



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

2025

**FIFTH REPORT
ON THE NON-ACCEPTED PROVISIONS OF THE REVISED
EUROPEAN SOCIAL CHARTER**

Estonia

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I. OVERVIEW

The European Social Charter is based on a ratification system, which enables States Parties, subject to certain minimum requirements, to choose the provisions they are willing to accept as binding international legal obligations. This system is provided for by Article A of the revised European Social Charter (Article 20 of the 1961 Charter) and it allows States, at any time subsequent to ratification of the treaty, to notify the Secretary General of their acceptance of additional articles or paragraphs.

It is in the spirit of the Charter for States Parties to progressively increase their commitments, tending towards acceptance of additional and eventually all provisions of the Charter where possible, as opposed to an *à la carte* stagnancy.¹

The procedure on examination of reports on non-accepted provisions is provided for by Article 22 of the European Social Charter of 1961 (ETS No. 35). According to this provision, the States Parties shall send to the Secretary General, at appropriate intervals as requested by the Committee of Ministers, reports relating to the provisions of Part II of the Charter which they did not accept at the time of their ratification or by subsequent notification. The Committee of Ministers shall determine from time to time in respect of which provisions such reports shall be requested and the form of the reports to be provided.

In September 2022, the ECSR adopted a decision to henceforth implement the procedure on non-accepted provisions in respect of all State Parties to either Charter, in a reinforced manner. The current procedure provides for submission of written information by States Parties in accordance with a pre-established calendar, and additional bilateral meetings when it is deemed to represent an added value. The written information, submitted by the States Parties shall be made public upon its reception, and the national and international social partners, non-governmental organisations, national human rights institutions, equality bodies and other stakeholders are given the possibility to provide comments within three months after receipt of the written information.

II. EXECUTIVE SUMMARY

Estonia ratified the revised Charter on 11 September 2000 accepting 79 of its 98 paragraphs. On 27 June 2012, Estonia accepted 8 additional provisions of the Charter, thus accepting to be bound by 87 of the 98 paragraphs of the Charter. Thus far, the following 11 provisions have not been accepted by Estonia: Article 2§4, Article 3§4, Article 4§1, Article 7§§5 and 6, Article 10§5, Article 18§3, Article 23, and Article 31§§2 and 3. Estonia has not yet accepted the system of collective complaints.

The procedure on non-accepted provisions (Articles 2§4, 3§4, 4§1, 7§§5 and 6, 10§§2 and 5, 13§4, 18§§1, 2, 3 and 4, 23, 26§§1 and 2, 30 and 31§§1 to 3) was applied to Estonia for the first time in 2005, in the context of a meeting between members of the ECSR and the Government. Subsequent meeting took place in Tallinn on 20 September 2010. Following this meeting, the ECSR concluded that, from the point of view of the situation in law and in practice the situation was compatible with the requirements of the Charter in respect of the following provisions: Articles 2§4, 3§4, 7§5, 10§2, 13§4, 18§§1, 2, 3 and 4, 26§§1 and 2, 30. As regards

¹ The opening paragraph of Part I reads “The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised”, followed by the heading of all rights contemplated by the European Social Charter. Part III, Article A, provides that “each of the Parties undertakes [...] to consider Part I of the Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part”, followed by the rules on the choices available as regards provisions that Parties can declare to be bound by and which determine the modalities of monitoring under Part IV of the Charter. ([See CM\(2022\)196-final](#)).

Articles 4§1, 10§5, 23, 31§§1, 2 and 3 the ECSR considered that the legal situation and the practice was not fully compatible with the requirements of the Charter. As regards Article 7§5, the ECSR considered that further information was necessary to assess whether the situation in law and practice was compatible with the requirements of the Charter.

With a view of applying the procedure for the third time, the ECSR in January 2015 invited the Estonian authorities to provide written information on any progress achieved towards accepting further provisions. Having examined the written information, the ECSR considered that the situation was compatible with the requirements of the Charter in respect of Articles 2§4, 3§4, 7§6, 10§5, 18§3, 23 and 31§2. The legal situation and the practice was not fully compatible with the requirements of the Charter in respect of Articles 4§1, 31§1 and 31§3. Further information was needed to assess whether the situation in law and practice was compatible with the requirements of the Charter as regards Article 7§5.

With a view of carrying out the procedure in 2020, the ECSR invited Estonia to provide written information on the non-accepted provisions of the Charter. After examining the written information provided by the Government of Estonia in 2020, the ECSR considered that the situation was compatible with the requirements of the Charter in respect of Articles 2§4, 3§4, 7§6, 10§5, 18§3, 23, 31§2 and 31§3 of the Charter. The legal situation and the practice was not fully compatible with the requirements of the Charter in respect of Articles 4§1, 7§5 and 31§1.

With a view of carrying out the procedure for the fifth time in 2025, The Estonian authorities were invited to provide written information on the non-accepted provisions of the Charter.

After examining the written information provided by the Government of Estonia in 2025, the ECSR considered that the situation was compatible with the requirements of the Charter in respect of Articles 2§4, 3§4, 7§6, 10§5, 18§3, 23, 31§2 and 31§3 of the Charter. The legal situation and the practice was not fully compatible with the requirements of the Charter in respect of Articles 4§1, 7§5 and 31§1. The ECSR encourages the Estonian authorities to take the necessary steps enabling acceptance of these provisions.

This fifth examination of the non-accepted provisions is based on the adjusted procedure on non-accepted provisions. In terms of this procedure, Estonia was invited on **18 November 2024** to submit written information before 31 March 2025. The requested written information was registered on **4 April 2025**, and it was subsequently published on the [CoE website](#).²

Having examined the written information provided by Estonia, the ECSR considers that the situation in Estonia is compatible with the requirements of the Charter in respect of Articles 2§4, 3§4, 7§6, 10§5, 18§3, 23, 31§2 and 31§3 of the Charter; that the legal situation and the practice is not fully compatible with the requirements of the Charter in respect of Articles 4§1, 7§5 and 31§1.

The ECSR also invites Estonia to accept the collective complaints procedure, in order to increase the effectiveness, speed and impact of the implementation of the Charter and strengthen the role of the social partners and non-governmental organisations, as well as make a declaration enabling national NGOs to submit collective complaints, as a step towards meeting the strong interest of domestic NGOs in the continuous strengthening of social standards at the national level.

² [National report on non-accepted provisions of the European Social Charter – April 2025](#)

The ECSR remains at the disposal of the Government for enhanced dialogue on the provisions of the Charter and the relevant case law and invites Estonia to undertake further commitments under the Charter as soon as possible.

A table showing the provisions of the revised Charter accepted by Estonia appears in Appendix I.

The next examination of the provisions not yet accepted by Estonia will take place in 2030.

II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS OF THE REVISED EUROPEAN SOCIAL CHARTER

Article 2§4 - The right to just conditions of work

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake: to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations.

Situation in Estonia

The Government indicates that occupational health and safety is regulated in the Occupational Health and Safety Act (OHSA) of 16 June 1999 and the Government regulations issued under the OHSA. There were some changes during the period of 2020-2024.

In 2023, a new list of occupational diseases entered into force, and the following occupational diseases caused by psychosocial agents in the working environment were added: post-traumatic stress disorder and other diseases caused by psycho-social agents in the working environment.

Also, as a result of the Covid-19 pandemic, there was a need for more accurate regulation of obligations related to telework, more specifically of risk assessment. Employer can allow teleworking in jobs where the risk of damage to the worker's health is low, and the worker is able to manage the hazards in the environment on-site on the basis of the employer's instructions. As it is difficult for an employer to adequately control the worker's working conditions in a teleworking environment, teleworking should not be performed if special requirements apply (forced ventilation, noise isolation).

The Government also indicates that since 2023, the occupational health doctor, in addition to carrying out workers' health examinations, performs comprehensive analysis of the workplace's occupational health situation based on the findings from the worker's health examinations. The aim of the changes was to improve the organisation and quality of occupational health services, including collaboration between employers and occupational health doctors, to support the protection of the workers' health in the workplace and to prevent and detect work-related health issues at an early stage. The occupational health doctor will not only conduct health checks for workers but also assess the overall occupational health situation of the company.

The Government states that a workplace risk assessment tool has been implemented within the Labour Inspectorate's Occupational Environment Self-Service system (TEIS) to facilitate employers in evaluating workplace risks. The development of TEIS aims to enhance companies' awareness of occupational hazards, provide essential support, facilitate informed decision-making, and offer constructive feedback to improve workplace conditions.

The Government also states that, according to updated OHSA, two service providers must inform each other of hazards related to their activities and ensure that their operations do not pose a risk to workers. The amendment was driven by the need to ensure a safe working environment for both service providers and workers operating within a shared workspace. The new regulation states that if a self-employed individual providing a service works at a workplace alongside employees of another employer, the latter must inform them of the hazards present in the workplace and provide guidance on how to avoid them.

The Government states that, according to updated OHSA, a worker and an employer have the right to agree in written form on a temporary basis on performance of work corresponding to a state of health on the basis of a certificate for sick leave, if more than 60 calendar days have passed from the date of release from the performance of employment or service duties indicated in the worker's certificate for sick leave and the release from the performance of employment or service duties lasts for at least 90 calendar days.

The Government states that the Estonian OHSA is in compliance with the EU regulations, which state that the employer has a duty to ensure the safety and health of workers in all aspects of their work, by applying appropriate measures, but these measures do not include shortening the working day or granting additional paid leave. Extra leave or shorter working hours should not be regulated in the law but can form a part of an agreement between employers and workers.

The Government further provides information on the measures taken to implement the legal framework. The main actions are described in the Welfare Development Plan 2016-2023 and the Welfare Development Plan 2023-2030. Also, Estonia's long-term strategy, Estonia 2035, consists of a general part and an action plan, with the topics such as modernisation of occupational health services to support health and reduce work capacity loss, preparation for the future of work. Also, some occupational health instruments are set in Public Health Development Plan 2020-2030.

The Government states that supervision is exercised by the Labour Inspectorate, which also developed online tools and resources for small and medium-sized enterprises to facilitate compliance with health and safety regulations.

The Government finally provides some statistics on the activities of the Labour Inspectorate in 2020-2024 in the field of occupational health and safety. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

ECSR interpretation (DIGEST)

Article 2§4 requires States Parties to eliminate risks in inherently dangerous or unhealthy occupations.³ In assessing States Parties' compliance with Article 2§4, the ECSR examines firstly what measures have been taken to progressively eliminate the inherent risks in dangerous or unhealthy occupations.⁴ Secondly, it examines what compensatory measures are applied to workers who are exposed to risks that cannot be or have not yet been eliminated or sufficiently reduced, either in spite of the effective application of the preventive measures or because they have not yet been applied.⁵

³ [Conclusions XX-3 \(2014\) Germany](#)

⁴ [Conclusions XX-3 \(2014\) Germany](#)

⁵ [Conclusions XX-3 \(2014\) Germany](#)

The first part of Article 2§4 is closely linked to Article 3 of the Charter, under which States Parties undertake to pursue policies and take measures to improve occupational health and safety.⁶

Self-employed workers must be sufficiently covered by occupational health and safety regulations.⁷

Where risk elimination is not possible or where risks have not been reduced or eliminated, Article 2§4 mentions two forms of compensation, namely reduced daily working hours and additional paid holidays.⁸ In view of the emphasis in this provision on health and safety objectives, however, other approaches to reducing exposure to risks may also ensure conformity with the Charter.⁹

Under no circumstances can financial compensation be considered a relevant and appropriate measure to achieve the aims of Article 2§4.¹⁰

Compensation measures such as one additional day's holiday and a maximum weekly working time of 40 hours have been considered inadequate in that they do not offer workers exposed to risks regular and sufficient time to recover.¹¹

Measures intended to compensate workers for exposure to residual risks must be regulated at the central level and must not be left to the agreements between the social partners.¹²

Opinion of the ECSR

The ECSR takes note of the initiatives of the Government undertaken during the reference period. It recalls that the assessment of national situations under Article 2§4 takes into account the information provided and the conclusion reached in respect of Article 3§2¹³, which was a conclusion of conformity in Conclusions 2021. Estonia has accepted Articles 3§§1-3 and 11§§1-3 of the Charter.

The ECSR also reiterates that the Government states that the measures can form a part of an agreement between employers and workers, although according to the ECSR case-law, measures taken should not be left to the agreements between the social partners.

In the light of the information provided by the Government, the Committee considers that the situation in respect of Article 2§4 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 3§4 - The right to safe and healthy working conditions

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

⁶ [Conclusions 2018, Latvia](#)

⁷ [Conclusions XX-3 \(2014\), Greece](#)

⁸ [Marangopoulos Foundation for Human Rights \(MFHR\) v. Greece](#), Complaint No. 30/2005, decision on the merits of 6 December 2006, §236

⁹ Conclusions (XVIII-2) 2007, Statement of Interpretation on Article 2§4

¹⁰ [Conclusions XIII-3 \(1995\), Greece](#)

¹¹ [Conclusions XX-3 \(2014\), Greece](#)

¹² [Conclusions 2014, the Netherlands](#)

¹³ [Conclusions 2021, Estonia](#)

to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.

Situation in Estonia

The Government indicates that the changes described under Article 2§4 are also relevant for Article 3§4. It reiterates that the provision of occupational health services still poses a number of problems which do not allow to ratify the provision, such as the lack of occupational health specialists and uneven quality of occupational health services.

With regard to the measures taken to implement the legal framework, the Government states that, in addition to the information provided under Article 2§4, in 2023 guidelines were developed by occupational health doctors. They establish a uniform standard for addressing the health effects of occupational hazards. Additionally, the guidelines provide clarifications for primary care physicians, specialists, and other healthcare professionals involved in occupational health services. It supports better collaboration in different diagnosis, treatment, rehabilitation, health management.

The Government provides some statistics. According to the Estonian working life survey of 2021, approximately 5% of organisations with at least five workers are free from workplace hazards. Additionally, around 15% of workers either do not encounter work-related hazards at all or are exposed to them for less than 25% of their working time. Workplace accidents have occurred in approximately 9% of organisations in the year preceding the survey. To facilitate early detection of health issues and identify work-related hazards, 87% of employers sent their workers for occupational health checks within the three years preceding the survey. While employed at their current organisation, 67% of the workers have undergone a medical examination by an occupational health doctor.

The Government further states that the number of registered occupational diseases and work-related illnesses has remained stable during the reporting period. However, 2020 was an exceptional year with a high number of work-related illnesses being recorded. Over the years, most cases of work-related illnesses have been registered in the construction, healthcare and the manufacturing sectors.

In March 2025, there were 80 occupational health services, 109 certified occupational physicians and 24 certified occupational health nurses. According to the Register of Economic Activities, there are 114 non-medical service providers. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

ECSR interpretation (DIGEST)

Article 3§4 requires States parties to promote, in consultation with employers' and workers' organisations, the progressive development of occupational health services that are accessible to all workers, in all branches of economic activity and for all enterprises.¹⁴ If those services are not established within all enterprises, public authorities must develop a strategy, in consultation with employers' and workers' organisations, for that purpose.¹⁵

Occupational health services, which are specialised in occupational medicine, have preventive and advisory functions, beyond mere safety at work.¹⁶ They contribute to conducting workplace-related risk assessment and prevention, worker health supervision, training in

¹⁴ [Conclusions 2003, Bulgaria](#)

¹⁵ [Conclusions 2003, Bulgaria](#)

¹⁶ [Conclusions 2009, Andorra](#)

matters of occupational safety and health, as well as to assessing working conditions impact on worker health¹⁷. Occupational health services must be trained, endowed and staffed to identify, measure and prevent work-related stress, aggression and violence.¹⁸

Opinion of the ECSR

The ECSR takes note of the developments that took place during the reference period, in particular the guidelines developed by occupational health doctors and the statistical information provided by the Government.

In the light of the information provided by the Government, the Committee considers that the situation in respect of Article 3§4 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 4§1 - The right to a fair remuneration

With a view to ensuring the effective exercise of the right to fair remuneration, the Parties undertake:

to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living.

Situation in Estonia

The Government states that relevant information was submitted to the ECSR in 2015. In addition, a new provision in the Employment Contracts Act entered into force on 22 November 2021, according to which the Government establishes the minimum wage on the basis of collective agreement concluded between the employers' confederation and the central federation of trade unions. The Collective Agreements Act was also supplemented by a provision which introduced the regulation on the agreement on national minimum wage. By way of a collective agreement a confederation of employers and a confederation of employees may agree upon a national minimum wage applicable to all employees and employers.

The Government states that, as the ECSR has reaffirmed, the situation in Estonia is not fully compatible with Article 4§1 and therefore the Government does not see the possibility of ratifying this Article.

With regard to the measures taken to implement the legal framework, the Government states that on 19 December 2024 it issued Regulation No. 87 on the Establishment of Minimum Wages, pursuant to which the minimum wage was set for 2025 at €5.31 per hour and at €886 per month (gross). Wage levels have steadily increased over the years. Meanwhile, the ratio of the minimum wage to the average and median wage has remained stable at approximately 40% and 50% respectively.

The Government states that in the last years most amendments in labour policy have taken place by agreement of social partners. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

ECSR interpretation (DIGEST)

Article 4§1 guarantees the right to a fair remuneration such as to ensure a decent standard of living. It applies to all workers, including to civil servants and contractual staff in the state,¹⁹

¹⁷ [Conclusions 2003, Bulgaria](#)

¹⁸ Conclusions 2013, Statement of Interpretation on Article 3

¹⁹ [Conclusions XX-3 \(2014\), Greece](#)

regional and local public sectors, to branches or jobs not covered by collective agreement, to atypical jobs (assisted employment),²⁰ and to special regimes or statuses (e.g. migrant workers).²¹

The concept of a “decent standard of living” goes beyond merely material basic necessities such as food, clothing and housing, and includes resources necessary to participate in cultural, educational and social activities.²²

To be considered fair within the meaning of Article 4§1, the minimum wage paid in the labour market must not fall below 60% of the net average national wage.²³ The assessment is based on net amounts, i.e. after deduction of taxes and social security contributions.²⁴ For this purpose, taxes are all taxes on earned income. Indirect taxes are thus not taken into account.²⁵ Where net figures are difficult to establish, it is for the State Party concerned to provide estimates on this amount.²⁶

When a statutory national minimum wage exists, its net value for a full-time worker is used as a basis for comparison with the net average full-time wage (if possible calculated across all sectors for the whole economy, but otherwise for a representative sector such as a manufacturing industry or for several sectors).²⁷ Otherwise, regard is had to the lowest wage determined by collective agreement or the lowest wage actually paid.²⁸ This may be the lowest wage in a representative sector, for example, the manufacturing industry.²⁹

Where the net minimum wage is between 50% and 60% of the net average wage, it is for the State Party to establish that this wage permits a decent standard of living.³⁰ Where the minimum wage is low, the Committee may, when assessing compliance with Article 4§1, take into consideration other elements, such as whether workers are exempt from the co-payment in respect of healthcare or have the right to increased family allowances.³¹

A wage does not meet the requirements of the Charter, irrespective of the percentage, if it does not ensure a decent living standard in real terms for a worker, i.e. it must be clearly above the poverty line for a given country.³²

In extreme cases, for instance where the lowest wage is less than half the average wage the situation will be held to be in breach of the Charter independently of such evidence.³³

Opinion of the ECSR

According to the information provided by the Government, minimum wage is at 40% of the net average national wage and it cannot be considered as ensuring a decent standard of living.

²⁰ [Conclusions 2014, France](#)

²¹ [Conclusions 2014, Andorra](#)

²² [Conclusions 2010, Statement of Interpretation on Article 4§1](#)

²³ [Conclusions XIV-2 \(1998\), Statement of Interpretation on Article 4§1](#)

²⁴ [Conclusions XIV-2 \(1998\), Statement of Interpretation on Article 4§1](#)

²⁵ [Conclusions XIV-2 \(1998\), Statement of Interpretation on Article 4§1](#)

²⁶ [Conclusions XVI-2 \(2003\), Denmark](#)

²⁷ [Conclusions XIV-2 \(1998\), Statement of Interpretation on Article 4§1](#)

²⁸ [Conclusions XVI-2 \(2003\), Denmark](#)

²⁹ [Conclusions XIV-2 \(1998\), Statement of Interpretation on Article 4§1](#)

³⁰ [Conclusions XVI-2 \(2003\), Denmark](#)

³¹ [Conclusions XVI-2 \(2004\), Portugal](#)

³² [Conclusions XIV-2 \(1998\), Statement of Interpretation on Article 4§1](#)

³³ [Conclusions XIV-2 \(1998\), Statement of Interpretation on Article 4§1](#)

In the light of the above information, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

Article 7§5 - The right to vocational training

***With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:
to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances.***

Situation in Estonia

According to the information provided by the Government, there have been no changes to the legal framework regarding the wages of young workers.

The Government is of the view that ratification of Article 7§5 is not reasonable at the moment, given that the situation in Estonia is not in conformity with Article 4§1.

The Government provides some statistics. The share of 15–26-year-olds who are employed, studying or combining both has remained relatively stable. Over the reporting period, 60-62% were studying, 42-43% were employed and 15-18% were both working and studying. For 15-18-year-olds the distribution has also been consistent: 94-96% were studying, 6-9% were employed and 5-8% were both working and studying.

The Government states that the average monthly gross wage of employed persons under the age of 25 has been consistently lower than that of all other age groups (€1,420 in 2024). The wage ratio has also remained stable over the years. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

ECSR interpretation (DIGEST)

In application of Article 7§5, domestic law must provide for the right of young workers to a fair wage and of apprentices to appropriate allowances.³⁴ This right may result from statutory law, collective agreements or other means.³⁵

The “fair” or “appropriate” character of the wage is assessed by comparing young workers’ remuneration with the starting wage or minimum wage paid to adults (aged 18 or above).³⁶

The young worker’s wage may be less than the adult starting wage, but any difference must be reasonable.³⁷ It must not be too substantial and ought to be for a limited time.³⁸ For 15-16-year-olds, a wage of 30% lower than the adult starting wage is acceptable and for 16-18-year-olds, the difference may not exceed 20%.³⁹

³⁴ [Conclusions 2019, Azerbaijan](#)

³⁵ [Conclusions 2019, Azerbaijan](#)

³⁶ [Conclusions XI-1 \(1991\) United Kingdom](#)

³⁷ [Conclusions 2019, Azerbaijan](#)

³⁸ [Conclusions II \(1971\), Statement of Interpretation on Article 7§5](#)

³⁹ [Conclusions 2006, Albania](#)

The adult reference wage must in all cases be sufficient to comply with Article 4§1 of the Charter.⁴⁰ If the reference wage is too low, even a young worker's wage which respects these percentage differentials is not considered fair.⁴¹

Apprentices may be paid lower wages, since the value of the on-the-job training they receive must be taken into account.⁴² After two or three years' vocational training, an apprentice is sufficiently trained and should be considered as an adult worker for wage purposes.⁴³

Opinion of the ECSR

The ECSR reiterates its opinion that, since the level of the minimum wage seems to be inadequate, as indicated under Article 4§1, the level of wages for young workers cannot be considered as fair.

In the light of the above information, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

Article 7§6 - The right to vocational training

***With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:
to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day.***

Situation in Estonia

According to the information provided by the Government, there have been no changes to the legal framework regarding vocational training of young people during normal working hours. The Government points out the amendments to the Employment Contracts Act that entered into force on 1 September 2025. According to the amendments, an employer may enter into an employment contract with a minor of 13-14 years of age or a minor of 15-16 years of age subject to the obligation to attend school and allow them to work if the duties are simple and do not require any major physical or mental effort. The right to conclude an employment contract for light work, which currently applies to 15-16-year-olds subject to compulsory schooling is expanded to include 15-17-year-olds subject to compulsory schooling. Similarly, working time restrictions applicable to minors subject to compulsory schooling will also apply to minors of at least 15 years of age. This means that a minor who has completed basic education but is still subject to compulsory schooling will be subject to a working time restriction of two hours per day and 12 hours per week during the school quarter. When the school is not operating, minors of 15 years old can work for eight hours per day and 40 hours per week. Finally, the working time of a minor who has fulfilled the obligation to attend school shall not exceed eight hours per day and 40 hours per week over a reference period of seven days.

In the Government's view, adding an obligation to include the worker's vocational training as part of the working time (and thus pay wages for that time), although the need for training has not arisen due to the need of the employer, may lead to a situation where a young worker

⁴⁰ [Conclusions IX-1 \(1987\) United Kingdom](#)

⁴¹ [Conclusions IX-1 \(1987\) United Kingdom](#)

⁴² [Conclusions II \(1971\), Statement of Interpretation on Article 7§5](#)

⁴³ [Conclusions II \(1971\), Statement of Interpretation on Article 7§5](#)

becomes less attractive for the employer because of the additional costs involved. Thus it could have a negative impact on youth employment, which is already problematic in Estonia. Accepting Article 7§5 is therefore not reasonable at the moment.

The Government provides some statistics, according to which the number of students enrolled in vocational education institutions under workplace-based study arrangements has been declining in recent years, primarily because of the end of a European Social Fund funded project. Workplace-based vocational education remains predominantly pursued by students aged 25 and older. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

ECSR interpretation (DIGEST)

Time spent on vocational training by young people during normal working hours must be treated as part of the working day.⁴⁴ Such training must, in principle, be done with the employer's consent, but not necessarily financed by the latter and be related to the young person's work.

Training time must thus be remunerated as normal working time (by either the employer or by public funds as the case may be), and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked.⁴⁵

Opinion of the ECSR

The ECSR considers that there have been no major changes to the legal framework on vocational training of young people during normal working hours. The ECSR takes note of the information that the number of students enrolled in vocational education institutions under workplace-based study arrangements has been declining. It also takes note of the information that employers may enter into employment contracts with children and young persons.

In the light of the information provided by the Government, the Committee considers that the situation in respect of Article 7§6 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 10§5 - The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

to encourage the full utilisation of the facilities provided by appropriate measures such as:

a reducing or abolishing any fees or charges;

b granting financial assistance in appropriate cases;

c including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;

d ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Situation in Estonia

⁴⁴ [Conclusions XV-2 \(2001\), the Netherlands](#)

⁴⁵ [Conclusions V \(1977\), Statement of Interpretation on Article 7§6](#)

According to the information provided by the Government, the legal framework for vocational education and training has not changed, but some amendments were made to the Vocational Educational Institutions Law in 2020-2024. The amendments include the change of the institution responsible for quality assessment when granting the right to conduct studies, changes to the national curriculum.

Also, the right to conduct preparatory studies was granted in 2024 (entered into force on 1 September 2025). Preparatory education is a level of education in the personal development curriculum group, during which the competences necessary for continuing secondary education or vocational education at the second qualification level are acquired. The purpose of preparatory education is to support the student in getting to know themselves and understanding the options available, and to ensure the student's readiness to make and implement decisions related to studies and working life.

Furthermore, paid vocational education was established in 2024 (enters into force in 2025). (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

The Government agrees with the Committee's conclusion that the situation in respect of Article 10§5 is compatible with the requirements of this provision of the Charter, however, the possible ratification of Article 10§5 needs to be more thoroughly analysed.

ECSR interpretation (DIGEST)

i. reducing or abolishing any fees or charges;

States Parties must ensure that vocational training, as defined in paragraph 1, is provided free of charge or that fees are progressively reduced.⁴⁶

ii. granting financial assistance in appropriate cases;

The granting of financial assistance in appropriate cases means providing financial assistance to persons who would not otherwise be in a position to undergo apprenticeship or training.⁴⁷ It entails, in addition to free or low-cost training, the provision of assistance in the form of grants, allowances or other arrangements where necessary.⁴⁸ States Parties must provide financial assistance either universally, or subject to a means-test, or awarded on the basis of the merit.⁴⁹ The number of beneficiaries and the amount of financial assistance are also taken into consideration for assessing compliance with this provision.⁵⁰

iii. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;

The time spent on supplementary training at the request of the employer must be included in the normal working-hours.⁵¹ Supplementary training means any kind of training that may be helpful in connection with the current occupation of the workers and aimed at increasing their skills.⁵² It does not imply any previous training.⁵³ The term "during employment" means that the

⁴⁶ [Conclusions 2020, Malta](#)

⁴⁷ [Conclusions XIII-1 \(1993\), Türkiye](#)

⁴⁸ [Conclusions XIII-1\(1993\),Türkiye](#)

⁴⁹ [Conclusions XIX-1 \(2008\), Türkiye](#)

⁵⁰ [Conclusions 2016, Italy; Conclusions XIV-2 \(1998\), Ireland](#)

⁵¹ [Conclusions 2020, Türkiye](#)

⁵² [Conclusions 2020, Türkiye](#)

⁵³ [Conclusions 2020, Türkiye](#)

worker shall be currently under a working relationship with the employer requiring the training.⁵⁴

iv. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

States Parties must evaluate their vocational training programmes for young workers, including the apprenticeships.⁵⁵ In particular, the participation of employers' and workers' organisations is required in supervising the effectiveness of training schemes.⁵⁶

Opinion of the ECSR

The ECSR takes note of the information provided by the Government and the Government's opinion that Article 10§5 of the Charter could be accepted.

In the light of the information provided by the Government, the Committee considers that the situation in respect of Article 10§5 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 18§3 – The right to engage in a gainful occupation in the territory of other Parties

***With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:
to liberalise, individually or collectively, regulations governing the employment of foreign workers.***

Situation in Estonia

According to the information provided in the report, the general legal framework has not changed. However, the Aliens Act was amended several times. For example, the remuneration may also be paid by a company located outside EU. It was specified that a temporary residence permit for an intra-corporate transferee may be issued without the permission of the Estonian Unemployment Insurance Fund (EUIF). In 2020 Estonia introduced the Digital Nomad Visa, which allows remote workers to live in Estonia and legally work for their employer or their own company registered abroad.

To make the entry into the labour market easier for Ukrainian nationals fleeing the war, requirements for registering short-term employment were dropped. Also, Aliens Act was amended with regard to the regulation of the entry, temporary stay, residence and employment in Estonia. With regard to highly qualified workers, top specialists' remuneration requirement was reduced from twice the Estonian average wage to 1.5 times the average wage. With the wage requirement lowered, other industries such as the machinery industry are now able to recruit top specialists who are exempt from the immigration quota and work permit from the EUIF.

Also, a new type of temporary residence permit for short-term employment was introduced, which allows foreigners who have worked in Estonia on a short-term basis for at least nine months to apply for a residence permit that is valid for up to two years.

⁵⁴ [Conclusions 2020, Türkiye](#)

⁵⁵ [Conclusions 2020, Lithuania](#)

⁵⁶ [Conclusions XIV-2 \(1998\), United Kingdom](#)

A new initiative for hiring foreign labour to a growth company was introduced. Growth companies are allowed to offer salaries to foreign workers that are at least 80% of the average salary in Estonia and residence permits issued to foreign workers of a growth company are not subject to the annual immigration quota.

In 2023, there was an important change made regarding digitalisation of processes.

Also, an introductory welcoming programme that was launched in 2015 had some important updates regarding language trainings in 2022 and 2023.

In 2021, the Government approved the new “Internal security development plan 2020-2030” which sets goals for Estonian migration policy. In 2022 Enterprise Estonia and Work in Estonia developed an action plan for 2022-2025 for attracting external talent under Work in Estonia programme. In addition, the Police and Border Guard offers migration advisory service to help both foreigners planning to settle in Estonia or residing in Estonia as well as companies and organisations that hire foreigners to get personalised and trustworthy advice on the matters of migration and migration law.

The Government provides some statistics on decisions to issue first time residence permits for employment, refusals to issue such permits, decisions to extend the residence permits for employment, refusals to renew the permits, decisions to register short-term employment and decisions to refuse to register short-term employment. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

The Government notes that, although Estonia is in line with Article 18§3, in order to keep the flexibility to develop legislation according to the actual needs of the Estonian economy in cooperation with social partners and relevant professional associations, Estonia prefers not to ratify the provision.

ECSR interpretation (DIGEST)

Access to the national labour market

The conditions laid down for access by foreign workers to the national labour market must not be excessively restrictive, in particular with regard to the geographical area in which the occupation can be carried out and the requirements be met.⁵⁷

States Parties may make foreign nationals' access to employment on their territory subject to possession of a work permit but they cannot ban nationals of States Parties in general from occupying jobs for reasons other than those set out in Article G of the Charter.⁵⁸ A person who has been legally resident for a given length of time on the territory of another Party should be able to enjoy the same rights as national of that country.⁵⁹ The restrictions initially imposed with regard to access to employment must therefore be gradually lifted.⁶⁰

In order not to be in contradiction with Article 18 of the Charter, the implementation of policies limiting access of third-country nationals to the national labour market, should neither lead to a complete exclusion of nationals of non-EU (or non-EEA) States Parties to the Charter from

⁵⁷ [Conclusions V \(1977\), Germany](#)

⁵⁸ [Conclusions 2012, Ireland](#)

⁵⁹ [Conclusions 2012, Ireland](#)

⁶⁰ [Conclusions 2012, Ireland](#)

the national labour market, nor substantially limit the possibility for them of acceding the national labour market.⁶¹

The situation is not in conformity with Article 18§3 where the majority of refusals of work permit applications for nationals of non-EU/EEA States Parties to the Charter are the result of the application of so-called “priority worker” rules, as this does not show that the regulations have been applied in a liberal spirit.⁶²

The situation is not in conformity with Article 18§3 when the regulations governing access to self-employment of foreign workers have not been liberalised and foreign workers wishing to engage in a self-employed activity are subjected to a 5-year residence requirement and must demonstrate the creation of 10 new jobs on the market.⁶³

Recognition of certificates, qualifications and diplomas

Article 18§3 requires each State Party to liberalise regulations governing the employment of foreign workers, in order to ensure to the workers from other States Parties the effective exercise of the right to engage in a gainful occupation.⁶⁴

States Parties must make efforts to liberalise regulations governing the recognition of foreign certificates, professional qualifications and diplomas, progressively reducing the disadvantages for foreign workers to engage in a gainful occupation due to lack of recognition of foreign diplomas or professional qualifications substantially equivalent to those issued by national authorities, schools, universities or other training institutions.⁶⁵

Rights in the event of loss of employment

The loss of employment should not lead to the cancellation of the residence permit, as this would require the worker to leave the country as soon as possible.⁶⁶ The validity of the residence permit should in fact be extended to give them enough time to find a new job.⁶⁷

Early termination of the employment relationship of a foreign national for professional misconduct resulting in the automatic withdrawal of that person’s residence permit with no possibility of seeking new employment is also contrary to Article 18§3 of the Charter.⁶⁸

Opinion of the ECSR

The ECSR welcomes recent steps taken concerning the simplification of procedures and facilitation of integration of foreigners. It also notes that the authorities are still reluctant to accept the provision even though they admit that the conditions are met to do so.

In the light of the information provided by the Government, the Committee considers that the situation in respect of Article 18§3 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

⁶¹ [Conclusions 2012, Statement of Interpretation on Article 18§1 and 18§3](#)

⁶² [Conclusions XXII-1 \(2020\), Iceland](#)

⁶³ [Conclusions 2020, Türkiye](#), citing [Conclusions 2016, Türkiye](#)

⁶⁴ [Conclusions 2012, Statement of Interpretation on Article 18§3](#)

⁶⁵ [Conclusions 2012, Statement of Interpretation on Article 18§3](#)

⁶⁶ [Conclusions XXII-1 \(2020\), Germany](#)

⁶⁷ [Conclusions XXII-1 \(2020\), Germany](#), citing [Conclusions XVII-2 \(2005\), Finland](#)

⁶⁸ [Conclusions 2020, the Netherlands](#)

The ESCR notes that, although requested in the last report, no information is provided on the requirement to guarantee rights in the event of loss of employment and it reiterates this request for information.

Article 23 – The rights of elderly persons to social protection

With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

- **to enable elderly persons to remain full members of society for as long as possible, by means of:**
 - a. **adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;**
 - b. **provision of information about services and facilities available for elderly persons and their opportunities to make use of them;**
- **to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:**
 - a. **provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;**
 - b. **the health care and the services necessitated by their state;**
- **to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.**

Appendix: For the purpose of the application of this paragraph, the term « for as long as possible » refers to the elderly person's physical, psychological and intellectual capacities.⁶⁹

Situation in Estonia

According to the information provided in the report, there were no changes to the legal framework concerning the regulation of the Equal Treatment Act described in the previous report. There was a proposal of a draft law merging the Gender Equality Act and the Equal Treatment Act, however, due to the changes in the Government in 2024, the draft law halted.

There was a first-pillar pension reform in 2021, which made the pension formula more solidarity based and introduced the flexible pension. From 2027, the retirement age will be linked to life expectancy. Also, from 1 January 2025, contributions to pillar II can be made at 4% or 6% of the gross salary instead of the usual 2%. Higher contributions ensure better retirement security for future pensioners.

The Welfare Development Plan 2023-2030 aims to ensure equal treatment and to promote equal opportunities for self-realisation and participation for minorities and persons with special needs. Additionally, activities are implemented to improve physical and digital accessibility, which supports participation of people with special needs, including older persons, in society.

⁶⁹ [Appendix to the European Social Charter \(Revised\), European Treaty Series - No. 163](#)

Estonia's Pension Awareness Strategy 2023-2027 aims to enhance public understanding of the pension system, entitlements and the importance of pension savings.

Every five years, an analysis monitoring the adequacy and sustainability of the pension system is conducted, providing an assessment of the overall state of pensions. The Estonian minimum pension does not reach the standard for pensions set by the ECSR. In the EU, Estonia has the biggest difficulties in ensuring the adequate pension replacement rate and, as a result, the relative poverty rate of older persons in Estonia is among the highest in the EU. The gender pension gap is practically non-existent. Estonia's low pensions result from the fact that Estonia spends very little on pensions. On average, persons born before 1983 and who did not join the pillar II start receiving the lowest pension. The impact of pillar III on the average pension is small in the coming decades.

The Government provides some statistics. For Example, in 2024, the average wage was €1,981 and the average old-age pension was €756.5. At-risk-of-poverty rate of persons of 65 and older was 39.4% in 2024. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

In the Government's view, it is not possible for Estonia to ratify Article 23 because Estonia is not in full conformity with the provision.

ECSR interpretation (DIGEST)

Article 23 of the Charter is the first human rights treaty provision to specifically protect the rights of older persons.⁷⁰

One of the primary objectives of Article 23 is to enable older persons to remain full members of society. Equal treatment calls for an approach based on the equal recognition of the value of older persons' lives.⁷¹

Article 23 overlaps with other provisions of the Charter which protect older persons as members of the general population, such as Article 11 (Right to protection of health),⁷² Article 12 (Right to social security),⁷³ Article 13 (Right to social and medical assistance) and Article 30 (Right to protection against poverty and social exclusion).⁷⁴ Article 23 requires States Parties to make focused and planned provision in accordance with the specific needs of older persons.

Non-discrimination legislation should exist at least in certain domains protecting persons against discrimination on grounds of age.⁷⁵

Legislative framework

Article 23 requires States Parties to combat age discrimination in a range of areas beyond employment, namely in access to goods, facilities and services.⁷⁶

⁷⁰ [Conclusions XIII-3 \(1995\), Statement of Interpretation on Article 4 of the Additional Protocol \(Article 23\)](#)

⁷¹ [Statement on Covid-19 and social rights adopted on 24 March 2021](#)

⁷² [Statement of Interpretation on the right to protection of health in times of pandemic, 20 April 2020](#)

⁷³ [General Introduction to Conclusions 2017](#)

⁷⁴ [Conclusions 2017, Ukraine](#)

⁷⁵ [Fellesforbundet for Sjøfolk \(FFFS\) v. Norway](#), Complaint No. 74/2011, decision on the merits of 2 July 2013, §115

⁷⁶ [Conclusions 2009, Andorra](#)

Article 23 requires the States Parties to make sure that they have appropriate legislation to, firstly, combat age discrimination outside employment and to, secondly, provide for a procedure of assisted decision making.⁷⁷

There should be a national legal framework related to assisted decision making for older persons guaranteeing their right to make decisions for themselves.⁷⁸

The national legal framework must provide appropriate safeguards to prevent the arbitrary deprivation of autonomous decision making by older persons, including in instances of reduced decision-making capacity.⁷⁹ It must be ensured that any person acting on behalf of older persons interferes to the least possible degree with their wishes and rights.⁸⁰

Article 23 also requires States Parties to take appropriate measures against the abuse of older persons.⁸¹

to enable elderly persons to remain full members of society for as long as possible, by means of:

a.adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;

The primary focus of the right to adequate resources is on pensions. Pensions and other state benefits must be sufficient in order to allow older persons to lead a 'decent life' and play an active part in public, social and cultural life.⁸²

However when assessing the adequacy of resources of older persons under Article 23, all social protection measures guaranteed to older persons and aimed at maintaining an income level allowing them to lead a decent life and participate actively in public, social and cultural life are taken into account.⁸³ In particular, pensions, contributory or non-contributory, and other complementary cash benefits available to older persons are examined.⁸⁴ These resources are then compared with the median equivalised income.⁸⁵ The ECSR also takes into consideration relevant indicators relating to at-risk-of-poverty rates for persons aged 65 and over.⁸⁶

b.provision of information about services and facilities available for elderly persons and their opportunities to make use of them;

The ECSR examines the existence, extent and cost of home help services; community based services; specialised day care provision for persons with dementia and related illnesses; and services such as information, training and respite care for families caring for older persons, in particular, highly dependent persons; as well as cultural leisure and educational facilities available to older persons.⁸⁷

⁷⁷ [Conclusions 2017, Andorra](#)

⁷⁸ [Conclusions 2013, Statement of Interpretation Article 23 – assisted decision-making](#)

⁷⁹ [Conclusions 2013, Statement of Interpretation Article 23 – assisted decision-making](#)

⁸⁰ [Conclusions 2013, Statement of Interpretation Article 23 – assisted decision-making](#)

⁸¹ [Conclusions 2009, Andorra](#)

⁸² [Conclusions 2013, Statement of Interpretation Article 23 – adequate resources for the elderly](#)

⁸³ [Conclusions 2013, Statement of Interpretation Article 23 – adequate resources for the elderly](#)

⁸⁴ [Conclusions 2013, Statement of Interpretation Article 23 – adequate resources for the elderly](#)

⁸⁵ [Conclusions 2013, Statement of Interpretation Article 23 – adequate resources for the elderly](#)

⁸⁶ [Conclusions 2013, Statement of Interpretation Article 23 – adequate resources for the elderly](#)

⁸⁷ [Conclusions 2003, France](#)

Furthermore, States Parties must have a system for monitoring the quality of services and a procedure for complaining about the standard of services.⁸⁸

to enable elderly persons to choose their lifestyle freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:

a. provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;

The needs of older persons must be taken into account in national or local housing policies.⁸⁹ The supply of adequate housing for older persons must be sufficient.⁹⁰ Improvement of housing conditions by moving elsewhere is often not a viable option in that it uproots the older person from their “natural” environment.⁹¹

b. the health care and the services necessitated by their state;

In the context of the right to adequate health care for older persons Article 23 requires that health care programmes and services (in particular primary health care services including domiciliary nursing/health care services) specifically aimed at the older persons must exist, together with guidelines on healthcare for older persons.⁹²

to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in their institution.

The final part of Article 23 deals with the rights of older persons living in institutions. In this context, it provides that the following rights must be guaranteed: the right to appropriate care and adequate services, the right to privacy, the right to personal dignity, the right to participate in decisions concerning the living conditions in the institution, the protection of property, the right to maintain personal contact with persons close to the older person, and the right to complain about treatment and care in institutions.⁹³

There should be a sufficient supply of institutional facilities for older persons (public or private), care in such institutions should be affordable and assistance must be available to cover the cost. All institutions should be licensed, and subject to an independent inspection body.⁹⁴

Opinion of the ECSR

The ECSR takes note of the information provided by the Government, and notes that, although the legal framework has not changed much, there have been changes to the pension system.

Taking it into account and given its previous opinion, the Committee reiterates that the situation in respect of Article 23 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 31§1 – The right to housing

⁸⁸ [Conclusions 2009, Andorra](#)

⁸⁹ [Conclusions 2003, France](#)

⁹⁰ [Conclusions 2003, France](#)

⁹¹ [Conclusions 2017, Bosnia and Herzegovina](#)

⁹² [Conclusions 2003, France; Conclusions 2017, Ukraine](#)

⁹³ [Conclusions 2017, Malta; Portugal](#)

⁹⁴ [Conclusions 2005, Slovenia; Conclusions XX-2 \(2013\), Czech Republic](#)

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;

Situation in Estonia

According to the information provided by the Government, no new changes have been made to the general housing legal framework.

The Social Welfare Act defines social housing as a dwelling in municipal ownership provided to a person in need of social services and stipulates that housing services are among the social services.

The Welfare Development Plan 2023-2030 continues to emphasise the importance of accessible and adequate housing as a fundamental part of overall well-being. Also, local municipalities contribute to the improvement of the living conditions of permanent residents of their administrative territories. Generally, there are two types of dwellings one can apply for – municipal housing and social housing.

At the end of 2023, there were 79 local municipality units in Estonia and 78 of them had municipal or social houses and/or beds in social housing units. There were 6,683 municipal and social housing units (5,418 apartments and 1,265 rooms). 91.1% of municipal and social housing units were occupied and around 14,795 persons lived in them. There were 2,348 families with 4,446 members who were still waiting for housing. The main reasons for waiting lines are bad conditions of the dwelling, dwelling not being suitable or the lack of dwellings.

In addition, Estonia continues to offer loan guarantees through KREDEX for private persons to buy or renovate their home.

The Government provides some statistics. The number of dwellings in Estonia increased and the average dwelling space per person has gradually increased. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

It is the Government's view that, although the State offers many different supportive measures to help local municipalities meet the needs of the population in this matter, they do not guarantee conformity with Article 31§1 of the Charter and therefore it is not possible for Estonia to ratify this provision.

ECSR interpretation (DIGEST)

The ECSR has previously stated that Article 31 cannot be interpreted as imposing on States Parties an obligation of “results”,⁹⁵ rather it concerns an “obligation of means” (namely, the taking of suitable measures).⁹⁶ The rights recognised in the Social Charter must take a

⁹⁵ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60; [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007 §§ 52-53; [Médecins du Monde - International v. France](#), Complaint No. 67/2011, decision on the merits 11 September 2012, §55 citing [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §59

⁹⁶ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007 §58; [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007 §52

practical and effective, rather than purely theoretical, form.⁹⁷ This implies that, for the situation to be in conformity with Article 31, States Parties must:

- a) adopt the necessary legal, financial and operational means of ensuring steady progress towards achieving the goals laid down by the Charter;⁹⁸
- b) maintain meaningful statistics on needs, resources and results;⁹⁹
- c) undertake regular reviews of the impact of the strategies adopted;¹⁰⁰
- d) establish a timetable and not defer indefinitely the deadline for achieving the objectives of each stage;¹⁰¹
- e) pay close attention to the impact of the policies adopted on each of the categories of persons concerned, particularly the most vulnerable.¹⁰²

The requirement to maintain statistics is particularly important in the case of the right to housing because of the range of policy responses involved, the interaction between them and the unwanted side-effects that may occur as a result of this complexity.¹⁰³ However statistics are only useful if resources made available and results achieved or progress made can be compared with identified needs.¹⁰⁴

The authorities must also pay particular attention to the impact of their housing policy choices on the most vulnerable groups, in this case individuals and families suffering exclusion and poverty.¹⁰⁵

Under Article 31§1 of the Charter, States Parties shall guarantee to everyone the right to housing and shall promote access to adequate housing.¹⁰⁶

Adequate housing

The notion of adequate housing must be defined in law. “Adequate housing” means:

1. a dwelling which is safe from a sanitary and health point of view, i.e. that possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity,

⁹⁷ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §59; [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007 §53; [Médecins du Monde - International v. France](#), Complaint No. 67/2011, decision on the merits 11 September 2012, §55 citing [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §59

⁹⁸ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60

⁹⁹ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60

¹⁰⁰ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60

¹⁰¹ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60

¹⁰² [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 58-60

¹⁰³ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §63

¹⁰⁴ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §63

¹⁰⁵ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §67, citing [International Association Autism Europe v. France](#), Complaint No. 13/2002, decision on the merits of 4 November 2003,

§53; [European Roma and Travellers Forum \(ERTF\) v. France](#), Complaint No. 64/2011, decision on the merits of 24 January 2012, §96

¹⁰⁶ [European Roma and Travellers Forum \(ERTF\) v. France](#), Complaint No. 64/2011, decision on the merits of 24 January 2012, §95

etc and where specific dangers such as the presence of lead or asbestos are under control;¹⁰⁷

2. a dwelling which is not over-crowded, that the size of the dwelling must be suitable in light of the number of persons and the composition of the household in residence;¹⁰⁸
3. a dwelling with secure tenure supported by the law. This issue is covered by Article 31§2.¹⁰⁹

Positive measures in the field of housing must be adopted in respect of vulnerable persons, paying particular attention to the situation of Roma and Travellers.

Effectiveness

It is incumbent on the public authorities to ensure that housing is adequate through different measures such as, in particular, an inventory of the housing stock, injunctions against owners who disregard obligations, urban development rules and maintenance obligations for landlords.¹¹⁰

Legal protection

The effectiveness of the right to adequate housing requires its legal protection through adequate procedural safeguards. Occupiers must have access to affordable and impartial judicial or other remedies.¹¹¹ Any appeal procedure must be effective.¹¹²

Opinion of the ECSR

The ECSR takes note of the measures taken by the Government. However, it appears that there still is no definition of adequate housing in the national legislation.

In the light of the above information, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. However, the ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible, in particular to define the notion of adequate housing in the legislation.

Article 31§2 – The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

- 2. to prevent and reduce homelessness with a view to its gradual elimination;***

Situation in Estonia

According to the information provided by the Government, there is no legally required data collection on homelessness in Estonia and there is no official definition of homelessness in Estonian legislation. However, the definition which is used for collecting statistics has not changed since the last report: a homeless person is someone who has no legal connection (ownership, lease) with living space which is qualified as building, room or a part of them. Every 10 years the Statistics of Estonia carry out the population survey, which includes a

¹⁰⁷ [Conclusions 2003, France](#)

¹⁰⁸ [Conclusions 2003, France](#)

¹⁰⁹ [Conclusions 2003, France](#)

¹¹⁰ [Conclusions 2003, France](#)

¹¹¹ [Conclusions 2003, France](#)

¹¹² [Conclusions 2015, Austria, Article 16](#)

question on type of dwelling that includes homeless/roofless as an answer and according to the statistics there were 1,068 homeless persons (0.08% of the whole population) in 2021. There is no national strategy in the field of homelessness.

With the Social Welfare Act, the State delegates the task of assisting those in need to local municipalities. The State allocates means to the local municipalities to pay out subsistence benefit for those in need. The aim of this benefit is to alleviate poverty and guarantee minimum means of existence. The subsistence benefit consists of the subsistence level and housing costs, which can also be applied for separately. In 2023, the subsistence level for the first or only family member was €200, €160 for each following member and €240 for a minor. The subsistence level is established and revised each budgetary year, and in 2024 it was €413.

The Government also provides information on a four-step resocialisation system for the homeless, which is supported by accommodation possibilities on different comfort levels.

At the end of 2023, there were 20 institutions providing shelter service with 533 beds to 1,836 persons during the year. There were 1,435 service users who reported themselves homeless during the year for at least some time. Remaining 401 service users needed a temporary place to stay due to domestic violence, crisis situations. The number of shelter users and homeless persons has been decreasing in recent years.

Since there is no national strategy in the field of homelessness, the local municipalities tackle the issue on their own based on their skills and possibilities. Homelessness is a bigger issue in larger cities, and this puts more pressure on the larger municipalities but at the same time they have more monetary means and expertise to offer more suitable services. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

In the Government's view, while there is a need for more affordable quality housing, there is also a need for more targeted services to persons in danger of becoming homeless and steps are being taken in that direction. However, Estonia does not fully comply with Article 31§2 and there is no national strategy in the field, and therefore Estonia is not ready to ratify the provision.

ECSR interpretation (DIGEST)

Definition

Homeless persons are those persons who legally do not have at their disposal a dwelling or other form of adequate housing in the terms of Article 31§1.¹¹³

Article 31§2 obliges States Parties to gradually reduce homelessness with a view to its elimination.¹¹⁴ Reducing homelessness implies the introduction of measures such as provision of immediate shelter and care for the homeless and measures to help such people overcome *their* difficulties and prevent a return to homelessness.¹¹⁵

Preventing homelessness

States Parties must take action to prevent categories of vulnerable people from becoming homeless. This requires States Parties to introduce a housing policy for all disadvantaged

¹¹³ [Conclusions 2003, Italy; Conference of European Churches \(CEC\) v. the Netherlands](#), Complaint No. 90/2013, decision on the merits of 1 July 2014, §135

¹¹⁴ [Conclusions 2003, Sweden](#)

¹¹⁵ [Conclusions 2003, Sweden](#)

groups of people to ensure access to social housing and housing allowances. (cf. Article 31§3).¹¹⁶

Protection from evictions

Forced eviction can be understood to cover situations involving deprivation of housing which a person occupied due to insolvency or wrongful occupation.¹¹⁷ States Parties must set up procedural safeguards to limit the risk of eviction.¹¹⁸

When evictions do take place, they must be carried out under conditions that respect the dignity of the persons concerned.¹¹⁹

Domestic law must provide legal remedies and offer legal aid to those who are in need of seeking redress from the courts. Compensation for illegal evictions must also be provided.¹²⁰

Right to shelter

According to Article 31§2, homeless persons must be offered shelter as an emergency solution.¹²¹ To ensure that the dignity of the persons sheltered is respected, shelters must meet health, safety and hygiene standards and, in particular, be equipped with basic amenities such as access to clean water and heating and sufficient lighting.¹²² Another basic requirement is the security of the immediate surroundings.¹²³

States Parties shall foresee sufficient places in emergency shelters¹²⁴ and the conditions in the shelters should be such as to enable living in keeping with human dignity.¹²⁵

The temporary supply of shelter, however adequate, cannot be considered satisfactory.¹²⁶

Opinion of the ECSR

The ECSR takes note of the information provided by the Government and, given that there have not been major changes in the legal framework or practice and its previous opinion, the Committee reiterates that the situation in respect of Article 31§2 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Article 31§3 – The right to housing

¹¹⁶ [Conclusions 2003, Sweden](#); [Conclusions 2005, Lithuania](#); [Conference of European Churches \(CEC\) v. the Netherlands](#), Complaint No. 90/2013, decision on the merits of 1 July 2014, §136

¹¹⁷ [Conclusions 2003, Sweden](#); [Conclusions 2019, Ukraine](#)

¹¹⁸ [Conclusions 2005, Lithuania](#)

¹¹⁹ [Conclusions 2003, Sweden](#)

¹²⁰ [Conclusions 2003, Sweden](#)

¹²¹ [Defence for Children International \(DCI\) v. the Netherlands](#), Complaint No. 47/2008, decision on the merits of 20 October 2009, §46

¹²² [Defence for Children International \(DCI\) v. the Netherlands](#), Complaint No. 47/2008, decision on the merits of 20 October 2009, §62

¹²³ [Defence for Children International \(DCI\) v. the Netherlands](#), Complaint No. 47/2008, decision on the merits of 20 October 2009, §62

¹²⁴ [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007, §107

¹²⁵ [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007, §§ 108-109

¹²⁶ [European Federation of National Organisations Working with the Homeless \(FEANTSA\) v. France](#), Complaint No 39/2006, decision on the merits of 5 December 2007, §106

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

3. to make the price of housing accessible to those without adequate resources.

Situation in Estonia

According to the information provided by the Government, the Social Welfare Act states that local municipalities are responsible for ensuring the provision of dwelling for those who due to socio-economic situation are unable to provide a dwelling which corresponds to their needs. It is possible for a local municipality to offer people a place in a subsidised municipal or social house or unit or help them find a suitable living space from the free market by also helping them cover the primary costs. Also, if a local municipality provides a person in need with dwelling, it has an obligation to evaluate if and how much it can charge such person for the service offered.

In terms of EU-28 housing cost overburden rate, Estonia's rates are lower than the EU-28 total (7.6% against 8.8% in 2023).

According to the statistics, while keeping one's home adequately warm is not a common issue, paying bills in time was a challenge for 7.3% of the population in 2024.

People can apply for the subsistence benefit, which is a general minimum income system in Estonia, which guarantees a subsistence level and also covers dwelling costs. In 2024, 27,827 persons from 15,554 households received the benefit, and 30.4% of the applicants were Ukrainian refugees.

Estonia's severe housing deprivation rate is lower than the EU average, but the problem exists and there is continuous need for new and renovated social, municipal and open market dwellings with adequate standard and reasonable, accessible pricing. (For more detailed information, see the [National report on non-accepted provisions of the European Social Charter – April 2025](#), provided by Estonia).

The Government is of the view that at the moment it is impossible to conclude that the current situation in Estonia fully complies with Article 31§3 of the Charter and Estonia is therefore not ready to ratify this provision.

ECSR interpretation (DIGEST)

An adequate supply of affordable housing must be ensured for persons with limited resources.¹²⁷

Social housing

Housing is affordable if the household can afford to pay initial costs (deposit, advance rent), current rent and/or other housing-related costs (e.g. utility, maintenance and management charges) on a long-term basis while still being able to maintain a minimum standard of living, according to the standards defined by the society in which the household is located.¹²⁸ In order to establish that measures are being taken to make the price of housing accessible to those without adequate resources, States Parties to the Charter must show that the affordability ratio of the poorest applicants for housing is compatible with their level of income.¹²⁹

¹²⁷ [Conclusions 2003, Sweden](#)

¹²⁸ [Conclusions 2003, Sweden](#)

¹²⁹ [FEANTSA v. Slovenia](#), Complaint No. 53/2008, decision on the merits of 8 September 2009, §72.

States Parties must:

- adopt appropriate measures for the provision of housing, in particular social housing.¹³⁰ Social housing should target, in particular, the most disadvantaged;¹³¹
- adopt measures to ensure that waiting periods for the allocation of housing are not excessive;¹³² judicial or other remedies must be available when waiting periods are excessive;¹³³

All the rights thus provided must be guaranteed without discrimination, in particular as in respect of Roma or Travellers wishing to live in mobile homes.¹³⁴

Housing benefits

Under Article 31§3, States Parties are required to adopt comprehensive housing benefit systems to protect low income and disadvantaged sections of the population.¹³⁵ Housing benefit is an individual right: all qualifying households must receive it in practice; legal remedies must be available in case of refusal.¹³⁶

The right to affordable housing must not be subject to any kind of discrimination on any grounds mentioned by Article E of the Charter.¹³⁷

Opinion of the ECSR

The ESCR takes note of the information provided by the Government and, given that there have not been major changes in the legal framework or practice and its previous opinion, the Committee reiterates that the situation in respect of Article 31§3 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

¹³⁰ [Conclusions 2003, Sweden](#)

¹³¹ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 98-100

¹³² [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §131

¹³³ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §131

¹³⁴ [International Movement ATD Fourth World v. France](#), Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 149-155; [Conclusions 2019, France](#)

¹³⁵ [Conclusions 2003, Sweden](#); [Conclusions 2019, Greece](#)

¹³⁶ [Conclusions 2003, Sweden](#)

¹³⁷ [Conclusions 2019, Turkey](#)

Appendix I

— Estonia and the European Social Charter —

Signatures, ratifications and accepted provisions

Estonia ratified the Revised European Social Charter on 11/09/2000, accepting 79 of the Revised Charter's 98 paragraphs. On 27 June 2012, Estonia accepted 8 additional provisions of the Charter, thus accepting to be bound by 87 of the Revised Charter's 98 paragraphs. Estonia has not yet ratified the Additional Protocol providing for a system of collective complaints.

The Charter in domestic law

Under chapter 3 of the Constitution: “The powers of state shall be exercised solely pursuant to the Constitution and laws which are in conformity therewith. Generally recognised principles and rules of international law are an inseparable part of the Estonian legal system.”

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3							Grey = Accepted provisions			

The European Committee of Social Rights (“the Committee”) examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Estonia](#) in 2005, 2010, 2015 and 2021.

The Committee is of the opinion that there are no legal obstacles for acceptance by Estonia of the following provisions: Articles 2§4, 3§4, 7§6, 10§5, 18§3, 23, 31§2 and 31§3.

Further information on the reports on non-accepted provisions is available on [the relevant webpage](#).

Update: April 2024
Charter

Factsheet - ESTONIA
Law

Department of the European Social

Directorate General Human rights and the Rule of

Monitoring the implementation of the European Social Charter¹³⁸

I. Reporting system¹³⁹

Reports submitted by Estonia

Between 2003 and 2024, Estonia has submitted 21 reports on the application of the Revised Charter.

The [20th report](#), which was submitted on 27/02/2023, concerns the accepted provisions relating to thematic group 4 "Children, families and migrants" (Articles 7, 8, 16, 17, 16, 19, 27 and 31).

Conclusions with respect to these provisions have been published in March 2024.

On 8 January 2024, [an ad hoc report on the cost-of-living crisis was submitted by Estonia](#)¹⁴⁰.

Situations of non-conformity¹⁴¹

Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2020

► *Article 15§3 – Right of persons with disabilities to independence, social integration and participation in the life of the community – Integration and participation of persons with disabilities in the life of the community*
There was no legislation prohibiting discrimination against persons with disabilities specifically covering the areas of housing, transport, communications and culture and leisure activities during the reference period.

► *Article 20 – Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the ground of sex*

Sufficient measurable progress in respect of the obligation to promote the right to equal pay has not been achieved.

Thematic Group 2 "Health, social security and social protection" - Conclusions 2021

¹³⁸ The European Committee of Social Rights ("the Committee") monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ». Further information on the procedures may be found on [the HUDOC database](#) and in the Digest of the case law of the Committee.

¹³⁹ Detailed information on the Reporting System is available on [the relevant webpage](#). The reports submitted by States Parties may be consulted in [the relevant section](#)

¹⁴⁰ In accordance with the decision of the Ministers' Deputies adopted on 27 September 2022 concerning [the new system](#) for the presentation of reports under the European Social Charter, the European Committee of Social Rights and the Governmental Committee have decided to request an ad hoc report on the cost-of-living crisis to all State parties.

¹⁴¹ Further information on the situations of non-conformity is available on the [HUDOC database](#).

► *Article 3§3 - Right to safe and healthy working conditions - Enforcement of safety and health regulations*

The labour inspection system concerning occupational health and safety, is ineffective.

► *Article 12§1 – Right to social security - Existence of a social security system*

- The minimum level of sickness benefit is inadequate;
- The minimum levels of unemployment allowance and unemployment insurance benefit are inadequate;
- The minimum level of contributory pension is inadequate.

► *Article 12§4 – Right to social security – Social security of persons moving between states*

The right to maintenance of accruing benefits is not guaranteed for nationals of all other States Parties.

► *Article 13§1 – Right to social and medical assistance – Adequate assistance for every person in need*

The level of social assistance paid to a single person without resources is not adequate.

► *Article 30 - Right to be protected against poverty and social exclusion*

There is no adequate overall and coordinated approach in place to combat poverty and social exclusion.

Thematic Group 3 “Labour rights” - Conclusions 2022

► *Article 2§1 – Right to just conditions of work – Reasonable working time*

Certain workers can be authorized to work for up to 24 hours.

► *Article 6§2 – Right to bargain collectively – Negotiation procedures*

The promotion of collective bargaining is not sufficient.

► *Article 6§4 - Right to bargain collectively - Collective action*

All public servants exercising authority in the name of the State are denied the right to strike.

Thematic Group 4 “Children, families, migrants” - Conclusions 2023

► *Article 7§1 - Right of children and young persons to protection - Prohibition of employment under the age of 15*

The duration of working time of children aged 7-14 is excessive and therefore cannot be regarded as light.

► *Article 7§3 – Right of children and young persons to protection – Prohibition of employment of children subject to compulsory education*

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 8§4 - Right of employed women to protection of maternity - Regulation of night work*

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§5 - Right of employed women to protection of maternity - Prohibition of dangerous, unhealthy or arduous work*

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

► *Article 17§1 – Right of children and young persons to social, legal and economic protection – Assistance, education and training*

Bone testing is used to assess the age of children in irregular situation.

The Committee also considered that the failure to provide requested information on Articles 7§9, 7§10 and 17§1 amounts to a breach by Estonia of its reporting obligations under Article C of the Charter.

The Committee has been unable to assess compliance with the following provisions:

Thematic Group 1 “Employment, training and equal opportunities”

- ▶ Article 1§2 - Conclusions 2020
- ▶ Article 10§1 - Conclusions 2020
- ▶ Article 10§2 - Conclusions 2020
- ▶ Article 10§4 - Conclusions 2020
- ▶ Article 15§1 - Conclusions 2020

Thematic Group 2 “Health, social security and social protection”

- ▶ Article 11§1 - Conclusions 2021
- ▶ Article 11§3 - Conclusions 2021
- ▶ Article 14§2 - Conclusions 2021

Thematic Group 3 “Labour rights”

- ▶ Article 4§3 - Conclusions 2022
- ▶ Article 5 - Conclusions 2022

Thematic Group 4 “Children, families, migrants”

-

II. Examples of progress achieved in the implementation of rights under the Charter (non-exhaustive list)

Thematic Group 1 “Employment, training and equal opportunities”

► The Equal Treatment Act which entered into force on 1 January 2009 provides for a prohibition of discrimination on the ground of disability in access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining as well in conditions of access to employment, self-employment, including selection criteria, recruitment conditions and promotion; working conditions, remuneration, and termination of employment.

► Amendments to the Defense Forces Service Act shortened alternative service from 12-18 months to 8-12 months as of July 2010.

► The Gender Equality Act (GEA) entered into force in 2004 and aims at ensuring equal treatment for men and women in all areas of public and private life.

► Amendment of the Criminal Code in order to criminalise trafficking in persons and enslavement.

Thematic Group 2 “Health, social security and social protection”

► The Health and Safety at Work Network inside Estonia was re-established in 2012. Its aim is the development of the field of occupational health and safety issues by providing a framework for institutions that enables the use of health and safety information, experience and knowledge in a more efficient way among the network members.

► An electronic tool “Tööbik” has been developed in 2011-2015. It enables an enterprise to administer data related to its work environment, to conduct risk assessment and to maintain necessary data bases.

► On 1 January 2019 amendments to the Occupational Health and Safety (OHS) Act came into force. One of the amendments to the Act is related to psychosocial hazards. The term “psychological hazards” was replaced with the term “psychosocial hazards”. The definition of the term is specified in greater detail in the Act, as are the measures to be applied for preventing damage to health caused by psychosocial hazards.

► The Labour Inspectorate have been developing a new information system, which increases the efficiency of inspections, allows for automated supervision and saves time. The new system, operational since the first quarter of 2020 allows Labour Inspectorate to cover more companies and workers with the inspections and helps Labour Inspectorate to communicate with companies faster and more effectively.

Thematic Group 3 “Labour rights”

► Article 44 of the Employment Contracts Act (ECA) provides for a mixed system of compensation for overtime. Overtime may be compensated in two ways – with money or with time off. According to Article 44(6) of the ECA, employer must compensate for overtime by time off equal to the overtime, unless it has been agreed that overtime is compensated for in money. Article 44(7) of the ECA provides that if overtime is compensated in money, it has to be done at 1.5 rate. When time off is granted instead of monetary compensation, this time off cannot be deducted from standard rest periods and must be paid as working hours. Thus the employer has to pay the regular wage for overtime and give time off in the same amount as overtime worked.

► Amendments were introduced to the Occupational Health and Safety Act (OHSA) in 2019 to strengthen the protection of workers against psychosocial hazards, including harassment at work, and to specify employers’ obligations to prevent such psychosocial risks. The Green Book on Mental Health was created in cooperation with the social partners. The Working Life

Portal has a dedicated web page on mental health that provides useful information on psychosocial hazards for both employers and employees.

Thematic Group 4 “Children, families, migrants”

► Introduction of a family benefit which is intended to offset the cost of raising a child and to reconcile work and family life (Parental Benefits Act of 1 January 2004).

► The Child Protection Act of 2014 (in force between 23/12/2013 and 31/12/2015) provides in its Section 178 (Manufacture of works involving child pornography or making child pornography available) that manufacture, acquisition or storing, handing over, displaying or making available to another person in any other manner of pictures, writings or other works or reproductions of works depicting a person of less than 18 years of age in a pornographic situation, or a person of less than 14 years of age in a pornographic or erotic situation, is punishable by a pecuniary punishment or up to three years' imprisonment.

► Estonia abolished all forms of corporal punishment in all settings.

► In Estonia the amount of child allowance has been significantly raised compared to the previous reference period from € 19 (2013) to € 55 (2017). The Committee notes that the child allowances now represent 7% of the median equivalised income.

APPENDIX II



PRESIDENCY OF LITHUANIA
Council of Europe
May – November 2024

PRÉSIDENCE DE LA LITUANIE
Conseil de l'Europe
Mai – Novembre 2024



MINISTRY
OF SOCIAL SECURITY AND LABOUR
REPUBLIC OF LITHUANIA



European
Social
Charter

Charte
sociale
européenne



High-Level Conference on the European Social Charter *“a step by member States to take further commitments under the Charter”* 3-4 July 2024, Vilnius, Lithuania

VILNIUS DECLARATION

1. In the Reykjavik Declaration (May 2023), the Heads of State and Government of the Council of Europe confirmed that “[s]ocial justice is crucial for democratic stability and security” and “reaffirm[ed their] full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system”. They proposed the holding of a high-level conference on the European Social Charter (ETS No. 35, (revised) ETS No. 163, “the Charter”) “as a step to take further commitments under the Charter where possible”.
2. At the 133rd Ministerial Session on 17 May 2024, the Committee of Ministers reiterated that social justice and the Council of Europe’s action on social rights play a crucial role for democratic stability and security. The Ministers restated their commitment to the European Social Charter system and, in their decisions, underlined the importance of the Charter and its monitoring procedures, and welcomed the organisation of a high-level conference.
3. Following the principles set out in the Vienna Declaration and Programme of Action (adopted in 1993 at the World Conference on Human Rights), all “human rights are universal, indivisible, interdependent and interrelated”. These rights include social rights, such as rights related to work, education, housing, social protection, health and well-being, and the human rights aspects of the environment. Combating inequality and social exclusion is vital for all, especially for disadvantaged individuals. It is also crucial for the implementation of the Sustainable Development Goals as defined by the United Nations 2030 Agenda for Sustainable Development.
4. The Council of Europe was established in the belief “that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation”. Social progress was enshrined in the Statute of the Council of Europe (ETS No. 1) as a cornerstone of lasting peace. The Russian Federation’s ongoing war of aggression against Ukraine has had both immediate and lasting fallout as regards the enjoyment of human rights, including social rights for Ukrainians and all persons affected, and, very significantly, for women and children. The repercussions were and continue to be felt across Europe and throughout the world, including on the global economy and trade, particularly with increases in the cost of living and worsening food insecurity.
5. Social justice and the respect for, and the protection and implementation of social rights, as guaranteed in particular by the European Social Charter system, are crucial for promoting democratic security and stability. It is also very important to respond to new or emerging challenges and avoid the risk of further erosion of social rights protection and increasing inequalities, in order to maintain social cohesion in our societies.

6. Through its monitoring, reporting and collective complaints mechanisms, the Charter provides effective governance inputs, through both the European Committee of Social Rights and the Governmental Committee of the European Social Charter and European Code of Social Security ("the Governmental Committee"), in the pursuit of social justice and the protection of social rights.
7. On the occasion of this High-Level Conference, which coincides with the 25th anniversary of the entry into force of the revised European Social Charter and the 75th anniversary of the Council of Europe, the representatives of Council of Europe member States:
 - a. underline the importance of having a robust and responsive social rights framework across Europe, underpinned in particular by relevant treaty law, including the European Social Charter system. It is the collective duty of member States to promote respect for, and the continuing development of, social rights, both as human rights and also as vectors of economic growth, social progress and social cohesion, peace, security and stability;
 - b. affirm that military aggression and breaches of peace are incompatible with States' human rights obligations in general, and, in particular, with their social rights obligations; in this context, welcome the solidarity shown towards the people of Ukraine and the social protection offered by Council of Europe member States to those who are temporarily displaced;
 - c. acknowledge the possibility offered by the Charter for States Parties to increase progressively their commitments aimed at respecting, protecting and implementing social rights, a process that can and should be further strengthened through constructive and enhanced dialogue between the competent national authorities and the organs of the Charter, together with social partners;
 - d. welcome the commitment of member States of the Council of Europe to promote social justice and, in particular, the efforts made by member States to accept a high level of commitment to social rights, and the effective action taken by the States Parties to the European Social Charter to address the findings and conclusions of the European Committee of Social Rights when necessary;
 - e. recall that the Council of Europe Development Bank, in line with its unique social mandate, contributes to strengthening social cohesion through projects with social value in its member countries;
 - f. welcome the decisions adopted by the Council of Europe Committee of Ministers to improve the implementation of the Charter system and its monitoring arrangements. This includes an invitation to the European Committee of Social Rights to apply, where possible, the existing Charter provisions to new and emerging social policy challenges and to strengthen the role of the Governmental Committee in respect of follow-up and reflection;
 - g. acknowledge the crucial role of national executives and legislatures in strengthening the protection of social rights through legislative action, in particular the part parliaments play in the ratification process of international treaties, and the acceptance of additional commitments under the Charter.
8. Consequently, the representatives of Council of Europe member States:
 - a. commit to respect, protect and implement social rights in general and, for the States Parties to the Charter, to pay continued attention to the challenges and opportunities to implement the Charter's requirements and, to this end, encourage States Parties to make full use of all available possibilities for enhanced dialogue between the organs of the Charter, States Parties and social partners;
 - b. encourage member States to consider ratifying the revised European Social Charter (1996) in an effort, alongside the policy approaches of member States, to support the Council of Europe's stated aim of facilitating economic and social progress;
 - c. propose to keep under review the possibilities for acceptance of additional commitments under the Charter, including the collective complaints procedure;
 - d. invite the Committee of Ministers of the Council of Europe to:

- i. enable further discussions with national as well as competent local and regional authorities, and social partners, in order to promote a rights-based approach to social policy and the sharing of knowledge and good practice in responding to persistent and emerging common problems and challenges. The following areas might be covered:
 - inequalities, low incomes and social exclusion, housing and demographic change;
 - any form of discrimination having an impact on the full enjoyment of social rights;
 - the social rights dimension related to the Reykjavik Declaration commitment “to [strengthen the] work on the human rights aspects of the environment”;
 - persistent and emerging challenges in the area of work, with the necessary attention being paid to freedom of association and collective bargaining, new forms of employment, the transition to a green economy, digitalisation, including the advent of artificial intelligence, technological change, work-life balance and, very significantly, the questions of participation and dignity (such as the protection against all forms of harassment, including sexual harassment) in the workplace;
- ii. give increased priority to co-operation activities in the field of social rights with a view to improving the implementation of the Charter in the light of the monitoring outcomes of the European Committee of Social Rights and related Committee of Ministers recommendations. The “social rights” component of the Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026, is an inspiring example of such activities;
- iii. ensure co-operation among Council of Europe entities and committees in the area of social rights, and continue to work together while exploring possibilities to increase co-operation with other international organisations as well as with the European Union in promoting social rights as guaranteed by the European Social Charter and its protocols;
- iv. remain open to considering possible measures for further optimising the Charter system;
- v. explore regularly the need to convene this High-Level Conference to address contemporary social policy challenges, also taking into account the expected outcomes.

APPENDIX III

<https://rm.coe.int/digest-ecsr-prems-106522-web-en/1680a95dbd>