, the Committee concludes that the situation in Estonia is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Estonia of their reporting obligations under Article C of the Charter.

List of questions/Information missing: whether children can be subject to solitary confinement, for how long and under what circumstances.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 2 - Free primary and secondary education - regular attendance at school

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§2 and asked States to provide, in the next report, information on measures taken to introduce anti-bullying policies in schools; and on measures taken to facilitate child participation across a broad range of decision-making and activities related to education.

In its previous conclusion, pending receipt of the information requested, the Committee concluded that the situation in Estonia was in conformity with Article 17§2 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of conformity pending receipt of information, the targeted questions and the general questions.

Enrolment rates, absenteeism and drop out rates

The Committee previously asked for up-to-date information on the enrolment rates, absenteeism and drop out rates as well as information on measures taken to address issues related to these rates (Conclusions 2019).

The report states that Estonia does not collect data on absenteeism and that the drop out rate in the 2020/2021 school year were 0.07% in the 1st level of basic education (grades 1-3), 0.08% in the 2nd level (grades 4-6) and 0.22% in the 3rd level (grades 7-9).

The Committee notes from other sources (UNESCO database) that the enrolment rates in 2021 were as follows: 97.88% in primary education, 98.08% in lower secondary education and 93.34% in upper secondary education.

Costs associated with education

The Committee previously asked for information on any measures taken to mitigate the costs of education, such as transport, uniforms and stationery (Conclusions 2019). In the targeted questions, the Committee asked for information on measures taken to ensure that state allocation of resources to private education did not negatively impact on the right of all children to access free, quality public education.

The report states that in the basic education level, compulsory education applies from the ages of 7 to 17 and the local government must ensure free education, including transportation between home and school, educational literature and other teaching materials. The same principles apply to secondary and vocational education. Schools must have libraries. For students with special needs, the teaching material is available on specific websites where it can be downloaded.

In reply to the targeted question, the report states that the Estonian education system has not observed any causal relation between the allocation of State funds to private education and access to free, high quality public education. Based on the number of students in municipal schools, support from the State budget is determined each year for municipal and city budgets. According to the Private Schools Act, the same support is provided to private general

education schools. Private schools generally charge tuition fees, but they cannot exceed 25% of the minimum wage if the school wishes to receive support from the State budget.

Vulnerable groups

The Committee notes that where the States have accepted Article 15§1 of the Charter, the right to education of children with disabilities is dealt with under that provision.

The Committee previously asked how many children of Roma origin attended special schools and how many followed a simplified curriculum in regular schools. It also asked to be kept informed of measures taken to improve educational outcomes for Roma children including information on enrolment, drop out and completion rates. The Committee also asked for updated information on the observation by the UN Committee on the Rights of the Child that the language policy requirement in secondary education of teaching 60% of the curriculum in the Estonian language had often made it difficult for Russian-speaking students to master core subjects which were taught only in Estonian (Conclusions 2019).

The report states that in 2020/2021 school year, there were five Roma children in special schools and 58 children in general schools. The Ministry of Education and Research is working on strengthening the network of national minorities' weekend schools. Also, funding is provided for two professional Roma mediators who support the Roma community with regard to different issues. Estonia does not collect data on drop out rates by native language.

The report further states that as of 2022, Estonia started planning the transition of its school system to education in Estonian language and the transition itself will start in 2024. One of the key aims of this transition is to ensure that all children have access to high quality education. The Committee takes note of this information but notes that it is outside the reference period for the purposes of the present reporting cycle.

The voice of children in education

In the general questions, the Committee asked what measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children's specific learning environments).

The report states that, in cooperation with student representative boards, students have been given the opportunity, by way of different calls for proposals, to suggest activities which aim to increase mutual tolerance and respect regardless of individual differences and encourage an overall supportive environment in schools and in the community.

Anti-bullying measures

In the general questions, the Committee asked what measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention.

The report states that anti-bullying programmes have been introduced into the education system and they are adopted by schools individually. These programmes cover about 70% of Estonian schools and 80% of Estonian preschools.

Covid-19

In the context of the Covid-19 crisis, the Committee asked the States Parties to provide information on measures taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children).

The Committee recalls that under Article 17§2 of the Charter equal access to education must be ensured for all children during the Covid-19 crisis. In this respect, particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum,

refugee children, children with disabilities, children in hospital, children in care, pregnant teenagers, children deprived of their liberty (Statement on Covid-19 and social rights, 24 March 2021).

The report states that the Ministry of Education and Research has adopted an exhaustive exit strategy undergoing regular revision and updates aimed at mitigating the impact of Covid-19 on the education sector. The strategy focuses on mitigating the loss of learning resulting from distance learning and on reducing the workload of teachers; activities supporting the mental health of students and educational staff; mitigating the impact of the crisis through the enhancement of digital capacities and green skills, and continued training and retraining; research and activities to support exit from the Covid-19 crisis.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 17§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 1 - Assistance and information on migration

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 19§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee considered that the situation in Estonia was in conformity with Article 19§1 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

Free services and information for migrant workers

In its previous conclusion, the Committee examined the counselling services and information available to migrant workers as well as the trainings offered to employers and entrepreneurs (Conclusions 2019). It considered that the situation in Estonia was in conformity with Article 19§1 of the Charter on this point (Conclusions 2019).

The Committee noted previously that the Police and Border Guard Board conducted training sessions on the early detection and prevention of radicalisation, as well as training on responding to sudden events related to radicalisation (Conclusions 2019). The Committee requested that the next report continue to provide up to date information and statistics on the offered trainings and number of participants (Conclusions 2019).

The report provides detailed information on the trainings carried out for the officials of the Police and Border Guard Board and the number of participants. For example, 4 (four) training courses on early detection and prevention of radicalisation took place in 2018 and 171 officials were trained. Other trainings in response to sudden events with a background of radicalisation and trainings on radicalisation were held during the reference period.

Measures against misleading propaganda relating to emigration and immigration

In its previous conclusion (Conclusions 2019), the Committee noted that Estonia has two specialised national bodies, dealing with discrimination issues: the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner. The Committee asked for further information regarding the implementation of anti-discrimination regulations and detailed description of the mandate of specialised national bodies (Conclusions 2019).

The report provides detailed information on the mandate of the two specialised bodies. For example, the Gender Equality and Equal Treatment Commissioner, among others, monitors compliance with the requirements of the Equal Treatment Act and the Gender Equality Act; advises and assists persons in filing complaints; and provides opinions concerning alleged cases of discrimination based on the applications filed by persons or on his or her own initiative. The Chancellor of Justice promotes equality as it examines compliance with the principle of guaranteeing fundamental rights and freedoms and receives applications for conciliation procedure from persons who believe they have been discriminated against on the basis of race, nationality (ethnic origin), skin colour, language, origin, religion or religious beliefs, among others.

In its previous conclusion (Conclusions 2019), the Committee recalled that in order to combat misleading propaganda, there must be an effective system to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere (Conclusions 2019). It asked the next

report to provide information on the existing monitoring systems to ensure the implementation of anti-discrimination regulations (Conclusions 2019).

The report indicates that the Gender Equality and Equal Treatment Commissioner monitors compliance with the requirements of the Equal Treatment Act, including discrimination on ground of race or skin colour. It further provides information regarding complaints submitted to the Gender Equality and Equal Treatment Commissioner alleging discrimination on grounds of race and skin colour during the reference period. For example, in 2020 there were 2 complaints submitted to the Commissioner which concerned racist views expressed in a newspapers' article. The Commissioner contacted the newspapers' editorial board, and the racist views were removed.

The report further indicates that all persons in Estonia can report hate speech to web-constables (police officers with active profiles in various social media networks). According to the Estonian Police and Border Guard Board there were about 6000 notifications or letters submitted yearly to the web-constables. Furthermore, a 24/7 toll-free victim helpline (by phone or online chat) was set up by the Social Insurance Board in 2019. The victim support helpline offers round-the-clock counselling, provides information about one's rights and options for assistance, and puts the person in touch with the right specialist. Information on hate crime is also available on the webpage of victim support.

The Committee also recalled previously that authorities should take action in this area as a means of preventing trafficking in human beings (Conclusions 2019). In its previous conclusion, the Committee reiterated its request for complete and up-to-date information on any measures taken to target trafficking in human beings (Conclusions 2019).

The report indicates that counselling is offered to foreign nationals by the migration consultants at the Ministry of Interior, including seminars in different languages. It also states that counselling by the Labour Inspectorate and the Unemployment Fund is offered constantly. The Social Insurance Board carries out actively preventive activities towards volunteers and also local practitioners who work with refugees in order to train them to detect signs of trafficking and also addressing the problems to police. The report further indicates that in 2024 (outside the reference period), a special campaign is planned for the foreign workers from third countries in order to raise their awareness of their labour rights for the purpose of preventing trafficking.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§1 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 2 - Departure, journey and reception

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 19§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee considered that the situation in Estonia was in conformity with Article 19§2 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

Immediate assistance offered to migrant workers

In its previous conclusions, the Committee has positively assessed the legal framework relating to the assistance offered upon reception to migrant workers (Conclusions 2015) and to Estonian nationals who emigrate or return to the country after living abroad (Conclusions 2019). No further questions were asked on this point in its previous conclusion (Conclusions 2019).

Services during the journey

As regards the journey, the Committee recalls that the obligation to "provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey" relates to migrant workers and their families travelling either collectively or under the public or private arrangements for collective recruitment. The Committee considers that this aspect of Article 19§2 does not apply to forms of individual migration for which the state is not responsible. In such cases, the need for reception facilities would be all the greater (Conclusions V (1975), Statement of Interpretation on Article 19§2).

In its previous conclusion, the Committee noted that no large-scale recruitment of migrant workers had been reported during the corresponding reference period (Conclusions 2019). It asked what requirements for ensuring medical insurance, safety and social conditions are imposed on employers, shall such recruitment occur, and whether there is any mechanism for monitoring and dealing with complaints, if needed (Conclusions 2019).

The report indicates that there are no differences regarding requirements for employers in case of large-scale recruitment of migrant workers.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 3 - Co-operation between social services of emigration and immigration states

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 19§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee considered that the situation in Estonia was in conformity with Article 19§3 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

The Committee recalls that the scope of this provision extends to migrant workers immigrating as well as migrant workers emigrating to the territory of any other State. Contacts and information exchanges should be established between public and/or private social services in emigration and immigration countries, with a view to facilitating the life of emigrants and their families, their adjustment to the new environment and their relations with members of their families who remain in their country of origin (Conclusions XIV-1 (1998), Belgium). It also recalls that formal arrangements are not necessary, especially if there is little migratory movement in a given country. In such cases, the provision of practical co-operation on a need basis may be sufficient (Conclusions 2019, Albania).

The Committee had considered in its conclusions of 2006 (Conclusions 2006) that the legal framework in Estonia was in conformity with Article 19§3, in that the Social Welfare Act guaranteed a general right to receive social services, social benefits and other assistance. Albeit there were no public or private social services directly related to migration, Estonian institutions co-operated with Social Services of the countries of origin of migrant workers. The provision of local care, including emergency assistance, is organised by local governments, other public bodies, or NGOs and churches. The Integration and Migration Foundation (MISA) provides material support and counselling to foreigners and migrants (see Conclusions 2015).

The Committee had previously asked whether cooperation took place in an international context between NGOs and public bodies to coordinate the provision of assistance to migrants (Conclusions 2015). In its previous conclusion, it took note that the cooperation with social services in other countries takes place on a case-by-case basis, involving other institutions, if necessary (Conclusions 2019). The Committee requested that more information is provided in this respect (Conclusions 2019). It also asked whether the cooperation extends beyond social security alone (for example in family matters) (Conclusions 2019).

The report indicates that the Ministry of Justice’s International Judicial Co-Operation does not have a general practice of international cooperation directly regarding migrant workers. The report further provides information on the procedure and decisions on guardianship assigned to children of war refugees who came from Ukraine. The report adds that the Social Insurance Board is a member of the European Guardianship Network. The latter organisation gathers NGOs and other partners from all over Europe who provide or are involved in the support and guardianship of unaccompanied foreign minors at the national level.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§3 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 4 - Equality regarding employment, right to organise and accommodation

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 19§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2019), the Committee considered that the situation in Estonia was in conformity with Article 19§4 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

Monitoring and judicial review

The Committee recalls that it is not enough for a government to demonstrate that no discrimination exists in law alone but also that it is obliged to demonstrate that it has taken adequate practical steps to eliminate all legal and de facto discrimination concerning the rights secured by Article 19§4 of the Charter (Conclusions III (1973), Statement of interpretation).

In particular, the Committee considers that in order to monitor and ensure that no discrimination occurs in practice, States Parties should have in place sufficient effective monitoring procedures or bodies to collect information, for example disaggregated data on remuneration or information on cases in employment tribunals (Conclusions XX-4 (2015), Germany). The Committee further recalls that under Article 19§4(c), equal treatment can only be effective if there is a right of appeal before an independent body against the relevant administrative decision (Conclusions XV-1 (2000) Finland). It considers that existence of such review is important for all aspects covered by Article 19§4.

In its previous conclusion, the Committee noted the existence of the Gender Equality and Equal Treatment Commissioner, as well as the fact that its competence was extended in the reference period (Conclusions 2019). It asked the next report to provide comprehensive information on its functioning as a monitoring body, as well as on all avenues of appeal or review as regards the aspects covered by this provision of the Charter (Conclusions 2019).

The report indicates that the Gender Equality and Equal Treatment Commissioner is an independent and impartial expert. The Commissioner monitors compliance with the requirements of the Equal Treatment Act and the Gender Equality Act and provides opinions concerning alleged cases of discrimination based on the applications filed by persons or on the Commissioner’s own initiative on the basis of the information obtained.

The Committee notes from the Country report on non-discrimination 2022 of the European network of legal experts in gender equality and non-discrimination that under Article 23 of the Equal Treatment Act, discrimination disputes will be resolved by court and labour dispute committees. If the parties do not agree with a decision of a labour dispute committee, they have recourse to the courts, which may hear the same labour dispute. Participation in this procedure is not compulsory before bringing the lawsuit to court.

The Committee notes in the same report that a person who finds that their rights are violated or their freedoms are restricted by an administrative act or in the course of administrative proceedings may file a challenge with an administrative authority that exercises supervisory control over the administrative authority that issued the challenged act or took the challenged measure (Chapter 5 of the Administrative Procedure Act). The annulment of a decision on a challenge may be requested in an appeal filed with an administrative court.

Moreover, conciliation procedures may be conducted by the Chancellor of Justice in relation to discrimination disputes between private actors if both parties to the dispute agree to conciliate. If the conciliation procedure fails, a victim may seek the protection of their rights in court. Participation in a conciliation procedure is *not* compulsory before lodging the lawsuit before the court.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§4 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 5 - Equality regarding taxes and contributions

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 19§5 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

As the previous conclusion found the situation in Estonia to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§5 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 6 - Family reunion

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee points out that no targeted questions were asked in relation to Article 19§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), pending receipt of the information requested, the Committee concluded that the situation in Estonia was in conformity with the Charter.

In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to its previous questions.

Scope

This provision obliges States Parties to allow the families of migrants legally established in their territory to join them. The worker’s children entitled to family reunion are those who are dependent and unmarried, and who fall under the legal age of majority in the receiving State. “Dependent” children are understood as being those who have no independent existence outside the family group, particularly for economic or health reasons, or because they are pursuing unpaid studies (Conclusions VIII (1984) Statement of Interpretation on Article 19§6).

The Committee has already assessed the scope of the right to family reunion in Estonia in its previous conclusions (Conclusions 2015 and 2019) and found the situation to be in conformity with the Charter. No changes have been reported in this respect.

Conditions governing family reunion

The Committee recalls that a state must eliminate any legal obstacle preventing the members of a migrant worker’s family from joining him (Conclusions II (1971), Cyprus). Any limitations upon the entry or continued present of migrant workers’ family must not be such as to be likely to deprive this obligation of its content and, in particular, must not be so restrictive as to prevent any family reunion (Conclusions XVII-1 (2004), the Netherlands; Conclusions 2011, Statement of Interpretation on Article 19§6).

In the previous conclusion (Conclusions 2019), the Committee took note that the two conditions for family reunion – registered residence or existence of an actual dwelling and sufficient legal income-, were amended and became less restrictive. The Committee noted in this respect that in particular, the “legal income” under the Aliens Act includes a legitimately earned salary, parental benefits, unemployment benefit, pensions, scholarship, benefits paid by a foreign state and means of subsistence. The Committee asked that the next report confirm that the means of subsistence referred to in the report may include social benefits.

In reply, the report indicates that according to Article 9 of the Aliens Act (Legal income), lawfully earned remuneration for work, parental benefits, unemployment benefits, income received from lawful business activities or property, pensions, scholarships, means of subsistence, benefits paid by a foreign state and the subsistence ensured by family members earning legal income are deemed to be legal income for the purposes of this Act.

In the previous conclusion (Conclusions 2019), the Committee also took note from the statistics submitted in the report that less than 10% of requests for a family reunion were being rejected by courts. It considered that the legal conditions were not so restrictive as to present obstacles to migrant workers’ enjoyment of their rights under Article 19§6 of the

Charter. The Committee wished to know whether the information on reasons for the refusal was collected.

In reply, the report indicates that no such information was collected separately. According to the report, family reunion was not a large-scale problem in Estonia, that would have required collection of data with regard to the decisions of the administrative courts in this respect.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§6 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 7 - Equality regarding legal proceedings

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee points out that no targeted questions were asked in relation to Article 19§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee recalled that previously (Conclusions 2015) it had found the situation in Estonia to be in conformity with Article 19§7 of the Charter and took note of the additional information and clarification provided in the previous report concerning the eligibility criteria for legal aid, including for refugees and asylum seekers. In the previous conclusions (Conclusions 2019), the Committee concluded that the situation in Estonia was in conformity with Article 19§7 of the Charter without raising any specific question in this respect.

Since no targeted questions were asked under Article 19§7, and the previous conclusion found the situation in Estonia to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§7 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 8 - Guarantees concerning deportation

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee points out that no targeted questions were asked in relation to Article 19§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee, pending receipt of the information requested, found the situation in Estonia to be in conformity with Article 19§8 of the Charter. The assessment of the Committee will therefore concern the information provided in response to its previous question.

In the previous conclusion (Conclusions 2019), the Committee took note of the information provided in the previous report concerning the law and practice on expulsion of migrants who have been long-term residents in Estonia. It took note in particular of the legal grounds on the basis of which a long-term residence permit may be declared invalid (use of fraud to obtain it, posing a threat to public order and national security; punishment for an intentional criminal offence; an invalidation of the refugee status or subsidiary protection status, if applicable). In such situations, a court decides on expulsion considering the severity or nature of the risks related to the person concerned, the offence committed, duration of the residence, ties with Estonia and the country of origin, age and the consequences of the declaration of invalidity of the long-term residence permit for the alien and his or her family members.

In the previous conclusion (Conclusions 2019), the Committee referred to its Statement of Interpretation (Statement of Interpretation on Article 19§8, Conclusions 2011), and asked whether the above mentioned rules may apply to foreign nationals who have been resident for a sufficient length of time without a residence permit but with the tacit acceptance of their illegal status by the authorities in view of the host country’s needs, and what are the usual practices in this respect in Estonia.

In reply, the report states that every person must have legal basis for staying in Estonia. It underlines that an illegal stay in Estonia cannot be a legal basis for obtaining a long-term residence status.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§8 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 9 - Transfer of earnings and savings

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee points out that no targeted questions were asked in relation to Article 19§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Estonia to be in conformity with Article 19§9 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§9, and the previous conclusion found the situation in Estonia to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§9 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 10 - Equal treatment for the self-employed

The Committee takes note of the information contained in the report submitted by Estonia.

On the basis of the information in the report the Committee notes that there continues to be no discrimination in law between migrant employees and self-employed migrants in respect of the rights guaranteed by Article 19.

However, in the case of Article 19§10, a finding of non-conformity in any of the other paragraphs of Article 19 ordinarily leads to a finding of non-conformity under that paragraph, because the same grounds for non-conformity also apply to self-employed workers. This is so where there is no discrimination or disequilibrium in treatment.

The Committee has found the situation in Estonia to be in conformity with the paragraphs 1 to 9, 11 and 12 of Article 19 of the Charter. Accordingly, the Committee concludes that the situation in Estonia is in conformity with Article 19§10 of the Charter.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§10 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 11 - Teaching language of host state

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee points out that no targeted questions were asked in relation to Article 19§11 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in Estonia to be in conformity with Article 19§11 of the Charter without raising any specific question.

Since no targeted questions were asked under Article 19§11, and the previous conclusion found the situation in Estonia to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§11 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 12 - Teaching mother tongue of migrant

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee points out that no targeted questions were asked in relation to Article 19§12 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee concluded that the situation in Estonia was in conformity with the Charter, without raising any specific question in this respect.

Since no targeted questions were asked under Article 19§12, and the previous conclusion found the situation in Estonia to be in conformity with the Charter without requesting any information, there was no examination of the situation in 2023.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 19§12 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 1 - Participation in working life

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 27§ 1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral, or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in Estonia to be in conformity with Article 27§1 of the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to equal opportunities and treatment, in particular on the possibilities to work remotely and its consequences.

In reply, the report states that the legislation did not change due to the Covid-19 crisis and there is no data available to evaluate if the said crisis had any impact on the rights of workers with family responsibilities to equal opportunities and treatment.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 27§1 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 2 - Parental leave

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 27§ 2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral, or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in Estonia to be in conformity with Article 27§2 of the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to parental leave.

In reply, the report states that the Covid-19 crisis did not have an impact on the right to parental leave.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 27§2 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 3 - Illegality of dismissal on the ground of family responsibilities

The Committee takes note of the information contained in the report submitted by Estonia.

The Committee recalls that no targeted questions were asked for Article 27§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral, or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in Estonia to be in conformity with Article 27§3 of the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on

- whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic and
- whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.

The report states that the Covid-19 crisis had no impact on the prohibition of dismissal on the ground of family responsibilities and no exceptions were made regarding that issue during the pandemic. It also states that there is no data on whether the compensation for unlawful dismissals on the ground of family responsibilities was applied during the Covid-19 crisis.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 27§3 of the Charter.