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EUROPEAN SOCIAL CHARTER

20th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF ESTONIA

Articles 7, 8, 16, 17, 19, and 27
for the period 01/01/2018 – 31/12/2021

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EUROPEAN SOCIAL CHARTER
(REVISED)

20th Report of the Republic of Estonia
On the accepted provisions

For the reference period 01/01/2018 – 31/12/2021

Articles 7, 8, 16, 17, 19, 27

For the period 2018–2021 made by the Government of Estonia in accordance with Article C of the Revised European Social Charter, on the measures taken to give effect to the accepted provisions of the Revised European Social Charter, the instrument of ratification or approval of which was submitted on September 11th, 2000.

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated to the Estonian Central Federation of Trade Unions (EAKL), the Estonian Employees Unions Confederation (TALO) and the Estonian Confederation of Employers (ETK).

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Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;

a) Please provide information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. In this regard, please provide information on the number of children actually working (either from existing statistics on this issue or from surveys to be conducted to obtain such information), as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally (General question, [Conclusions 2019](#)).

According to Employment Contracts Act (ECA) article 8 an employer is prohibited from allowing a minor to work without the consent or approval of a legal representative. The employment of a minor needs to be registered in employment register (TÖR). An employer may not allow a minor of 7–12 years of age to work before ten working days have passed since the entry of the minor in the employment register. Minors older than 12 may be registered no later than the moment of starting work duties.

In the additional information field of the employment register in both cases, the employer must enter the consent of the minor's legal representative, the minor's working conditions, including the place of work and work responsibilities, as well as information regarding compulsory schooling. There is always information about the legal representative of minor, but the contact person can be added additionally. After the creation of the register entry, the labour inspector is required to verify that the work is not prohibited for the minor and the minor's working conditions are in accordance with the requirements provided by law and the minor wishes to do the work.

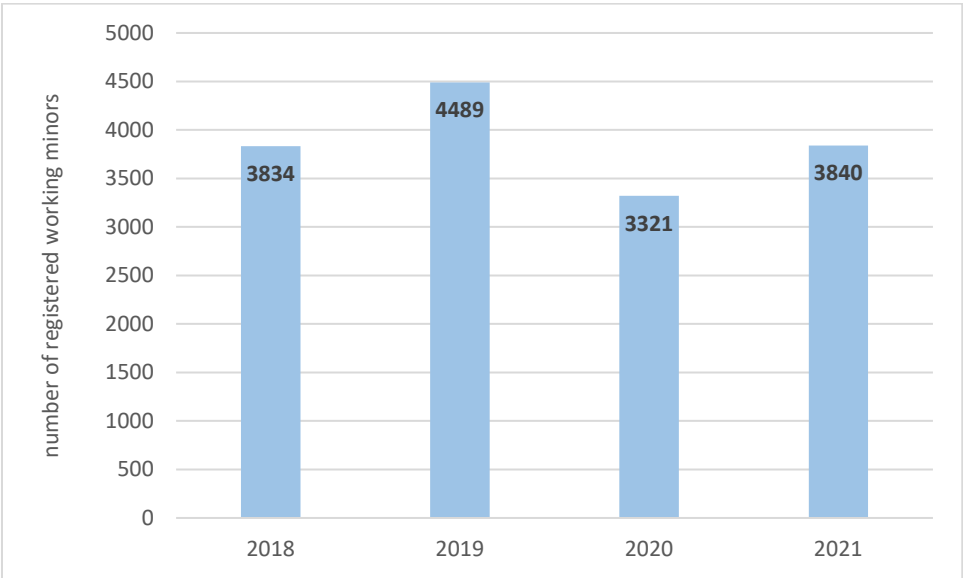
If the labour inspector does not contact the employer within ten working days after submitting information about a minor worker (minor of 7–12 years of age) in the register, the minor is permitted to start working. It gives time for labour inspector to control if the working is allowed. If, in ascertaining the will of a minor of 7–12 years of age, the labour inspector has reasonable doubt that the minor is not expressing their true will in the presence of the legal representative, the labour inspector must ascertain the will of the minor in the presence of the minor and a local child protection official. This procedure gives the Labour Inspectorate information regarding working children and their working conditions and enables the labour inspector to control if the child is forced to do work that is harmful for them.

Another option for detecting child labour is state and administrative supervision over the fulfilment of the requirements provided for minors, performed by the Labour Inspectorate. The purpose of the supervision is to ensure that the minors are registered as workers and the conditions and regulations for minors are being followed. For example, in 2021 the Labour Inspectorate carried out joint inspections with the Tax and Customs Board. During the inspection period, the Tax and Customs Board provided the Labour Inspectorate with information about enterprises where minors were hired. The Labour Inspectorate carried out targeted inspections in those companies to control minors' working conditions.

The Labour Inspectorate also carries out targeted inspections. During a targeted inspection visit, checks are carried out to verify compliance with requirements arising from legislation on employment relationships, occupational health, and occupational safety in pre-defined areas of the working environment or fields of activity.

According to the Labour Inspectorate, the number of children under the age of 15 actually working in 2021 was 3840, more than 500 minors more than the year before (table 1).

Table 1. Children under the age of 15 registered to work, 2018 – 2021:



b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is not in conformity with Article 7§1 of the Charter on the ground that the duration of work permitted to children under the age of 15 during school holidays is excessive and therefore the work cannot be qualified as light. Below are replies to the questions of the Committee and the non-conformity to explain the situation.

The Committee asks the next report to provide information on the type of agricultural work children of 13 years old are allowed to perform and on the conditions under which such work is monitored in practice by the national authorities.

According to Council Directive 94/33/EC (article 4 subsection 2 point c) and ECA article 7 an employer may enter into an employment contract with a minor of 13 years old and allow them to work if the duties are simple and do not require any significant physical or mental effort (light work).

ECA article 7 also sets out that an employer shall not enter into an employment contract with a minor or allow a minor to work if the work:

- 1) is beyond the minor’s physical or psychological capacity;
- 2) is likely to harm the moral development of the minor;

- 3) involves risks which the minor cannot recognise or avoid owing to lack of experience or training;
- 4) is likely to hinder the minor's social development or the acquisition of his or her education;
- 5) is likely to harm the minor's health due to the nature of the work or the working environment.

According to Occupational Health and Safety Act (OHSA) article 10 an employer must take measures based on a risk assessment to prevent health risks of an employee who is a minor. Risks to an employee who is a minor must be assessed before the minor commences work. It means that before the minor starts performing work duties, the work place and conditions must be adjusted to said minor (knowledge, possibilities, understanding etc.) according to the risk assessment of company and relevant acts of law. The list of the works and hazards harmful for minors is further specified by the Regulation No. 94 of the Government of the Republic of 11 June 2009 list of occupational hazards and work prohibited to minors¹. For example, regulation no. 94 prohibits minors from work that is related to the risk of falling from a height or working with equipment and machinery named in regulation (usually with high voltage, pressure, temperature or has sharp parts) and also working with different chemicals (fertilisers, acids, solvents, paints, preservatives etc.), biological (viruses etc.) and physical hazards (vibration, noise etc.).

Therefore, minors are only allowed to work in agriculture if the work performed is light work and meets the requirements provided by the law (explained above).

For example, picking berries is considered agricultural work suitable for minors, but it may not be appropriate in a situation where a minor spends the working time on a pick-up machine in a forced position, exposed to hot sun and fuel fumes from an unmaintained machine. Raking leaves, watering plants, planting seeds and other easy gardening activities may be considered to be light work, but again, the suitability needs to be assessed in risk assessment for the working position and the minor worker.

After registering employment of a minor worker, the labour inspector is required to verify that the work is not prohibited for the minor and the minor's working conditions are in accordance with the requirements provided by law and the minor wishes to do the work. More detailed process of monitoring is described under the previous question.

The Committee refers to its [Statement of Interpretation 2015 on permitted duration of light work and recalls that children under the age of 15 and those who are subject to compulsory schooling are entitled to perform only "light" work. Work considered to be "light" in nature ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of "light work" and the maximum permitted duration of such work. ... Regarding working time during school holidays, the Committee considered that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risk to their health, moral welfare, development or education \(Conclusions 2015, General Introduction, Statement of interpretation of Article 7§1\)...Concerning work during school holidays, given that under the subsection 43 \(4\) of the ECA children aged 13 to 14 years or subject to compulsory school attendance are allowed to work 7 hours](#)

¹ Available in Estonian: <https://www.riigiteataja.ee/akt/117102019009?leiaKehtiv>

a day and 35 hours over a period of seven days during school holidays, the Committee concludes that the duration of such light work is excessive and therefore cannot be qualified as light work.

As pointed out in the previous report (for the period 2014-2017), a minor who is subject to compulsory schooling may work during school period and school holidays, but all regulations must be taken into account, as the minor's primary obligation is to acquire an education and work shall not interfere it. Council Directive 94/33/EC of the protection of young people at work article 8 subsection 1 point C sets that for children aged 13 to 14 years, who are subject to compulsory schooling working time is seven hours a day and 35 hours a week for work performed during a period of at least a week when school is not operating. The ECA regulation on working time of minors aged 13 to 14 years is based on this directive.

In order to avoid overexhaustion and reduce the impact of working on the acquisition of education, the ECA article 8 subsection 2 sets out that the legal representative of a minor may not consent to the employment during the school holiday of a minor subject to the obligation to attend school for more than a half of each term of the school holiday. An employer is prohibited from allowing a minor to work without the consent or approval of a legal representative. The purpose of this regulation is to give the minor time to rest and enjoy holidays purposefully and thereby prevent situations where the minor is attending school but cannot make it to class due to fatigue or cannot participate with sufficient activity.

There are also other regulations that must be followed. For example, it is presumed that the annual holiday of an employee who is a minor is 35 calendar days (minor's annual holiday). The minor has the right to demand annual holiday at a suitable time during school holidays and at least 14 calendar days of holiday must be used by an employee successively.

Furthermore, we would like to explain that school holidays are set by the Minister of Education and Research. The duration of school holidays is usually one week, except in the case of Christmas and summer holidays when holidays are longer. In 2023 the summer holiday is from 14th June to 31st of August (11 weeks). So, minors can work 5.5 weeks in total. During these 5.5 weeks they are also entitled to use their annual vacation days. Therefore, during the summer holiday, for 5.5 weeks the minor can work 7 hours per day and 35 hours per week and they have at least 5.5 weeks of rest. The statistics show that minors mostly work during summer holidays. For example, in 2018, 63% of working minors in the age range of 7 to 17 were working during summer holidays.

We would also like to stress once more that there are many restrictions and special conditions for working minors that ensure that the minor only performs light work that is suitable for their age. We would also like to point out, that according to the Child Protection Act², upon the adoption of or deciding not to adopt decisions affecting a child and choosing between different options upon planning a decision, the best interests of the child shall be ascertained, and they shall be based on as the primary consideration upon making decisions. For the parent, as well as all other natural and legal persons operating in the public or private sector who make decisions that directly or indirectly affect the child or children, the best interest of the child must be a primary consideration. Therefore, when deciding to give consent to enter into an employment contract with a minor, the legal representative of a minor has the obligation to act primarily in the interest of the child. This means that the legal representative should know when and for how long the minor is working, so that he or she can assess whether going to work can harm the interests of the minor (i.e. school attendance and education in general) in any

² Available in English: <https://www.riigiteataja.ee/en/eli/507102022002/consolide>

way. Likewise, when concluding an employment contract with a minor, the employer must first of all act in the interest of the minor and only employ the minor in a job that is suitable for him or her and meets the requirements set forth in the law. Therefore, the legal representative of the minor, when allowing the minor to work, must, first and foremost, consider how working during the school holidays affects minor’s ability to attend school and learn.

The Committee asks the next report to provide disaggregated data concerning the monitoring activities and findings of the Labour Inspectorate in relation to the prohibition of employment of children under the age of 15. In particular, it asks the next report to indicate what are the measures taken and the sanctions imposed on the employer in cases of breach of regulations on child labour.

If such a violation is detected, an injunction is issued to the employer by the Estonian Labour Inspectorate. From the statistics we can find injunctions related to this point. More specifically, the statistics of violations are given under the question of article 7 subsection 2.

2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the question(s) raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 7§2 of the Charter.

The Committee asks to receive disaggregated data concerning the monitoring activities and findings of the State Labour Inspectorate in relation to the prohibition of employment of children under the age of 18 for dangerous or unhealthy activities, including the number of violations detected and sanctions applied.

Table 2. Statistics of the notifications and account of minors, 2018-2021:

	2018	2019	2020	2021
Number of notifications submitted	1013	1548	987	1115
Number of minors	3834	4489	3321	3840

Number of notifications of minors: from the second half of 2017, the Labour Inspectorate of Estonia no longer gives consents about minors working. Now the Labour Inspectorate processes notifications and follows that minor employees are hired to work in accordance with work appropriate for their age. Also, the Labour Inspectorate monitored and accepted notifications about minors up to the age of 14. Since September 2022, the government changed the law so that notifications to the Labour Inspectorate must be given about minors up to the age of 12 years.

Table 3. Identified violations involving minors, 2018-2021:

	2018	2019	2020	2021

Concluding an employment contract or allowing a minor to work is prohibited	-	-	1	4
Concluding an employment contract with a minor without the representative's consent	-	-	-	5
Working time of a minor exceeding the permitted norm	10	4	6	1
Overtime agreement with a minor	3	-	-	-
Minor's break of less than 30 minutes for more than 4.5 hours of work	10	1	-	-
Violation of the time limit for applying a minor to work	2	5	1	-
Violation of the requirements of the minor's daily rest period	3	1	0	-
The working time norm of a minor does not meet the requirements.				
Risks to an employee who is a minor must be assessed before the minor commences work and in case there has been a significant change in the working conditions.				25
A minor employee who is required to attend school may not work from 8:00 p.m. to 6:00 a.m. and/or an employee aged 15 to 17 who is not required to attend school may not work between 10:00 p.m. to 6:00 a.m. and/or an employee who is required to attend school may not work immediately before the start of the school day.			1	-
A minor is allowed to work before 10 days have passed since registration in the employment register.			1	-
TOTAL	28	11	10	35

As a comment to the table above we can add that 9 out of 35 violations in 2021 have been subject to precept. As a rule, employers eliminate violations quickly (during the given 5 days).

Since 2020, when we switched to a new Working Life Information system, we can provide a slightly more detailed description of the violation in the following view and thanks to that system we can see also those violations that were described under "other legislation" that we were unable to link to minors before. Taking into account the previous explanation about the new system, we find more violations, which is 40 in total about minors, and 11 of them were subject to precept.

Table 4. Data from Working Life Information system on violations involving minors, 2020-2021:

Description of the violation	Related legislation	2020	2021		
		Precept - NO	Precept - NO	Precept - YES	2021 total
A minor employee who is required to attend school may not work from 8:00 p.m. to 6:00 a.m. and/or an employee aged 15 to	Occupational Health and Safety Act	1			

17 who is not required to attend school may not work between 10:00 p.m. to 6:00 a.m. and/or an employee who is required to attend school may not work immediately before the start of the school day.					
The employer has not implemented measures based on risk analysis to avoid health risks for the underage employee. The risks of a minor employee must be assessed before the minor starts work and if there has been a significant change in the working conditions.	Other legislation		4	1	5
	Occupational Health and Safety Act		20	5	25
	Total		24	6	30
The employer has allowed the minor to work without the consent of his legal representative or without subsequent approval.	Employment Contracts Act: allowing a minor to work without the consent or approval of a legal representative.			1	1
The employer has allowed a minor between the ages of 7 and 14 to work before ten working days have passed since the minor's registration in the employment register provided for in § 25 prim of the Tax Organization Act.	Employment Contracts Act: A minor is allowed to work before 10 days have passed since registration in the employment register.	1			
The employer has concluded an employment contract with the minor and/or allowed the minor to work prohibited for him.	Employment Contracts Act: Signing an employment contract or allowing a minor to work is prohibited	1		3	3
	Occupational Health and Safety Act			1	1
	Total	1		4	4
The employer has concluded an employment contract with a minor to perform	Law Enforcement Act		1		1
	Employment Contracts Act: Signing an employment contract with a minor		3		3

work. The employer did not have the necessary consent or approval of the legal representative to conclude the employment contract of a minor.	without the consent of a representative or allowing a minor to work without the consent or approval of a legal representative.				
	Total		4		4
The employer has employed a minor of at least 15 years of age, who is studying at a vocational training institution and has an internship within the meaning of the Vocational Training Institution Act, for more than 8 hours a day and 40 hours in a seven-day period.	Employment Contracts Act: working time of a minor exceeding the permitted norm.	2	1		1
The main part of the work performed by the employee is transportation work. The employer has employed a minor under the age of 18 for moving work.	Occupational Health and Safety Act	1			
Grand Total		6	29	11	40

According to the OHS Act article 10¹, an employer must take measures based on a risk assessment to prevent health risks of an employee who is a minor. Risks to an employee who is a minor must be assessed before the minor commences work and in case there has been a significant change in the working conditions. The following must be taken into account in risk assessment:

- 1) the design and furnishing of the workroom and workplace;
- 2) the effect of working environment hazards on the health of an employee who is a minor;
- 3) the suitability of work equipment and use thereof for an employee who is a minor;
- 4) the suitability of the organisation of work for an employee who is a minor;
- 5) instruction and training of an employee who is a minor.

Most such violations were detected in 2021, according to the inspection system all together 25.

3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is not in conformity with Article 7§3 of the Charter on the ground that, during the school holidays, the duration of work permitted to children subject to compulsory education is excessive and therefore the work cannot be qualified as light. Below are replies to the questions of the Committee and the non-conformity to explain the situation.

Concerning work during school holidays, given that under Subsection 43 (4) of the ECA children aged from 13 to 14 years old or subject to compulsory school attendance are allowed to work 7 hours a day and 35 hours over a period of seven days during school holidays, the Committee concludes that the duration of such light work is excessive and therefore cannot be qualified as being light work.

The answer to this conclusion is given in question b under article 7 subsection 1. ECA article 8 subsection 2 sets, that the legal representative of a minor may not consent to the employment during the school holiday of a minor subject to the obligation to attend school for more than a half of each term of the school holiday. It means that minor (aged 13 to 14 years old and also older minors who are subject to compulsory schooling) may not work more than half of the school holiday. The work, that may be performed during this working time shall be light work and suitable for their age (i.e. risk assessment results, knowledge, skills, possibilities, more specifically under article 7 subsection 2). These restrictions are set out to provide children sufficient time to rest during the school holidays, so they are well-rested for the next period in school and the work they perform during holidays does not affect their ability to attend school and learn.

The Committee recalls that the situation in practice should be regularly monitored and asks the next report to provide information on the monitoring activities, findings and measures taken by the Labour Inspectorate in relation to the legislation concerning the employment of children subject to compulsory education, including their right to benefit of at least two consecutive weeks of rest during the summer holidays.

According to the data in the inspection system during the reporting period the Labour Inspectorate discovered 1 violation.

4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
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No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 7§4 of the Charter pending receipt of the information requested. Below are replies to the questions of the Committee.

The Committee notes that Section 43 (1) of the ECA does not provide for any exception on working time for young persons under the age of 18 who are no longer subject to compulsory education. The Committee therefore asks confirmation that the maximum working time for young persons under 18 not subject to compulsory education is 8 hours a day and 40 hours over a period of seven days.

The maximum working time for young persons under the age of 18 who are not subjects to compulsory education is 8 hours a day and 40 hours over a period of seven days. An overtime work agreement

with a minor is void. Daily rest time regulations for minors were pointed out in previous report (for the period 2014-2017), as well as other working limitations.

The Committee asks the next report to provide disaggregated data concerning violations found and measures taken by the Labour Inspectorate in relation to working time for young persons under 18 years of age who are no longer subject to compulsory school attendance.

There is no separate data about the minors who are no longer subject to compulsory school attendance.

7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 7§7 of the Charter.

8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 7§8 of the Charter.

9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions the Committee concluded that the situation in Estonia is in conformity with Article 7§9 of the Charter pending receipt of the information requested. Below are replies to the questions of the Committee.

The report indicates that there is no statistical data concerning the medical examinations of minors. The lack of statistical data does not allow the Committee to examine while the legislation is effectively implemented in practice, therefore it asks the next report to provide sufficient data on controls carried out by labour inspectorates.

Unfortunately, there are no statistical data concerning the medical examinations of minors. One of the reasons is that medical examinations are provided by different service providers from private sector (family doctors and occupational health doctors) and that they do not have a common database of

patients' data (data may be misleading and imprecise). Another reason is that there are different types of medical examinations that minors may be subject to under different regulations.

OHSA article 13¹ stipulates that an employer must organise the medical examination of a minor once a year (regular medical control). However, there is also Communicable Diseases Prevention and Control³ Act and its article 13 sets that employers are required to demand, in the areas of activity where the particular nature of work may contribute to the transmission of communicable diseases, the submission of a health certificate from employees concerning the passing of a medical examination for communicable diseases. A health certificate concerning the passing of a medical examination for communicable diseases shall be required for example from the following employees:

- employees who handle food or drinking water;
- teachers, employees of childcare institutions and other employees who, due to their duties, are in direct contact with children and adolescents;
- employees engaged in the provision of beauty treatments and personal services who are in direct contact with customers.

These categories include most common fields of work for minors and the workers in these categories are required to submit health certificate concerning the passing of a medical examination for communicable diseases before they start to perform work duties. In case such a certificate is missing or it turns out that a negative decision about working in such conditions is issued, they are not permitted to work.

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

a) Please provide updated information on the measures taken to strengthen the protection of children, including migrant, refugees, and displaced children, from sexual exploitation and abuse (in particular in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

To strengthen the protection of children from sexual exploitation the Estonian Police have adopted guidelines to ensure the best protection of children and avoid any other harm. These guidelines set out how to act around and treat children, how to act when encountering a child in danger or a child in need, how to treat a child who's under investigation and many other important aspects. These guidelines also cover the treatment of unaccompanied minors.

A very important aspect of strengthening protection of children is to guarantee that all of the problematic signs are noticed in time and reacted upon quickly. The Estonian Police have connected their main information system to the information system used by social workers state-wide, so police officers can very quickly inform social and child protection workers about children in danger or children in need.

Statistics show a slow but steady rise in the number of registered crimes of sexual abuse of children: in 2021 there were 663 registered cases of sexual abuse of children, compared to 505 cases in 2018.⁴

³ Available in English: <https://www.riigiteataja.ee/en/eli/502062021001/consolide>

⁴ Crimes in Estonia, 2021. The Ministry of Justice.
https://www.kriminaalpolitika.ee/kuritegevus2021/Seksuaalkuriteod_page.html

This rise can be accounted to increased awareness and prioritisation in police work, since self-reported prevalence of sexual violence has not increased. According to a 2020 survey, 18 per cent of 16-19-year-old adolescents had experienced sexual violence during their life (*i.e.* being actively involved in non-consensual sexual activity, both contact and non-contact, including kissing). Similar results came from a survey in 2015.

Sexual abuse of children also occurs in crimes of trafficking of children, which in Estonia mainly concern non-coercive acts criminalised under § 175 of the Penal Code (“Human trafficking with respect to minors”⁵). Usually the child is influenced in social media channels to make and send erotic or pornographic photos of themselves or appear in an erotic performance, by offering financial or other benefits or by threatening. In 2021, 16 such cases were registered (26 cases in 2020). Crimes of trafficking of children involving force of coercion (acts criminalised under § 133 of the Penal Code “Trafficking in human beings”) are extremely rare in Estonia.

Estonia has limited experience with migrant, refugee and displaced children (unaccompanied children) who are sexually exploited or abused or otherwise victims of trafficking or at such risk. Border guards and police, who are usually the first contact point for such children, are trained to notice them and hand them over to Social Insurance Board for further assistance. To prevent disappearance of the children, they are placed in substitute care and they are guarded in these facilities.

A child victim of sexual exploitation or abuse (including victim of human trafficking), is considered a child in need of assistance under Estonian Child Protection Act⁶ and is entitled to receive help from the local child protection services. Child victims without a permanent residence in Estonia as well as unaccompanied minors are assisted by the Social Insurance Board. Since 2017 we have Barnahus (children’s houses) in Estonia that assist sexually abused children and those suspected of being abused, including children who might be victims of sexual abuse or exploitation (including child trafficking). In 2021 legal amendments were prepared to the Child Protection Act, providing that the local government’s child protection services must refer a (potentially) sexually abused child to the children’s house for multidisciplinary assistance (the amendments entered into force in May 2022). Estonia’s children’s houses are run by the Social Insurance Board and they provide a child-friendly environment for organising child protection and criminal proceedings, including interviewing child victims, and for providing health and social services to support the child’s recovery. There are four children’s houses across Estonia. The children’s house may refer the child and his/her parents/guardians to victim support services, including psychological counselling. The Police and Border Guard Board’s guidelines on the protection of children (described above) also recommend cooperation with the children’s house for a more child-friendly criminal proceedings and to secure the necessary services and assistance to the abused child.

Implementing and developing the Barnahus model in Estonia since 2017 has much improved the cooperation of various professionals working with child victims as well as the prevention work and raising awareness of child sexual abuse (including child trafficking related to sexual abuse) in Estonia. Trainings and workshops for specific target groups (trainers, teachers, social workers etc) regarding prevention of child abuse have been organized by the Barnahus staff. The Barnahus staff have all been trained in how to interview children, including children with special needs.

⁵ The Penal Code is available in English:

<https://www.riigiteataja.ee/en/eli/ee/530092022005/consolide/current>

⁶ The Child Protection Act is available in English: <https://www.riigiteataja.ee/en/eli/516112022002/consolide>

A large part of violence and sexual abuse towards children occurs as domestic violence. To mitigate this problem in Estonia, the Ministry of the Interior has continued to support (both financially and strategically) the MARAC system (multi-agency risk assessment conferences). Although this system is first of all aimed to deal with domestic violence issues, it also takes into account the interests and rights of children to assure no further harm comes to them.

During the reference period labour inspectors of the Estonian Labor Inspectorate have had the opportunity to participate with 1-2 colleagues in the OSCE simulation-based training on combating human trafficking along migration routes. The courses consisted of realistic simulations of cases of labour and sexual exploitation among migrants, including child victims. The Labor Inspectorate participated in this OSCE simulation-based training in 2019.

To protect children from sexual exploitation and abuse it is very important to raise their awareness about such abuse and possibilities for help. In recent years, specialists have carried out thematic lectures to school children in Estonia about sexual exploitation and also trafficking, and e-learning courses have been made available in web platform of schools (<https://e-koolikott.ee/kogumik/26780-Inimkaubandusevastu-voitlemine-ja-ennetamine>). The lectures covered the following topics:

- Sexual violence in Estonia (*Kelle nägu on seksuaalvägivald Eestis?*) by Kai Part
- How to identify dating violence (*Kuidas ära tunda kohtinguvägivalda?*) by Tiivi Pihla
- What are my possibilities to avoid sexual violence (*Millised on minu võimalused vältida seksuaalset väärkohtlemist?*) by Anna Frank-Viron
- What are my possibilities to avoid unpleasant sexual experiences (*Millised on minu võimalused vältida ebameeldivaid seksuaalkogemusi?*) by Kai Hallik
- Sexual violence crisis centre video (*Kriisiabikeskusi tutvustav video*)
- Why human trafficking concerns me (*Miks puudutab inimkaubandus mind?*) by Sirle Blumberg

Another important development in 2021 was that the Bar Association established an obligation for lawyers representing minors under the state-funded legal aid procedure to undergo additional training, and since 1 January 2021, lawyers can only represent minors under the state-funded legal aid procedure if they have undergone training related to children's developmental psychology, questioning of children and children's rights. This also applies to lawyers that represent victims of sexual abuse and/or trafficking in minors in criminal proceedings.

b) Please provide information on the impact of the Covid-19 pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.

During the COVID-19 pandemic statistics and data concerning exploitation and abuse of children were monitored more closely on a regular basis to detect any steep changes. The monitoring mechanisms for sexual exploitation and abuse of children are mainly three-fold – data from the child helpline service (116 111) on contacts related to child sexual abuse; data gathered by the children's houses (Barnahus) on cases notified by the child protection services, other specialists or the police; and police data on reported cases of abuse. Since 2022 local municipalities have a legal obligation to notify the Social Insurance Board (children's house) of all cases and suspicions of child sexual abuse, which facilitates state-wide monitoring and comparison of data.

c) Please provide information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

Encouraging smarter Internet use by children and their parents

During the reference period, the Estonian Union for Child Welfare as a strategic partner to the Ministry of Social Affairs has carried out various activities to achieve smarter Internet use by children and their parents, including raising awareness of risks in the digital domain. The project activities have been co-financed by the European Commission and the state budget through the Ministry of Social Affairs. The activities included for example training sessions and seminars for children, parents, teachers and social workers, and awareness-raising events for the general public; the drafting of training and awareness-raising materials for children, teachers and parents; creative competitions for children and students; etc.

Prevention of the online distribution of child sexual abuse material

As part of the aforementioned project, the Estonian Union for Child Welfare has also continued to operate the free online service *Vihjeliin* (www.vihjeliin.ee), which enables Internet users to provide information about material being distributed online which depicts illegal content – the sexual abuse or exploitation of minors and child trafficking. Information can be submitted anonymously. The Estonian Union for Child Welfare works closely with other national organisations, including law enforcement authorities, Internet service providers and non-profit organisations, and such international networks as INSAFE and INHOPE.

The Violence Prevention Agreement 2021-2025

During the reference period a new Violence Prevention Agreement was approved by the Government of the Republic. The Violence Prevention Agreement 2021-2025⁷ covers the prevention and combating of various forms of interpersonal violence. The main focus is on violence against children, while new topics include violence against the elderly and psychological violence. The agreement sets out 14 measures for violence prevention. The agreement does not include a complete list of violence prevention activities. The focus is on problems that still need more attention or have so far been overshadowed or where the expected progress has not been made. The measures cover activities at different levels of prevention.

One of the measures (No. 6) is: "Prevention of Violence in the Digital World". The following activities are listed under this measure:

- The digital competences of people will be developed and awareness of the dangers of online communication will be raised throughout the life cycle so that they do not fall victim to harassment or inadvertently commit violence in the digital world. Knowledge about domestic violence in the digital world and its effects, as well as the inappropriateness and prohibition of various forms of online communication, will be improved.
- Based on the monitoring of the digital hygiene of young people and their social skills in online communication, the skills of young people to prevent falling victim to and perpetrating digital violence will be developed. Parents also need digital literacy to support a child-safe online experience.

⁷ Available in English: <https://www.just.ee/en/media/3012/download>

- There is a need for a wide-ranging study to identify the causes and extent of cyber-violence (against women) and to analyse domestic violence in the digital world and its effects, as well as the investigative and punitive practices for such cases. Gaps in legislation to protect people from harassment in the digital world will be analysed.
- Online support will be increased to prevent threats and seek help, using digital solutions and online police officers.
- Investigations into harassment and sexual abuse in the digital world will be strengthened. To ensure security in the digital world, the police must be adequately trained to deal with new forms of violence.
- Through international co-operation, disturbing and inappropriate content will be removed from the web and stopped from reaching the web. Activities will also be carried out to protect people from the effects of violent ideologies, including terrorist propaganda, misinformation, and dangerous content, and to remove inappropriate online content.

The agreement is the basis for planning and implementing violence prevention policies and activities. It is aimed at policymakers in various fields, practitioners, and everyone in the public sector, local authorities, and non-governmental and private organisations who want to promote the prevention of violence. In order to implement the agreement, its specific activities will be included in the programmes of various areas (e.g. rule of law, internal security, welfare, health, education, and youth, etc.) and in the work plan of the responsible authorities. The programmes also provide the resources needed to carry out the activities. The agreement was drafted by the Ministry of Justice in co-operation with a wide range of partners, victim assistance organisations, and practitioners in the field, taking into account expert assessments and recommendations from international organisations, as well as the results of research and implementation of the strategies for preventing violence to date. The agreement is approved by the Government of the Republic. The need to renew the agreement will be assessed annually. The Ministry of Justice coordinates the implementation of the agreement through the Violence Prevention Steering Group, to which the responsible authorities – the Ministry of the Interior, the Ministry of Social Affairs, the Ministry of Education and Research, the Ministry of Culture, and other ministries together with the authorities in their areas of administration – appoint a representative, and more broadly through the Violence Prevention Network, which involves violence prevention partners from non-governmental organisations, representative organisations, education and health institutions, etc. The Ministry of Justice regularly monitors the implementation of the Violence Prevention Agreement and ensures the exchange of information between violence prevention specialists and stakeholders.

Penal Law

Estonia has criminalised all forms of sexual exploitation and sexual violence, and these are covered by different relevant articles in our Penal Code⁸. The following articles of the Penal Code cover sexual exploitation, sexual abuse, child pornography, trafficking and other forms of sexual violence/sexual crimes: § 133 (Trafficking in human beings), § 133-1 (Support to human trafficking), § 133-2 (Pimping), § 133-3 (Aiding prostitution), § 141 (Rape), § 143 (Compelling person to engage in sexual intercourse or other act of sexual nature), § 143-2 (Sexual intercourse or other act of sexual nature using influence), § 144 (Sexual intercourse with descendant), § 145 (Sexual intercourse or other act of sexual nature with child), § 145-1 (Buying sex from minors), § 147 (Inability of person of less than ten years to comprehend), § 153-1 (Sexual harassment), § 175 (Human trafficking with respect to minors), § 175-1

⁸ The Penal Code is available in English:

<https://www.riigiteataja.ee/en/eli/ee/530092022005/consolide/current>

(Requesting access to child pornography and watching thereof), § 178 (Manufacture of works involving child pornography or making child pornography available), § 178-1 (Agreement of sexual purpose for meeting with child) and § 179 (Sexual enticement of children).

As a general remark we would like to stress that in Estonia, all sexual crimes are not only gender neutral, but also technology neutral, thus meaning that criminalisation does not differentiate acts committed online and offline.

Estonia has recently changed the age of sexual consent from 14 to 16 (entered into force 01.11.2022) and also made several exceptions, which should clarify which acts are prohibited among children themselves (please see the Penal Code for changes made in the following provisions: § 145, § 145-1, § 175-1, § 178, § 178-1, § 179). Therefore, Estonia is of the opinion that our legislation is also in conformity with the *Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children*, of the Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the Protection of children against sexual exploitation, adopted in June 2019.

d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee deferred its conclusion pending receipt of information. Below are replies to the questions of the Committee.

The Committee notes the [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#), of the Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the Protection of children against sexual exploitation, adopted in June 2019. In the Opinion the Committee considered that the possession by children of sexually suggestive or explicit images and/or videos of themselves does not amount to “the possession of child pornography” when it is intended solely for their own private use and that the voluntary and consensual sharing by children among each other of the sexually suggestive or explicit images and/or videos of themselves does not amount to “offering or making available, distributing or transmitting, procuring, or knowingly obtaining access to child pornography” when it is intended solely for their own private use; ... The Committee asks the next report to provide updated further information on this issue such as whether the material must be for the child’s own private use and may only be shared with other children, as well as on the measures taken to ensure that adequate measures can be taken to address ‘sexting’ (or sharing of ‘sexts’) that is non-consensual and/or that constitutes sexual exploitation. Meanwhile the Committee reserves its position on this point.

Estonia has recently (as of 01.11.2022) made several amendments to the Penal Code which also address this issue. Estonia is of the opinion that our legislation is in conformity with the *Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children*, of the Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the Protection of children against sexual exploitation, adopted in June 2019. For further details, please see the answer provided under Article 7 subsection 10 question c) above.

The Committee asks the next report to provide updated information on measures taken to prevent the sexual exploitation of children, detect sexual exploitation and assist victims.

Updated information on measures taken to prevent the sexual exploitation of children, detect sexual exploitation and assist victims, have been provided under Article 7 subsection 10 questions a) to c) above. One of the most important advancements has been implementing and scaling up the Barnahus model (children's house) in Estonia – the service has grown from one children's house in 2017 to four children's houses in 2022 that cover all four regions of Estonia. The children's houses provide child-friendly and highly specialized assistance to sexually abused children and those suspected of being abused, including children who might be victims of sexual abuse or exploitation (including child trafficking). Since May 2022, the local government's child protection services have a legal obligation to refer a (potentially) sexually abused child to the children's house for multidisciplinary assistance. Implementing and developing the Barnahus model in Estonia since 2017 has much improved the co-operation of various professionals working with child victims as well as the prevention work and raising awareness of child sexual abuse (including child trafficking related to sexual abuse) in Estonia.

Besides the child protection services provided by the local municipalities and the Social Insurance Board's children's houses (including thorough needs assessment), child victims of sexual exploitation or abuse are entitled to state-funded victim support services that are listed in the Victim Support Act: <https://www.riigiteataja.ee/en/eli/513052020004/consolide>. According to the Victim Support Act, sexually abused minors receive the widest range of services in case of need: counselling, assistance in communicating with state and local government authorities and legal persons, safe accommodation, catering, necessary health services, necessary material assistance, necessary psychological assistance, translation and interpretation services for using the victim support services, and other services necessary for their physical and psycho-social rehabilitation. The Social Insurance Board assesses the need for such services and organises their provision.

A new Victim Support Act has been drawn up and is currently in Parliament discussions. The new Act clarifies the content and purpose of services to victims of sexual violence (including child victims) and makes psychological help more available in cases of (suspected) sexual abuse even when criminal proceedings have not been initiated. This is especially important for child victims of sexual abuse.

Victims of sexual exploitation are detected with the help of the victim identification and victim assistance guidelines covering all the target groups. The public version of the guidelines is available at <https://www.just.ee/media/743/download>.

In view of the constantly growing impact of informational or digital technologies on the lives of children, the Committee requests information on any new measures adopted in law and practice to combat sexual exploitation of children through the use of Internet technologies.

Please also see the answer provided under Article 7 subsection 10 question c) above.

Furthermore, with the help of the EU ISF fund, Estonia plans to invest 750,000 euros in the years 2023-2027 to prevent children becoming victims of sexual abuse online.

With the fund's support, an information campaign will be carried out to prevent children and young people becoming victims of sexual abuse in cyberspace. In this context, sexual abuse is defined as sexual abuse and exploitation of a child on the Internet, as well as the production and distribution of this material, harassment, sexting, cyberbullying, luring, etc., with sexual content and self-harming behavior accompanied by coercion and blackmail.

As part of the campaign, children's awareness and skills on how to behave in the cyber world will be raised in order to avoid becoming victims of sexual abuse and blackmail in cyberspace. For the media

campaign within the project, interactive video clips in Estonian and Russian will be prepared in cooperation with children themselves. In addition to interactive video materials, old materials will be adapted, and new materials created on the topic of prevention of sexual abuse of children for teachers, youth workers, child advocates and police officers. Separately, the focus will be on materials intended for parents, to increase their awareness and skills in talking to children about this topic. Trainings are also planned as part of the project (for example, for police officers and other professionals who work directly with children) to raise the awareness and skills of adults who encounter young people, to spot a young person who has become a victim of online abuse, to offer appropriate help and in turn to conduct prevention lectures on this topic.

The Committee notes the [opinion of GRETA](#) expressed in its above-mentioned report that the figures in respect of formally identified victims probably do not reflect the real scale of the phenomenon of trafficking in human beings in Estonia since insufficient attention is paid to detecting human trafficking for purposes other than sexual exploitation and there are shortcomings in the identification procedure. The Committee asks the state to comment on these concerns on any measures taken to address them and the effectiveness of such measures in practice.

Estonia has victim identification and victim assistance guidelines covering all the target groups, not just detection of victims of sexual exploitation. The identification guideline is composed by following the example of ILO's corresponding material. The last version of the identification and referral guideline was compiled and agreed upon in 2019, and is in use in all the relevant agencies – the Police, the Labour Inspectorate, Estonian Tax and Customs Board, etc. In order to ensure the awareness of the respective professions and the skills to use the material, corresponding training is organized every year. For example, in 2022, in November, prosecutors, police investigators, labour inspectors, victim support officials and officials from the Ministries of Justice, Internal Affairs and Social Affairs gathered for two-day training, to improve cooperation. The public version of the guideline is available (in Estonian) at: <https://www.just.ee/media/743/download>. The version with detailed identification model is for official use only and not made available for the public.

Detecting human trafficking is relevant for investigative authorities as well as for the guaranteeing social assistance. In 2022 a special e-mail address was made for forwarding the suspicions to the police (thb.info@politsei.ee), and also it is possible to get assistance through hotline service +3726607320 (for more information see: <https://www.sotsiaalkindlustusamet.ee/en/human-trafficking-prevention-and-victims-assistance-counseling-line>). Since May 2021, the Social Insurance Board is responsible for providing all the services for victims of THB, as stated in the Victim Support Act⁹. Also the hotline service is provided by the State.

The Committee refers to the [General Comment No. 21](#) of the UN Committee on the Rights of the Child which provides authoritative guidance to States on developing comprehensive, long-term national strategies on children in street situations using a holistic, child rights approach and addressing both prevention and response. The Committee repeats its request to be informed of the measures taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas. If this information is not

⁹ The Victim Support Act is available in English: <https://www.riigiteataja.ee/en/eli/513052020004/consolide>

provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter.

In Estonia, children are effectively protected from domestic/labour exploitation and trafficking for the purposes of labour exploitation and begging. Such exploitation of children is prohibited by law. According to § 175 of Penal Code (“Human trafficking with respect to minors”) it is prohibited to influence a child, either for the purpose of gaining economic benefits or without it, to commence or continue engagement in prostitution or commission of criminal offences, work under unusual conditions, beg or marry against his or her will or appear in pornographic or erotic performances or works. The Police takes seriously and investigates possible human trafficking offences. In 2020, 26 such cases were registered (16 cases in 2021) which predominantly concerned children being influenced in social media channels to make and send erotic or pornographic photos of themselves or appear in an erotic performance. Cases of labour exploitation of children have been rare and cases of trafficking of children involving force or coercion (acts criminalised under § 133 of the Penal Code “Trafficking in human beings”) have been extremely rare in Estonia. At the same time there are victim identification and victim assistance guidelines in place that cover all possible types of exploitation or human trafficking (more detailed information is provided under Article 7 subsection 10 question d) above).

Information on legal and practical measures taken to prevent labour exploitation of children have been provided under Article 7 subsection 1 above. It has been explained that the Employment Contracts Act § 8 prohibits an employer from allowing a minor to work without the consent or approval of a legal representative. Also, the employment of a minor needs to be registered in employment register (TÖR) and a labour inspector shall verify that the work is not prohibited for the minor and the minor’s working conditions are in accordance with the requirements provided by law and the minor wishes to do the work. In addition, the Labour Inspectorate carries out state and administrative supervision over the fulfilment of the requirements provided for minors, including targeted inspections. For example, in 2021 the Labour Inspectorate carried out joint inspections with the Tax and Customs Board. During the inspection period the Tax and Customs Board provided the Labour Inspectorate with information about enterprises where minors were hired. The Labour Inspectorate carried out targeted inspections in those companies to control minors’ working conditions. Labour inspectors can thus detect children in vulnerable situations.

As regards children’s involvement in agricultural work, detailed information has also been provided under Article 7 subsection 1 above. It has been explained that minors are only allowed to work in agriculture if the work performed is light work and meets the requirements provided by the law (explained above). The suitability of agricultural work is always assessed in risk assessment for certain working position and certain minor worker. Supervision over the working conditions and suitability of the work to minors is carried out by the Labour Inspectorate. According to 2018 data, minors that worked were mostly engaged in accommodation and food services, retail and wholesale, and art, entertainment and leisure. Only 3 per cent of minors that worked (ca 600 children) were engaged in agriculture, forestry or fishing industries. The situation was similar in 2021, with 3.7 per cent of minors that worked (701 children) engaged in agriculture, forestry or fishing industries.

During the reference period Estonia has continued to develop its child and family policy according to a national Strategy of Children and Families 2012-2020, which set the following strategic objectives among others: a) the rights of children are guaranteed and a functional child protection system is created in order to value each child and the kind of safe environment that supports the development and well-being of children; b) Estonia has a combined system of benefits and services that support the adequate economic coping of families in order to offer constant security to families. Following these

objectives, Estonia has been quite successful in reducing the poverty of children and families with children (please see questions related to Article 17 subsection 1 below), therefore also reducing the vulnerability of children. Estonia has also established a child protection system where both local and central government have their responsibilities. Estonia is a small country with 1.3 million inhabitants and relatively small communities (on average, there are 16,000 inhabitants in a local municipality), where vulnerable children do not easily go unnoticed. Children in vulnerable situations, for example without adequate living conditions or parental care, are noticed sooner or later and provided assistance. According to the Estonian Child Protection Act, every person has the duty to notify the local government of a child in need and the local government's child protection worker must assess the child's needs without delay and provide assistance to the child and his/her family.

Considering the aforesaid, adequate measures have been taken in Estonia to protect and assist children in vulnerable situations.

Article 8 – The right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;

a) Please provide information whether the Covid-19 crisis had an impact of on the right to paid maternity leave (in particular whether all employed women concerned – in the private as in the public sector - continue to receive at least 70% of their salary during the whole length of the compulsory maternity leave during the Covid-19 crisis).

Individual parental benefit for mothers is paid during maternity leave up 100 calendar days. Mothers have the right to maternity leave as of 70 days before the birth of the child and 30 days after the birth. For non-working mothers the length of maternity benefit is 30 days after the birth of the child. After this period, it is up to the parents to decide who will start receiving the shared parental benefit.

100% of the reference wage is paid during maternity leave for up to 100 days. It means the calculation methods as well as the basis of the calculation of the benefit are the same throughout the whole scheme with one difference: maternity benefit does not have a ceiling. The COVID-19 crisis did not have an impact on the right to paid maternity leave.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 8§1 of the Charter pending receipt of information. Below is the information requested by the Committee.

The Committee expects the next report to provide any relevant statistical data on the proportion of women taking less than 6 weeks' postnatal leave.

According to the Estonian Health Insurance Fund there were 41,032 women whose children were born between 01.01.2018 and 31.12.2021 and who received maternity benefit. Overall, 16 out of 41,032

women (i.e. 0.039% of women) had received maternity benefit less than 6 weeks after the estimated birthdate of the child.

2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;

a) Please provide information:

- i. whether the Covid-19 crisis had an impact on the possibility of dismissing pregnant employees and employees on maternity leave and
- ii. whether there were any exceptions to the prohibition of dismissal during pregnancy and maternity leave during the pandemic.

The COVID-19 crisis has had no impact on the possibility of dismissing pregnant employees and employees on maternity leave. The statistical data of claims in this matter is added below. There were no exceptions made during the pandemic from the regulations that regulate the dismissal of employee during pregnancy and maternity leave.

Table 5. Claims about wrongful termination of employment (pregnancy, maternity leave, person raising a child being below the age of three years ECA § 93), 2018-2021:

2018	2019	2020	2021
4	5	5	4

b) If the previous conclusion was one of non-conformity, please explain whether and how the non-conformity was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 8§2 of the Charter.

3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 8§3 of the Charter. Below is the information requested by the Committee.

The Committee asks what rules apply to women working part-time.

The same rules and regulations apply for women working part-time as for women working full-time. More precise description of regulations was pointed out in previous report (for the period 2014-2017).

Pursuant to the OHSa, a nursing mother has the right to additional breaks for nursing until the child is a year and a half old. An additional break shall be granted every three hours for no less than 30 minutes at a time. A break granted for nursing two or more up to one and a half year old children shall last for at least one hour. Nursing breaks shall be included in the working time and average wages shall be

paid for such breaks. The employer shall receive compensation for the payment of average wages from the state budget.

4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;

a) Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

According to OHSa article 18, a pregnant employee and an employee who has the right to maternity leave have the right to demand that the employer temporarily provide them with work corresponding to their state of health if the employee's state of health does not allow for the performance of the duties prescribed in the employment contract on the agreed conditions. If the employer cannot provide the employee with work corresponding to the employee's state of health, the employee may temporarily refuse to perform the duties. In both cases, the employee is paid replacement income (compensation) to avoid loss of pay due to health condition as set in Health Insurance Act¹⁰.

Transfer to lighter work is permitted on the basis of a sick leave only for pregnant women with medical insurance working under an employment contract, according to their health status. For this purpose, a doctor or midwife issues a sick leave to a working pregnant woman with the reason "assignment of work corresponding to the state of health or transfer to a lighter position". The benefit can be received by a pregnant woman until she receives the parental benefit or for up to 182 days. In the event that the employer has offered lighter work and as a result the salary decreases, the Health Insurance Fund compensates 100% of the salary difference caused by the transfer to lighter work (taking into account the amount by which the person's salary for the lighter work is lower compared to her average earnings of the previous calendar year). If the employer does not have lighter work to offer, starting from the second day the Health Insurance Fund compensates 70% of the person's average income for one calendar day of the previous calendar year. If no social tax was calculated or paid for a person in the previous calendar year, or if its amount is below the minimum wage or minimum social tax, then the compensation is calculated from the minimum rate. In these cases, the person's income decreases compared to their current salary, during the period of transfer to lighter work. The basis for calculating the temporary incapacity benefit is the same for all temporary incapacity benefit recipients.

Upon termination of maternity leave, a woman has the right to use the improved working conditions which she would have been entitled to during her absence, such conditions contain better work and rest time conditions, better income etc. Upon termination of maternity leave, a woman has the right to return to their previous employment at the end of the protected period. The employment contract cannot be terminated at this time. ECA article 93 sets that an employer may not cancel an employment contract with a pregnant woman or a woman who has the right to maternity leave, or a person who is on paternity leave, adoptive parent leave or parental leave due to lay-off, except upon cessation of the activities of the employer or declaration of the employer's bankruptcy if the activities of the employer cease or upon termination of bankruptcy proceedings, without declaring bankruptcy, by abatement. Also, an employer may not cancel an employment contract with a pregnant woman or a woman who has the right to maternity leave due to a decrease in the employee's capacity for work.

¹⁰ Available in English: <https://www.riigiteataja.ee/en/eli/528062022002/consolide>

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 8§4 of the Charter. The information requested by the Committee is provided under Article 8§4 question a).

5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

a) Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that the women concerned retain the right to return to their previous employment at the end of the protected period.

See the answer under Article 8§4 question a).

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 8§5 of the Charter. The information requested by the Committee is provided under Article 8§4 question a).

Article 16 – The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means

a) Please provide updated information on measures taken to reduce all forms of domestic violence against women including information on incidence and conviction rates.

In 2018, 3607 domestic violence crimes were registered; in 2019, 4119 crimes; in 2020, 3987 crimes and in 2021 3760 domestic violence crimes. Between 2011 and 2019, the number of domestic violence crimes gradually increased, but in the last two years the increase has stopped. Most of domestic violence crimes are related to a previous or current partnership (835 in 2021). The typical perpetrator of domestic violence was a man in his 40s. Most of the cases of violence were committed against women and girls, but there were also cases with a male victim and, in some cases, violence between same-sex couples. According to the police, the percentage of cases where children were indirect or direct victims of domestic violence has remained stable in recent years (27% in 2021).

In 2017, harassing pursuit was criminalised in Estonia. In the last four years, an average of nearly 200 cases of harassing pursuit have been registered per year (in 2018 200 cases; in 2019 202 cases; in 2020 225 cases and in 2021 167 cases). Most cases of harassing pursuit are committed in an intimate relationship, with the stalker often being the victim's (ex-)partner (63 cases in 2021).

Since 2018 there have been around 60 applications for temporary restraining order per year. In the last four years (2018-2021), temporary restraining orders have been requested most for physical abuse (59%), harassing pursuit (14%) and threats (11%), and less often for other crimes. In most cases, the restraining order protects the victim from his or her current or former family member, and in some cases the victim's children and parents are also covered by the restraining order. Since 2020 in a situation of urgency, the restraining order may be imposed by order of the Prosecutor's Office and regardless of the victim's consent. In such a situation, the Prosecutor's Office notifies the imposition of the restraining order to the court within two working days and the court, having regard to the victim's consent, decides on the permissibility of the order. Out of the restraining orders applied in the period 2020-2021, every fourth one was determined by the prosecutor's order in an urgent case (In 2020 altogether 16 out of 60 and in 2021 11 out of 46). In 78% of cases, the prosecutor set a temporary restraining order to protect a woman who was abused by her intimate partner.

Data on long term restriction order (restriction order with conviction) is unfortunately incomplete.

In the last four years (2018-2021), according to the police, nearly 40 restraining orders have been violated in a year. The vast majority of restraining order violations are committed by serial offenders. In 2017-2021, there were 102 convictions in cases of violation of a restraining order. Persons convicted of violating the restraining order had mostly also committed other crimes. Violating a restraining order is a felony punishable by a fine or up to one year in prison. In 53% of cases, the violation of the restraining order was punished with actual imprisonment.

Estonia has signed and ratified the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence (which came into force in Estonia on the 1st February 2018). The first assessment under this instrument by GREVIO took place in 2021-2022 and the final report will be discussed in December 2022. Please note that the Baseline report (Report submitted by Estonia pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence) was published on 3 May 2021 and is available here: <https://rm.coe.int/grevio-inf-2021-3-state-report-estonia/1680a24cd4>

In order to prevent women from becoming a victim of domestic violence again, national victim support system acts in every county in Estonia. There are currently 16 women-only domestic violence shelters which provide safe temporary accommodation to victims of domestic violence and their children free of charge and are operational 24/7. Victim support specialists hired by the Social Insurance Board cover all the counties, providing counselling and information for victims of domestic violence and their relatives if needed. The Multi-Agency Risk Assessment Conference (MARAC) which started as a pilot project in 2015 was expanded to cover all regions of Estonia in 2019. This risk assessment system consists of a local, multi-agency and victim-focused co-operation model involving all relevant professionals including the police, victim support professionals and NGOs providing specialist services, and aims to reduce the risk of serious harm or death faced by victims in high-risk domestic violence cases.

In Estonia several awareness-raising initiatives involving various stakeholders were carried out on sexual violence and domestic violence since 2018. The campaigns were implemented by different state bodies such as the Ministry of Justice and the Ministry of Social Affairs, the Police and Border Guard,

the Social Insurance Board, oftentimes in partnership with women's NGOs. Many of these initiatives aimed to encourage victims and witnesses of violence to report and seek help. In 2020 campaign "Olen mees, ma ei löö" ("I'm a man, I don't hit") was carried out in Estonian and Russian and focused on raising men's awareness on intimate partner violence, particularly in the largely Russian speaking Ida-Virumaa county where the domestic violence rate is higher than the national average. Another awareness raising initiative launched also in 2020, the campaign "Milline meeskuju tahad Sina olla?" ("What kind of role model are you?") aimed to change the attitudes of men and boys towards gender-based violence and to encourage perpetrators to seek help. Attention was also given to design awareness raising initiatives to encourage witnesses of domestic violence to report abuse. In 2018 and 2019, the Social Insurance Board implemented two such projects aiming to inform witnesses of violence on how to receive support and the applicable reporting procedures. In addition to the above-mentioned longer-term projects, regular one-off public information activities are carried out in the media, including social media, by different ministries, police and the prosecutor's office. These include statements and posts published on special days such as the International Day for the Elimination of Violence against Women, International Women's Day, Christmas and other public holidays.

The gender-based violence prevention goes hand-in hand with gender equality policy. Strategy and policy measures to promote gender equality and equal opportunities (on other grounds) are planned through the Welfare Development Plan 2016-2023. The current "Welfare Development Plan for 2016-2023" has four sub-goals, one of which is gender equality. Measures planned in the development plan and the gender equality programme vary from awareness raising to legislative initiatives, including both special measures to promote gender equality and activities that support the implementation of gender mainstreaming. To reduce gender inequality, prevent its resurgence, and achieve gender equality in different spheres of life, attention is paid to reducing gender stereotypes that cause gender inequality and their negative impact; reducing gender segregation in education and the labour market; supporting the economic independence of men and women, therein reducing the gender pay gap; achieving a gender balance on the decision-making levels of society; enhancing the protection of rights; and ensuring institutional capacity, including the analysis and management capabilities necessary for the promotion of gender equality. Implementation of the development plan and the programme is monitored through indicators.

The new Welfare Development Plan 2023-2030 will be proposed to the government by the end of 2022. The strategy will have five sub-goals, one being gender equality and equal opportunities.

b) For States Parties not having accepted Article 31, please provide updated information on the availability of adequate affordable housing for families.

In its fourth report provided within the framework of Article 22 of the Social Charter (for 2015-2019), Estonia presented information about general legal framework covering access to housing (Article 31). The information given in 2010 is continuously applicable.

§ 33 of the Estonian Constitution prescribes that home is inviolable. No one's dwelling or other premises lawfully occupied by him or her, may be forcibly entered or searched, except in the cases and pursuant to a procedure provided by law to protect public order, public health or the rights and freedoms of others, to prevent a criminal offence, to apprehend the offender, or to ascertain the truth in a criminal case. § 34 of the Constitution also prescribes that everyone who is lawfully in Estonia has the right to liberty of movement and to choose his or her residence.

According to the Local Government Organisation Act, the functions of local municipalities include the organisation of housing and utilities in its territory of municipality. Moreover, organisation of maintenance of shelters and care homes is also a function of the municipalities. 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.

According to the Social Welfare Act § 3 one of the principles in provision of social welfare assistance is to prefer measures which are aimed at finding possibilities and increasing the ability of the person to organise his or her life as independently as possible. Social Welfare Act (§ 41) 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.

In addition to the measures described above, local municipalities also contribute to the improvement of the living conditions of permanent residents (according to the Population Register) of their administrative territories. Most local municipalities have established procedures that regulate how rented housing (owned by the local municipality) is applied for, let and used. In general, only persons who are registered in the Population Register of the given local municipality can apply to rent housing from the local municipality. Local authorities allocate housing on the basis of need, but usually priority is given to families with children, including single parents, elderly persons, disabled persons and other vulnerable groups.

Circumstances which are taken into consideration upon granting social and municipal housing are usually the following:

- 1) the time the individual was taken into account as an applicant for municipal housing;
- 2) the size and the condition of the applicant's current and desired dwelling;
- 3) the size of the family (including the number of underage children in the family);
- 4) the health condition of the applicant and his or her family members and other social facts.

Generally, there are two types of dwellings one can apply for – municipal housing and social housing. Social houses are usually dwellings rented to individuals with a need for social services (e.g. dwellings adjusted for wheelchair access to accommodate persons with disabilities, dwellings appointed to the supported residing of persons with mental disabilities and the houses of the elderly). The rest of the dwellings are municipal houses. In case there are no suitable or available apartments or rooms in municipal or social houses, local municipalities must help people in need with finding a suitable place for them to live from the free market by also helping them cover the primary costs (and also monthly dwelling costs by granting subsistence benefit – see Social Welfare Act § 131). The exact procedure for provision and use of social and municipal housing is established by the local municipalities.

The Social Welfare Act (§ 42) also states that persons who have difficulties moving about, caring for themselves or communicating in a dwelling as a result of a disability are assisted by local municipalities in adapting their dwelling or in obtaining a more suitable dwelling. According to the Social Welfare Act ensuring the possibility to use a dwelling shall be based on the principle that the person with a disability would be able to live at home for as long as possible.

For supporting persons with disabilities in adapting their dwellings a special grant program was created for the period 2018 – 2022 for adapting dwellings for persons with disabilities. With the resources from the European Regional Fund (ERF), local municipalities are financially supported in adaptation of homes of persons with disabilities, including for improvement of mobility and access to the building or dwelling, improvement of personal hygiene and improvement of kitchen facilities. Four calls for applications have been carried out:

- In 2017 during pilot project 1 local municipality was supported (45 adaptations);
- In 2018 56 local municipalities were supported (467 adaptations);
- In 2019 74 local municipalities were supported (1229 adaptations);
- In 2020 74 local municipalities were supported (513 adaptations);
- In 2021 10 local municipalities were supported (141 adaptations).

In total, 2395 homes of persons with disabilities will be adapted between 2017-2023. By the end of 2021, 1254 homes were adapted, and 1141 home adaptations were in process. The total budget for the adaptations is approximately 10 million euros. One of the preconditions for local municipalities to apply for funding is the requirement to establish their own regulations for home adaptations to ensure that they will continue with the adaptations after the ERF supported program ends.

The Welfare Development Plan for 2016-2023 also emphasizes the importance of accessible and adequate housing as an essential part of overall welfare. It also states that housing is essential in guaranteeing vulnerable groups with minimally intrusive measures of help (home service, home adaptation etc., with the aim to lengthen the period of time spent at home environment for as long as possible instead of institutions).

Development of family-based care for persons with mental disabilities and special needs in 2014-2023. Transitioning from institutional to community-based care (deinstitutionalisation) is one of the priorities in Estonia. The main purpose is to transfer to community-based care by establishment of high-quality services and improved living, studying and working conditions. Gradual deinstitutionalisation of special care was set as a goal in the Reorganisation of State-Owned Special Care Institutions and Services Plan in 2006. The Social Welfare Act is continuing a similar course of development in the field of welfare services for 2016–2023. The process includes mainly two dimensions:

- providing services in smaller, home-like institutions (family-type houses);
- developing and providing community-based, supportive services for preventing the need for institutionalisation and enabling people to live independently.

Our aim in period 2014-2023 is to reorganise 9 large (over 30-places) 24-hours care institutions with 1175 places by following deinstitutionalisation principles. With the resources from the ERF we are planning to create 918 places in community-based and family-based 24h homes and 257 places in community support service. In addition to reorganisation, we also supported creation of new community support services places for 517 people. The total budget for activities of this period is 56 million euros. By the end of 2021, 941 places have been reorganised, and 370 new supporting service places have been created.

In addition, our aim is to adapt the existing general care homes to make them dementia friendly and create new service places in general care homes for clients with dementia. Dementia Competence Centre (DCC) was established in September of 2018. The DCC is a training and development centre in the field of dementia, the aim of which is to increase awareness and competence in offering dementia-friendly care and adapting the environment in Estonia. At the request of the Ministry of Social Affairs the DCC composed an expert analysis on the adaptation of the physical environment of people with dementia in a care institution, and a concept for an innovative house for people with dementia. In 2019, 26 care homes were supported, 682 places were adapted, 124 new places were created. Since 2020 DCC issues a dementia-friendly care facility label. Based on IFIC project (2018-2021) outcome we have started designing a route map of a person with dementia. In 2020 the Ministry of Social Affairs compiled Dementia Action Plan (DAP) which summarizes current, ongoing and future activities in the

field of dementia (based on GDO). It is a working document for both the new Welfare Development Plan 2023-2030 and for the planning of the EU's structural funds for the next period.

In accordance with the Social Charter the right to adequate housing has to be guaranteed, but the term “adequate” has not been defined in Estonian legislation. Principles and principal requirements for construction are defined in the Building Code. The requirements set to residential premises are brought out in Regulation No. 38 of the Government of the Republic dated 36.01.1999. According to the Regulation the socially justified standard for dwellings is 18 m² per each family member and in addition 15 m² per family. Reference noise levels in residential and recreational areas, in dwellings, and methods for measuring noise levels are fixed in the relevant legal act. Health and Safety Requirements for Asbestos Work are defined in relevant legal act. The state only intervenes into the market if the market does not work properly.

c) Are family or child benefits provided subject to a means-test? If so, what is the percentage of families covered?

All family and child benefits paid by the state are not means-tested. The principle of universality applies, except for parental benefit, which is dependent on the person's income.

d) Please provide information about the amounts paid in child/family benefit as well as the median equivalised income for the reference period.

Table 6. Average family benefit by type of benefit and year in euros, 2018-2021:

	2018	2019	2020	2021
Childbirth allowance for the 1st child	320	320	320	320
Childbirth allowance for the 2nd and each subsequent child	320	320	320	320
Childbirth allowance for multiple births	1000	1000	1000	1000
Child care allowance for a 1- to 3-year-old child, monthly	38.36	38.36	38.36	38.36
Child are allowance for each child 3-8 years of age in families with children up to 3 years of age, monthly	19.18	19.18	19.18	19.18
Child care allowance for each child 3-8 years of age in families with 3 and more children, monthly	19.18	19.18	19.18	19.18
Child allowance for the 1st child, monthly	55	60	60	60
Child allowance for the 2nd child, monthly	55	60	60	60
Child allowance for the 3rd and each subsequent child, monthly	100	100	100	100
Single parent's child allowance, monthly	19.18	19.18	19.18	19.18
Conscript's child allowance, monthly	50	300	300	900
Allowance for families with many children, families raising three to six children, monthly	300	300	300	300
Allowance for families with many children, families raising seven or more children, monthly	400	400	400	400

Foster care allowance, monthly	240	240	240	240
Child allowance for adoption of a child	320	320	320	320

Source: Statistics Estonia

Table 7. Equalised monthly disposable income in euros, 2018-2021:

2018	2019	2020	2021
1065	1142	1185	1471

Source: Statistics Estonia, Estonian Social Survey

e) Is there a length of residence requirement imposed on nationals of other States Parties lawfully resident in your country for eligibility to child/family benefits?

There is no length of residence requirement imposed on nationals of other States Parties lawfully resident in Estonia for eligibility to child/family benefits. The right to receive Estonian child/family benefits exists if both the applicant and the child live permanently in Estonia and if they are Estonian citizens or foreigners living in Estonia on the basis of a residence permit or right of residence.

f) What measures have been taken to ensure that vulnerable families can meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services)?

According to the “General Part of the Social Code Act” the rights and obligations established in the Social Code shall apply to an Estonian citizen residing in Estonia, an alien residing in Estonia on the basis of a long-term residence permit or permanent right of residence or an alien residing in Estonia on the basis of a temporary residence permit or temporary right of residence.

Every person staying in Estonia shall have the right to receive emergency care on the bases provided by law. A beneficiary of international protection or an asylum seeker who is staying in Estonia shall have the right to receive social protection on the bases established in the Act on Granting International Protection to Aliens. The Estonian National Social Insurance Board shall organise the settlement of a beneficiary of international protection in the territory of a local government and will cover one-time expenses related to the entering into a rental contract of a dwelling granted for use to a beneficiary of international protection (at a rate of up to 6 times the subsistence level for a family).

According to the “Social Welfare Act” provision of social services, social benefits and other assistance is organised by the local government of the person's place of residence entered in the population register. Emergency social assistance, which provides a person with at least food, clothes, temporary accommodation, etc., is provided by the local government in whose administrative territory the person is staying at the moment of need.

Under the responsibility of local government is the **provision of housing** for a person or family who, due to their socio-economic situation, are unable to buy housing that meets their needs or rent it on the free market. In other respects, however, they can cope independently, for example, to pay for the costs associated with the use of the dwelling, applying for subsistence support if necessary.

According to “Social Welfare Act“ **subsistence benefit** is an aid granted by the government to people in need, which is paid by the local government. The **subsistence level** is established based on minimum expenses on food, clothing, footwear, and other goods and services which satisfy primary needs. A person living alone or a family whose monthly net income, after the deduction of fixed housing expenses (payable during the given month – heating, water, electricity etc.) based on the limit of expenses established by the council of the local government, is below the established subsistence level has the right to receive a subsistence benefit. Upon the grant of a subsistence benefit, family members are deemed persons who are married or in a conjugal relationship and live in the same dwelling, their children and parents who need assistance, or other persons who have a shared household.

In 2021, local governments paid subsistence benefit to 9 806 households, 16 508 people received it, which is 1.2% of the Estonian population. According to the forecast, the number of recipients of the subsistence benefit will increase by about 900 households due to the above change. Starting from 1st July 2022, people who have fallen into a difficult economic situation will be able to apply, along with an application for subsistence benefit, also for compensation of payments aimed at repaying a home loan. In this case, the same principle will apply as with compensation for rental housing costs.

Large families Home Support. The objective of Large Families Home Support is to improve the living conditions of low-income families raising three or more children. The target group of the support is large families who do not own a dwelling or whose dwelling does not meet modern living conditions. With the help of this support, these families can build a home (incl. erect, add an extension to, remodel, renovate, establish, alter, and replace the building’s heating, electricity, gas, water and sewerage system) or buy a dwelling for the household, if the household does not have a privately owned dwelling or it does not meet modern living conditions. The dwelling to be bought must correspond to the requirements set to the dwelling (subsection 11 (4) of the Building Code¹¹). The use of the funds of the support program is carried out by the "Development Plan for Children and Families 2012–2020" measure 4.1: Development of a functioning social protection system of strand 4.1.3: improvement of housing conditions for families with children.

In addition, there are other measures to support renovating or buying a dwelling. These include mortgage loan guarantee, small housing reconstruction grant, renovation loans and subsidies operated by KredEx. There are also measures for increasing energy efficiency of heating devices and district heating, for example the Environmental Investment Centre has supported programs for reconstruction of district heating networks and replacement of heating devices in apartment associations. Also, there are measures for supporting energy efficiency and renovation of public sector buildings, including schools, kindergartens, and social buildings (supported by Environmental Investment Centre and the State Shared Service Centre).

Temporary measures due to high energy prices and COVID-19 crisis during 2021-2022 winter:

- **Reductions in the excise duty on energy carriers** to mitigate the effects of the COVID-19 crisis.
- **Compensation of the electricity network fee for everyone.** In period from October 2021 till March 2022 the Ministry of Economic Affairs and Communications implemented universal and automatic support measure to all private electricity consumers what covered 50% of electricity network fee. This was automatically reflected in the electricity bills as half the cost of the network service.

¹¹ Available in Estonian: <https://www.riigiteataja.ee/akt/109072020017?leiaKehtiv>

- **Special measure for compensation of high energy prices for families whose income is below the relative poverty line** was started from September 2021 till April 2022. Families whose average monthly income was equal to or less than the relative poverty line of the family during this period were compensated for 80% of the price increase for a particular type of energy (electricity, gas or room heat) on the basis of electricity, gas and heating bills. This special measure aid was planned by the Ministry of Finance and applications were taken and benefits were paid by local governments.

g) If specific temporary measures were taken to financially support vulnerable families during the Covid-19 pandemic, will they or are they expected to have been maintained or withdrawn? If they have been withdrawn, what effect is this expected to have on vulnerable families?

Calculation of parental benefit in case of unemployment (change made due to the COVID-19 crisis).

As of 1 July 2021, during the next 3 year period (the amendment shall be applied retroactively in the case of children born during the period from 1 January 2021 to 31 December 2023) in case of unemployment, the time of unemployment will not be taken into account when calculating the amount of parental benefit. The amendment ensures that parental benefit is calculated according to the taxed income preceding unemployment and the parents will not lose out because of COVID-19.

The aims are to prevent the negative impact of the pandemic on fertility and to increase the confidence and wellbeing of families with children. This is a temporary amendment and after an impact assessment we will make further decisions.

As an immediate measure, temporary financial support to parents of children with special needs was introduced from March to May 2020. The aim of the financial benefit was to provide state supported income for parents, who have taken unpaid leave due to the closure of kindergartens and schools, in order to guarantee the everyday surveillance, study support and personal hygiene procedures of their children. Parents of children with profound, severe or moderate disability, educational special needs and lack of immunity were granted 70% of their average income of the previous calendar year for each calendar day of the unpaid leave. The measure was applicable until the end of the emergency period.

h) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concludes that the situation in Estonia is not in conformity with Article 16 of the Charter on the ground that the eviction notice period is too short. Below are replies to the questions of the Committee.

The report does not provide any data on convictions related to domestic violence. In this respect, the Committee takes note that according to the United Nations Human Rights Committee's (CCPR) [Concluding observations adopted in 2019](#) the prosecution rate remained low and underreporting of domestic violence was allegedly high, partly due to safety concerns associated with the lengthy process for obtaining restraining orders against perpetrators and the lack of availability of emergency restraining orders. It also takes note of the concerns expressed by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) in its [Concluding Observations of 2016](#) about the absence of a law on domestic violence and other shortcomings in the applicable legislation,

in particular the narrow definition of rape in the Penal Code and the fact that economic and psychological violence are not criminalized. The CEDAW also expressed concerned about the fact that perpetrators of domestic violence are rarely sentenced to imprisonment and that issues related to domestic violence and the risks for the victims are not sufficiently taken into consideration by the courts when deciding on child custody. The Committee asks the next report to provide updated information on domestic violence against women and related convictions, as well as on the availability and use of restraining orders, the implementation of the various measures described in the report and their impact on reducing domestic violence against women, also in the light of the abovementioned CCPR and CEDAW observations.

Regarding services for victims of domestic violence, please see the answer for article 16 question a).

As the report acknowledges that family counselling is not specifically regulated as such, the Committee asks the next report to clarify whether family counselling and psychological guidance advice on childrearing are provided by the existing services.

Family counselling and psychological guidance is provided by local municipalities if after assessment it is clear that it is needed by the family. Assistance for families with children is regulated also by the Estonian Child Protection Act. According to this Act, when the local municipality becomes aware of a child in need of assistance, they are obliged to immediately assess the child's need for assistance and to provide measures for assisting the child. The measures must support the child's well-being in a manner which improves the relations between the child and the person raising the child.

The Committee takes note of the additional information provided about the Preschool Child Care Institutions Act. It notes that childcare services are now supervised by the Social Insurance Board, which inspects the compliance of childcare service providers. The Committee takes furthermore note of the current requirements to work as a childcare service provider, as amended, and notes that according to 2016 data, 87% of childcare service providers met the professional standards. The Committee asks the next report to provide updated information about the implementation of the measures under way and the participation rates of preschool children in preschool childcare institutions, in particular as regards children below the age of 3.

According to Statistics Estonia (data based on Estonian Social Survey) 33.1% children below the age of 3 were in formal childcare in 2021. In Estonia, our parental benefit system gives parents 18 months of 100% full paid parental benefit equal to their previous income, which they are allowed to use considering their needs in 3 years period. This also means, that majority of children under 1.5 years old, will not use early childhood education and care services, as they stay home with their parents. According to the study of preschool education and childcare in Estonia, only 3.1% of that age group uses childcare facilities. When the benefit ends, there is a rapid increase in the number of children participating in formal childcare (e.g. 57% of children aged 1.5-2 attend childcare).

The Committee asks what measures are taken to protect single-parent families.

In 2021, the single parent support regulation during the bankruptcy proceedings was created (effective from 1st July 2022), which gave the child the possibility to receive state maintenance support during the bankruptcy proceedings cases, if the parent liable to pay alimony, had been declared bankrupt.

The change concerned approximately 40 children growing up with single parents, whose second parent had been declared bankrupt and who could not apply according to the previous regulation for maintenance support.

In 2021 it was decided to change the basis for paying alimony/child maintenance and starting from 01.01.2022 the minimum monthly child maintenance payment will not depend on the minimum wage anymore. Instead, it will be bound to the needs of the child, economic capability of the parents, family allowances paid by the state and the number of the children entitled to receive maintenance from the same person.

For example, if maintenance must be paid to one child, the income of the obligated parent does not exceed the gross monthly salary in Estonia and the child resides with the obligated parent less than 7 days monthly, the amount of maintenance is 213 euros per month per child (200+43-30).

The Committee notes from the report that the home grants for improving the living conditions of families with many children have been given within the framework of the Development Plan for Children and Families 2012-2020. The Committee asks that the next report provide information on the overall results of this plan and its impact on the housing conditions of families with many children.

The dwelling allowance measure for families with many children is included in the activities of the Children and Families Development Plan 2012-2020 and the measure is implemented pursuant to that development plan as of 2014. The purpose of housing grant for large households is to improve the housing conditions of families with many children. In 2018-2021 a total of 2845 applications were submitted throughout the period; the allowance was paid for 1364 applications, supporting the improvement of housing conditions in a total of 72,250.1 m² of premises.

To determine whether there is an adequate supply of housing for vulnerable families, it therefore asks to be provided in the next report with figures on the overall availability of social housing (demand and supply) and the waiting periods for social housing for the next reference period.

Table 7. Local government owned and occupied housing¹ and additional housing needs, as of the end of the year, 2018-2021:

	2018	2019	2020	2021
Number of housing units (excluding social housing units) owned by local governments	7575	7685	7584	7534
Apartments	5463	5534	5431	5459
Rooms	2112	2151	2153	2075
Social accommodation units (beds)	900	894	1078	962
Number of occupied dwellings (excluding social housing units)	6848	6972	6685	6654
Apartments	4962	5069	4904	5036

Rooms	1886	1903	1781	1618
Number of beds in occupied social accommodation units	815	779	908	798
Number of unsatisfied applications (number of families in need of housing)	3032	2557	2306	1909
Number of people in need of housing	5799	5151	4658	3914

¹ Social and municipal housing owned by local governments and regulated by §41 and 42 of the Social Welfare Act, which are ready for rent (meet the requirements for housing established on the basis of § 11 (4) of the Building Code) and which are rented to individuals or families who, due to their socio-economic situation, are unable to provide housing that meets their and their family's needs.

Source: Ministry of Social Affairs

At the end of 2021, there were unsatisfied applications in 19 local governments, which is 24% of the total number of local governments. Most of the people in the queue (over 90%) are from Tallinn. We do not have data on the length of queues.

As regards protection against eviction, the Committee previously found ([Conclusions 2015](#)) that the situation was not in conformity with the Charter on the ground that the minimum notice period before eviction (14 days) was too short. In response to this finding of non-conformity, the report explains that the persons concerned have the right to contest the minimum period of 14 days and apply for interim relief. This may, for example, be granted to a financially insecure family that would otherwise have to vacate the property in the winter and the local authority is unable to provide them with alternative housing. The Committee takes note of this information and recalls that a notice period is considered to be reasonable as from two months before eviction ([European Federation of National Organisations Working with the Homeless \[FEANTSA\] v. France, Complaint No. 39/2006, decision on the merits of 5 December 2007, §§ 86-87; International Movement ATD Fourth World v. France, Complaint No. 33/2006, decision on the merits of 5 December 2007, §§ 78-79; see a contrario Conclusions 2015, Ukraine, concerning a notice period of one month, and Conclusions 2017, Romania, concerning a notice period of 30 days for tenants and 5 days for occupiers](#)). It therefore asks the next report to clarify whether the request for interim relief mentioned in the report has an automatic suspensive effect and if so, for how long the minimum notice period can be extended. Meanwhile, the Committee reiterates its previous conclusion of non-conformity on this ground. The Committee also recalls that the law must prohibit evictions to be carried out at night or during winter. It therefore asks the next report to indicate whether such prohibition exists in law or in practice.

According to § 30 of the Estonian Code of Enforcement Procedure, on days off, national holidays and at night from 22:00 to 6:00, enforcement actions are performed only in urgent circumstances. There is no separate regulation on eviction in this regard. Ensuring accommodation for evicted persons is categorised as emergency social assistance and the task of the local government (Estonian Social Welfare Act § 8).

The Committee refers to its Statement of Interpretation on the rights of refugees under the Charter (Conclusions 2015). In this connection, the Committee notes from the CESCR Concluding observations of 8 March 2019 (outside the reference period) on the third periodic report of Estonia that there is a shortage of housing available for refugees, which has led some of them to stay in reception centres even after they have been granted refugee status (§16). The Committee therefore asks for information in next report on the situation in practice as regards access to housing for refugee families.

Per national legislation, recognised refugees after receiving positive decision to their asylum claim do not immediately need to vacate the reception centre. They are supported within 4 month period to find adequate housing. Should they refuse our support, they themselves have a 2 month period to find suitable housing (AGIPA§73). The legislation also provides one-time off limited support to cover costs related to rental agreement.

Overall, people are able to find housing for themselves within 4 months, including with our support. All possible needs are fractured in from employment to schooling possibilities. We have faced certain challenges in terms of finding housing for bigger families (e.g 7-8 members), as the Estonian nuclear family generally consists of up to a maximum 5 people and thus real estate market meets that demand. The overall eventual stay in the reception centre after receiving residence permit depends on the casework, housing offers on free market, and cooperation of individuals.

Estonia participated in voluntary resettlement (Turkey) and relocation (Greece and Italy) schemes in 2016-2019, throughout 213 people arrived in Estonia within the mentioned schemes. For permanent housing solutions stimulus packages out of EC, funding was provided to local municipalities receiving refugees and also a procurement was carried out among real estate companies to ensure a smoother process in finding housing for resettled and relocated refugees. Contract was signed with a real estate agency for period 2016-2017 to channel 85 rental homes to refugees arriving in Estonia. The practice was a great support but at the same time we realised that rental homes on offer were located outside of bigger cities/towns limiting refugees' access to labour market and other relevant services/areas of life that are important for successful integration. Resettled and relocated refugees were considered the most vulnerable thus necessary pre-departure information on Estonia was provided to them prior to their travel to Estonia.

Article 17 – The right of children and young persons to social, legal and economic protection

- 1. With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:**
 - a) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;**
 - b) to protect children and young persons against negligence, violence or exploitation;**
 - c) to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;**

a) Please provide information on measures taken by the State to:

- i. *reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth) and*
- ii. *facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. (General question posed in [Conclusions 2019](#)).*

In Estonia, the birth registration application can be submitted quite easily: it can be submitted in the e-population register or to any local government.

All public services (kindergarten, medical care) and social benefits in Estonia (family benefits, mother's salary, local government benefits) are related to the personal identification code. Therefore, the percentage of births of unregistered children in Estonia is practically non-existent. The families themselves are very interested in entering the child's data in the population register, so that they can use various public services.

If the local government finds out that there is a family in their territory whose child's birth has not been registered, then it is a child in need of assistance. According to the Child Protection Act, upon becoming aware of a child in need of assistance, the local government must immediately assess the child's need for assistance and to provide measures for assisting the child. If the family does not voluntarily apply for registration of the child's birth, the next step is for the local government to apply to the court for guardianship of the child. If the local government receives guardianship of the child, the local government submits the birth registration application itself.

It also depends on the circumstances whether the child was born in Estonia or abroad. For example, it may be that the child of an asylum seeker was born in a foreign country, but the birth is not registered there. Even in this case, it is possible to register a birth in Estonia. If there is no medical document certifying birth, it is possible to establish descent from the mother in court.

b) Please provide information on measures taken to:

- i. *child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc.) and*
- ii. *combat discrimination and promote equal opportunities for children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.*
- iii. *States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.*

Table 8. Share and number of children in poverty and poverty thresholds, 2018–2021 (income years; survey years 2019–2022):

Income year	2018	2019	2020	2021
At-risk-of-poverty rate, %				
Total population	21.7	20.7	20.6	22.8
0–17	17.2	15.2	15.5	10.3

Absolute poverty rate, %				
Total population	2.2	2.3	2.2	1.4
0–17	1.6	2.5	2.7	1.2
Number of children in poverty				
Children in relative poverty, thousands	43.8	38.9	40.3	..
Children in absolute poverty, thousands	4.1	6.5	6.9	..
Poverty thresholds, euros				
Monthly at-risk-of-poverty threshold, euros	573	611	631	763
Monthly absolute poverty threshold, euros	215	221	220	234

.. number of children in poverty on 2021 will be published in March 2023.

Source: Statistics Estonia, Estonian Social Survey 2019–2022 (income years 2018–2021)

In terms of households with children, the highest poverty rate is in households with a single parent. The poverty of couples with three or more children has decreased so much over the years that in 2021 their relative poverty rate was the lowest among households with children.

Table 9. Poverty rates (%) by type of household with children, 2018-2021 (income years; survey years 2019–2022):

	Relative poverty rate				Absolute poverty rate			
	2018	2019	2020	2021	2018	2019	2020	2021
Household with children	15.2	14.0	14.2	11.0	1.5	2.3	2.2	1.1
Adult and child(ren)	35.1	27.3	36.6	29.2	4.6	5.3	6.1	4.2
Couple with one child	11.6	9.0	9.8	10.2	..	1.5	1.1	..
Couple with two children	15.1	12.2	13.2	9.6	1.6	2.8	2.6	1.1
Couple with three or more children	15.0	16.8	14.1	5.3	1.6	3.0	1.9	..
Other household with children	10.3	14.4	8.9	10.9

Source: Statistics Estonia, Estonian Social Survey 2019-2022 (income years 2018-2021)

Children growing up in single-parent families live with the highest risk of poverty. In order to alleviate poverty, from January 1, 2023, the support for a child of a single parent (child allowance is paid to children whose birth certificate does not have a father's name) will increase from 19.18 euros to 80 euros. In addition, a package of non-financial measures to support children with one parent is being developed. Among them, great emphasis is placed on the prevention of single parenthood (parental education, counseling and support of parents by various specialists before and after the birth of the child) and supporting single parents at the community level with various services on a voluntary basis.

To support single parents on a similar basis, in the coming years there is a plan to transfer a survivor's pension from the pension scheme to the family benefits scheme. The purpose is to support children

with one parent in a fixed, sufficient amount. Currently payable amount of survivor's pension varies in a large scale and children with one parent are supported very differently. Reforming the survivor's pension and bringing over to the family benefits scheme will create an opportunity to support the children of the deceased parent equally.

The Constitution (§27) and the Family Law Act (§96) provide the right and obligation of parents to raise their children. The Constitution also provides the protection of parents and children. The goal of our entire system is for children to be able to grow up at home and for parents to fulfill themselves as parents and in the labor market. The Republic of Estonia Child Protection Act (Part VIII) provides that disabled children have the right to grow in a family and to receive assistance and care in accordance with the child's specific needs, equally to other children. Main services that support reconciling work, private and family life are support person, childcare and social transportation. According to Social Welfare Act the local governments are obliged to provide services to children and families in need according to the needs assessment. To provide services equally, the state has come to the aid of local governments by providing support.

Irrespective of the existence of a disability or regional differences, all children in need must receive a range of services and support from the education, health and social systems in order to live life fully and go to school, participate in hobby education, society and the labour market on an equal basis with everyone else.

c) Please provide information on any measures adopted to protect and assist children in crisis situations and emergencies.

Crisis help for children separated from their families in Estonia is mainly provided by local governments. Safe house service is a social service organised by a local authority the objective of which is to ensure temporary housing, a safe environment and basic assistance. Upon provision of basic assistance, the person shall be ensured crisis assistance, if necessary, which restores the person's emotional balance and operational capacity in everyday life and informed of other possibilities to receive assistance. Based on the age and needs of the person, his or her care and development shall also be ensured.

On January 1, 2020, changes regarding requirements for service providers entered into force. According to the amendments, a person providing the service to a child directly shall comply with one of the following requirements:

- 1) has acquired at least secondary education and state-recognised vocational or higher education in education, psychology or social work or;
- 2) has acquired at least secondary education and shall complete the in-service training for a person directly providing the safe house service to a child, within one year from commencing employment. The training is financed by the state.

Starting from 2020 Social Insurance Board has piloted family based emergency foster care service. Emergency foster care is temporary foster care placement for a child in crisis or requiring to be removed from birth family, max 90 days (or until final court order) until permanent care plan/placement. The service is financed by the European Social Fund.

Assisting children in crisis situations and emergencies is generally the task of local government units. A child in a crisis situation or emergency is a child in need or possibly a child in danger who is entitled to a prompt assessment of needs and appropriate help from the child protection system, in line with

the Child Protection Act. In case of danger to the child's life or health, the child must be assisted immediately and the dangerous situation eliminated. If needed, a child in danger shall be placed in safety by the local government's child protection official or by the police.

In crisis situations and emergencies with a wider impact, the local government units are supported by the Social Insurance Board that has been organising psychosocial crisis aid in emergency situations since 2018. Victim support specialists of the Social Insurance Board are trained to instruct and support the people in need of assistance as well as the institutions involved in crisis management. The scope and purpose of psychosocial crisis aid and the tasks of the Social Insurance Board will be clearly defined in the new Victim Support Act entering into force in April 2023. The new Act states that psychosocial crisis aid is provided to a victim of a crisis situation to help him/her cope with the situation and decrease the impact of the situation on his/her everyday life and to support his/her recovery. The Social Insurance Board's crisis team is responsive 24/7, receiving information on the victim support helpline, assessing the situation and devising the appropriate reaction (e.g. providing support over the phone, sending out the crisis team, offering personal crisis aid or assistance to groups of people, etc.). The crisis teams are trained to provide psychological first aid. The Social Insurance Board is mostly involved in crisis situations where children or youth have died as a result of violence, suicide or accident (assistance to families), where children or youth have witnessed serious crimes, accidents or suicide, and in case of other emergencies with a big impact or involving vulnerable groups.

d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 17§1 of the Charter pending receipt of information. Below are replies to the questions of the Committee.

The Committee refers to its previous conclusion for information on the criteria for the restriction of parental rights (Conclusion 2015). The Child Protection Act 2016 now stipulates that a local government or the Social Insurance Board may remove a child from their family for up to 72 hours, prior to obtaining a court order. The Committee asks that the next report provide further details on whether such a decision can be challenged and on what grounds.

According to the Child Protection Act § 33, the local government unit or the Social Insurance Board may separate a child from family and, if necessary, determine the procedure of communication of the parent and child before the ruling on restriction of legal custody if leaving the child in the family or the communication between the parent and child endangers the life or health of the child. The same grounds for child's separation are stipulated in the Family Law Act § 135 (4).¹² The child may be separated from family for up to 72 hours. The Code of Civil Procedure § 563² requires that the following petition to the court must be filed so that it would be possible for the court to resolve it within 72 hours from the time of separation of the child from family.

The child is separated from family based on a decision of the local municipality unit or the Social Insurance Board. The decision must be provided in a written format and must be reasoned. The decision is an administrative act that can be challenged according to the general procedure stipulated in the

¹² The Family Law Act is available in English: <https://www.riigiteataja.ee/en/eli/516112022006/consolide>

Administrative Procedure Act¹³. A person (the child’s parent/custodian) may file a challenge if he/she finds that his/her rights are violated or his/her freedoms are restricted by an administrative act. Challenge on this decision is adjudicated by the same administrative authority that issued the act, *i.e.* the local municipality unit or the Social Insurance Board. The challenge may be submitted in writing or orally, in the latter case minutes shall be taken of the challenge in the administrative authority and the challenge shall be signed by the person filing it. The challenge shall be adjudicated within 10 days of receipt. In addition to the person filing a challenge, it is possible for the administrative authority to repeal the administrative act also on its own initiative, for example if circumstances have significantly changed.

Although challenging the administrative decision is possible, as described above, in practice the lawfulness of the decision is usually tested in the subsequent court proceedings that must be initiated and carried out in a matter of days. If a petition to the court is not filed or resolved within 72 hours, the decision to separate a child from family shall lose effect.

The Committee notes the efforts made by Estonia to improve the care of children separated from their families and requests that the next report provide information on the number of children in institutions, the number in foster families and trends in this field. Furthermore, it asks for information on the mechanisms in force to monitor the care provided to children in institutions, and in foster care generally.

Table 10. Substitute care for children without parental care (the number of persons aged 0-19 at the end of year), 2017-2021:

	2017	2018	2019	2020	2021
Number of persons aged 0-19 in institutional care	968	899	797	800	787
Number of persons aged 0-19 in family-/community-based care.	1552	1552	1532	1477	1426
number of persons in foster care	161	124	133	145	146
number of persons on guardianship care	1391	1428	1399	1332	1280
<i>Proportion of family-based care</i>	<i>61.6%</i>	<i>63.3%</i>	<i>65.8%</i>	<i>64.9%</i>	<i>64.4%</i>

Source: Ministry of Social Affairs

Important amendments to the Social Welfare Act concerning alternative care and aftercare services entered into force on 01.01.2018 in order to support the increase in the proportion of family-based care. In 1 July 2020 law amendments came into force that doubled the support for foster families. The minimum rate of support is currently half of the minimum wage per month per child.

In 2018-2022 activities have mainly been carried out to support family-based care, the quality of alternative care, and care leavers. In order to encourage family-based care, a number of important

¹³ The Administrative Procedure Act is available in English:
<https://www.riigiteataja.ee/en/eli/527032019002/consolide>

activities have been carried out with the support of the European Social Fund, e.g. training and support services for foster families have been offered and developed. Also nationwide campaigns have been implemented to popularise family-based care. In addition, a pilot project has been launched to offer a family-based service in a temporary crisis situation (emergency foster care) and also for children in complex needs.

Proposals to regulate the support system for families and the provision of special family-based care are being developed.

Even though the main strategic direction has been family-based care, important attention has also been paid to raising the quality of institutions. On 1 January 2020 the restrictions on the number of children living in one residential-care family/unit came into force. The maximum number in one family is 6 children. Exceptions are allowed under the Social Insurance Board consent (for example if there are siblings). During the reporting period different trainings have been offered to specialists working with children, especially for raising trauma awareness. Also, support services for residential care units have been developed and provided (for example work counseling, mentoring, etc).

In the development of aftercare, a support person service has been offered and other supporting activities have been developed for the target group. Comprehensive instructions have also been prepared for both local governments, institutions, and the young people themselves, which help them to start an independent life.

In its previous conclusion, the Committee noted that at the beginning of 2014, the Ministry of Social Affairs proposed that work with juvenile offenders be transferred from the Ministry of Education and Research to the Ministry of Social Affairs. The Committee requested that it be kept informed of any developments in this field.

In 2014, cooperation of the Ministry of Social Affairs, the Ministry of Justice, the Ministry of the Interior, the Ministry of Education and Research and other parties began to amend the legislation and practice of dealing with children who have committed offences. In 2017, the Ministry of Social Affairs and the Ministry of Justice submitted drafts to the Government of the Republic which came into force on 1 January 2018. With the enforced Acts, the work of Minor Committees was discontinued and the practice of working with children who have committed offences was made more child-friendly and more compliant to international recommendations. Misdemeanour and criminal proceedings explicitly stated that the punitive approach should be the last resort and priority should be given to non-punitive measures (measures that help children and follow the principles of restorative justice). Access to conciliation services and social rehabilitation services was expanded for children who have committed an offence. Restrictions on the freedom of the child, which have previously been applied on the basis of criminal proceedings, are now conducted, as a result of civil proceedings, as a closed childcare institution service, in order to ensure that the child's freedom is restricted only if it is necessary in terms of the child's need for assistance and is in the best interest of the child. The Social Welfare Act stipulates that the purpose of closed child care institution service is to support the child's psychological, emotional, educational and cognitive development in order to achieve lasting changes that will enable the child to successfully cope in a normal environment after the restriction on freedom without behaviour that would harm his or her life, health and development and the life and health of other persons. In addition, from 2014, young people (aged 11–18 years) with complex problems, including offenses, are offered an evidence-based multidimensional family therapy (MDFT) service.

These social services (closed child care institution service, social rehabilitation service and MDT) are provided by the Social Insurance Board which is a state agency under the Ministry of Social Affairs. In coming years the Ministry of Social Affairs in cooperation with the Social Insurance Board is aiming to develop new services for children with complex problems, including children and youth who are in conflict with law.

The Committee understands that children in conflict with the law may no longer be the subject of criminal proceedings and may only be detained if necessary, in a closed child care institution. The Committee seeks confirmation that its understanding is correct. The Committee also asks what the maximum period is a child may be detained in a closed child care institution. Further, it asks whether children may be detained prior to trial, and if so, for how long. Lastly the Committee asks whether children may be held in solitary confinement and if so, for how long and under what circumstances.

In 2018, the Estonian offence proceedings for children and young people were updated to foster the implementation of restorative justice. The preparations for these changes began in 2015 due to domestic and international trends of making the specialised juvenile justice systems more child-friendly, including guaranteeing the fundamental rights of children during the proceedings and increasing the use of non-penal measures.

The most important changes:

- Overall, the juvenile justice system for children and young people became more child-friendly.
- The police and prosecuting authorities decide the scope of intervention in each individual case and impose various sanctions stipulated by law on the minors. Among all else, the use of restorative justice measures is more popular.
- The number of options has increased for the prosecutors and the police and they have more possibilities for imposing a measure on a child or young person based on their needs.
- The number of minors in prison has dropped (2020 and 2021 maximum 5 minors in prison).
- The attitudes of the parties to the proceedings towards the measures of restorative justice is positive. The use of measures of restorative justice has increased. For example, a conflict mediation service has been established.
- The inclusion and significance of the youth workers in the proceedings has grown.
- The need for cross-sectoral networking has increased and it is used more widely.
- The Estonian National Social Insurance Board offers services designed for juvenile offenders at the national level (including 'Out of the Circle', conflict resolution, consultations for closed childcare institutions, social rehabilitation services, multi-dimensional family therapy, and the local governments).

The most important legal changes following the reform:

- a new requirement for implementing non-punishment sanctions in the case of minors;
- when reacting to a criminal offence committed by a minor, having the offender understand the detrimental effect of their act and take responsibility for it (not imposing a punishment) is a priority;
- the list of non-penal measures in section 87 of the Penal Code was extended;
- the treatment of young adults changed;
- prosecutor's offices now have a wider choice of measures for terminating the proceedings;
- instead of detention, the child can now be referred to a closed youth institution;

- assigning the costs of the proceedings (to the minor or the state) became more flexible.

A child may be placed in a closed childcare institution for the term of up to one year (Penal Code § 87 (5)).

Although it is used very rarely, a minor who is 14 years of age or older may be in custody during pre-trial proceedings for up to 2 months (the Code of Criminal Procedure (CCP) § 131-1 (1): *An underage suspect or an underage accused may not remain committed in custody during pre-trial proceedings for more than two months.*) CCP § 131 (3) stipulates that *where the person to be committed in custody is a minor, the pre-trial investigation judge assesses, with particular thoroughness, any potential adverse impacts that such a person’s committal in custody would entail.* Also, according to the CCP § 131 (3-2), *where a minor is committed in custody, the court may order the minor’s committal to be substituted by placement in a closed children’s institution.* But it can also happen that if the minor who has been committed in custody and who violates the conditions of their stay in a closed children’s institution may, on the basis of a corresponding report of the Head of the institution, and with permission of the court, be transferred to a prison to serve their custody (CCP § 131 (3-3)). According to the Imprisonment Act § 12, men and women; minors and adults; imprisoned persons and persons in custody, are held separately from each other. Nevertheless, the Imprisonment Act § 12 (5) also stipulates that exceptions from this rule may be made if it is necessary *in connection with studies, work or other activities, or if segregation of a minor from adults is contrary to the interests of the minor.* For example, if there is only 1 minor who is in custody and only 1 minor who is imprisoned, then it may be to their interests that they are not held separately from each other. Or, if there are no minors in custody and only 1 minor who is imprisoned, then it may be in the interests of the minor to be held together with young adults, in order to avoid isolation.

For relevant legal provisions see: Penal Code¹⁴ § 56 (Basis for punishment) and § 87 (Sanctions applicable to minors and young adults); Code of Criminal Procedure¹⁵ § 131 (Rules for committal in custody), § 131¹ (Duration of committal in custody in pre-trial proceedings), § 201 (Termination of criminal proceedings when the perpetrator is a minor), § 308 (Imposition of corrective measures on minors and young adults), § 405 (Authorising an early release of a minor from a closed child care institution), § 406 (Rules for considering the motion), § 407 (Contesting an authorisation or a denial of authorisation); and Imprisonment Act¹⁶ § 12 (Requirement of segregation), § 81 (Segregation of young prisoners).

The Committee also asks for information on the number of children placed in closed child care institutions and the number of children subject to other measures.

Table 11. The number of children in secure homes (closed childcare institutions) and the number of children subject to other state measures for children with complex needs, 2018-2021:

	2018	2019	2020	2021

¹⁴ Available in English: <https://www.riigiteataja.ee/en/eli/ee/522012015002/consolide/current>

¹⁵ Available in English: <https://www.riigiteataja.ee/en/eli/ee/530102013093/consolide/current>

¹⁶ Available in English: <https://www.riigiteataja.ee/en/eli/ee/504112013005/consolide/current>

Multidimensional Family Therapy	161	184	182	186
Secure home (closed child care institutions)	52	107	123	122
Service of social rehabilitation	132	174	323	721

Source: Social Insurance Board

The Committee requests further information on accommodation facilities for migrant children whether accompanied or unaccompanied, including the measures taken to ensure that children are accommodated in appropriate settings that are adequately monitored.

Care and accommodation for unaccompanied children (UAC) are provided through the Child Protection system and the children are placed into Alternative Care Services (foster homes, family based foster homes, foster families). By using the existing alternative care system, we ensure that the best interests of the children are followed, the facilities are in coherence with the needs of the children, the children are cared for 24/7 and the service providers are supervised. We do not have accommodation centres for UAC – they receive the same service and support as an Estonian child, who has been removed from their family in order to ensure the child’s safety, would.

There were no unaccompanied minors in Estonia during the observed period.

The Committee considers that the detention of children based on their immigration status or that of their parents is contrary to the best interests of the child. Likewise, unaccompanied minors should not be deprived of their liberty and detention cannot be justified solely on the grounds that they are unaccompanied or separated, or on their migratory or residence status, or lack thereof. The Committee notes from the [Concluding Observations of the UN Committee on the Rights of the Children on the combined second to fourth periodic report of Estonia \[CRC/C/EST/CO/2-4, March 2017\]](#) that the detention of asylum-seeking children is increasing. The Committee asks what measures have been taken to adopt alternatives to detention.

Statistics are not supporting the observation in near past: in 2020, one child had been placed in the detention centre, none in 2021 and 2 children in 2022 (as of 31.10.22).

Detention is the last measure, and it is done when there is a clear risk that the child will be at greater risk when he or she is at liberty than in detention.

Therefore, children are usually not detained, especially those who are without parents.

If a migrant child is discovered, a social worker of the local government who deals with the child is immediately involved, including looking for suitable accommodation (a foster family, a safe house, an orphanage). Families are not separated unless it is in the best interests of the child.

As regards age assessment, the Committee recalls that, in line with other human rights bodies, it has found that the use of bone testing in order to assess the age of unaccompanied children is inappropriate and unreliable [European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, Decision on the merits of 24 January 2018, §113]. The Committee asks whether Estonia uses bone testing to assess age and, if so, in what situations the State does so. Should the State carry out such testing, the Committee asks what potential consequences such testing may have (e.g., can a child be excluded from the child protection system on the sole basis of the outcome of such a test?).

In Estonia bone testing is not an automatic or a routine procedure for assessing the age of unaccompanied children. So far it has been possible to determine the age of unaccompanied minors on the basis of documents and interviews. Bone testing is rarely used to assess age in cases where a migrant claims to be a minor but there are serious doubts. Estonian Police and Border Guard Board makes the assessment whether the use of bone testing is appropriate in a specific case. If it is deemed appropriate, the test is carried out by the state agency Estonian Forensic Science Institute following the principles established in international medical literature. The outcome of the testing is an opinion establishing the likelihood of the person's age being below or over 18 years. This opinion is not the sole basis for determining a person's age, other information and documents are also considered.

According to the Estonian Child Protection Act § 3, every human being below the age of eighteen years is considered a child; if the age of a person is unknown and there is reason to believe that the person is below the age of eighteen years, the person shall be deemed to be a child until proven otherwise. Therefore, if there is reason to believe that the person is a minor, he/she is always considered to be a child and shall receive the necessary child protection services. Children will not be excluded from the child protection system on the sole basis of an age assessment test, especially not if they are in actual need of social protection. Furthermore, Estonia also has a state-funded victim support system that provides various services to victims of crimes and violence (including human trafficking) irrespective of their age. Therefore, persons in such vulnerable situations are entitled receive necessary assistance even if they are not minors.

2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

a) *What measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention? (General question, [Conclusions 2019](#)).*

Evidence-based anti-bullying programmes have been introduced to the education system with the support of external partners. Among the strategic partnerships mechanism of the Ministry of Education and Research, one of the strategic goals the Ministry supports is prevention of bullying and meaningful support of mental health. These programmes are based on intervention and are adopted by schools individually. Such programmes reach about 70% of Estonian schools and 80% of Estonian preschools.

b) *What measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children's specific learning environments)? (General question, [Conclusions 2019](#)).*

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

c) What measures have been taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children)?.

The Ministry of Education and Research has adopted an exhaustive exit strategy undergoing regular revision and updates aiming to mitigate the impact of COVID-19 to all affected in the educational sphere. While the character of the support has changed throughout the pandemic (needs vary between the immediate impact of the peak of the pandemic and the ongoing work after the difficulties faced between 2020-2022), it has always focused on main directions: 1) Mitigation of learning loss arising as a result of distance learning and alleviating teachers' workload; 2) Activities supporting the mental health of students and educational staff; 3) Mitigating the impact of the crisis through enhancement of digital capacities and green work skills and continued training and retraining; 4) Research and activities to support exit from the COVID-19 crisis.

d) Please provide information on the measures taken to ensure that state allocation of resources to private education does not negatively impact on the right of all children to access free, quality public education (based on a [Statement of Interpretation from Conclusions 2019](#)).

The Estonian education system has not observed any causal relation between allocation of state funds to private education and access to free, high quality public education. As for the state allocation of funds to education, according to the Basic and Upper Secondary Schools Act, the school administrator covers the expenses of the school. In most cases, this is the local government. Municipalities are also competent to establish, reorganise and close general education schools. In addition, municipalities keep records of children who are required to attend school and ensure compliance with school obligations, arrange transportation of students to and from school, provide meals during study, etc.

Based on the number of students in municipal schools, support from the state budget is determined each year for municipal and city budgets. This is to cover the costs related to teachers' salaries, social tax, in-service training and textbooks. According to the Private Schools Act, the same support is also provided for private general education schools. At the same time, the state does not give instructions to school administrators regarding the distribution of funds. It is the responsibility and right of the local government to finance schools according to the actual needs of the schools.

In private schools, there is mostly a tuition fee, but it cannot exceed 25% of the Estonian minimum wage if the school wishes to have access to operating expenses support from the state budget. This ensures access to private education for families with lower incomes, should they wish to enrol to private schools.

Equal access to quality education has been studied in a report of the school network and private school funding¹⁷.

e) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 17§2 of the Charter pending receipt of information. Below are replies to the questions of the Committee.

The Committee asks the next report to provide up-to date information on the enrolment rate, absenteeism and drop-out rates as well as information on measures taken to address issues related to these rates.

Estonia does not collect data on absenteeism.

Table 12. Drop-out rates in basic education (mandatory level of general education), 2020/2021:

Level of education	Total, %
1st level of Basic Education (grades 1-3)	0.07
2nd level of Basic Education (grades 4-6)	0.08
3rd level of Basic Education (grades 7-9)	0.22
Total	0.12

Source: Estonian Education Information System (EHIS)

The Committee asks whether any measures have been adopted to mitigate the costs of basic education, such as transport, books, and stationary.

In the basic education level, compulsory education applies to 7-17-year-olds – the local government must ensure free education, including transportation between the home and the school, educational literature, and other teaching materials. At the level of secondary and vocational secondary education, access to education is ensured by the state and local government, with the same principles as mentioned under basic education.

For the acquisition of educational literature, the state allocates support to school administrators, as according to § 82 subsection 3 of the Basic and Upper Secondary Schools Act, the school administrator covers the costs of a municipal school. Support for educational literature is intended for the purchase of both paper and digital learning materials and tools, but it should be noted that schools are autonomous in making decisions and assessing their needs.

The Basic and Upper Secondary Schools Act § 41. also stipulates that the school must have a library, the main task of which is to support learning according to the school curriculum by preserving and

¹⁷ Available in Estonian: https://www.hm.ee/sites/default/files/documents/2022-10/haridusmin_koolivork.pdf

making available printed, audiovisual and other information media, to develop students' independent study and information acquisition skills, and interest in reading.

In addition, the role of the state is to direct and organise the preparation of educational materials for students with special needs. The [SEN students](#) website gathers educational materials for students with special educational needs, which can be downloaded for free. It is possible to order educational materials corresponding to the simplified national curriculum of elementary school in paper form from the e-shop of the Education and Youth Board.

Within the framework of the digital revolution programme, the acquisition and preparation of innovative or necessary learning material solutions is also supported. [E-koolikott](#), which contains educational materials for kindergartens, general education schools and vocational training institutions, is the national educational resources environment for searching and using educational literature as well as other educational and additional materials. There are also materials for diversifying interest education and youth work. The e-school bag is free to use for all interested parties.

The Committee asks how many children of Roma origin attend special schools and how many follow a simplified curriculum in regular schools.

Table 13. Data on enrolment by native language roma/romi, general education, 2021/2022:

Curriculum	Schools for learners requiring specific educational support	General education	Total
National curricula of Basic or upper secondary	1	56	57
Simplified curricula of Basic education	3	2	5
Simplified curricula of Basic Education, further support and attention	1		1
Total	5	58	63

Source: Estonian Education Information System (EHIS)

The Committee asks to be kept informed of measures taken to improve educational outcomes for Roma children including information on enrolment, drop out and completion rates.

The Ministry of Education and Research is working on strengthening the network of national minorities' weekend schools. As part of this initiative, a language and culture weekend school for Roma children has opened its doors in Tallinn – being a milestone since the Romani dialect spoken in Estonia is an oral dialect and lacks learning materials in writing. In cooperation of the Ministry of Education and Research and the Ministry of Culture, funding is provided for two professional Roma mediators. The task of these mediators is to support the Roma community with different questions, inter alia, regarding education and supporting Roma children in their formal and informal education pathways.

Estonia does not collect data on drop out by native language (data is available on total drop-out rates). There is also no data available on pupils and students in education by age groups (as % of corresponding age population).

The Committee notes from other sources [UN Committee on the Rights of the Child's [Concluding Observations on the combined second to fourth periodic report of Estonia, CRC/C/EST/CO2-4 of March 2017](#) and UN Committee on Economic, Social and Cultural Rights [Concluding Observations on the third periodic report on Estonia, E/C.12/EST/CO/3 of March 2019](#)] that the language policy requirement in secondary education of teaching of 60% of the curriculum in the Estonian language has often made it difficult for Russian speaking students to master core subjects which are taught only in Estonian. These bodies have recommended that this requirement be implemented flexibly. The Committee asks for updated information on this situation.

As of 2022, Estonia has started planning its transition to Estonian-language education. It should be noted that this initiative has not been undertaken unilaterally, as our most recent Integration Monitoring shows that parents with a national minority background are increasingly in support of schools where the language of teaching is Estonian. They are also supporting schools that combine instruction in Estonian with a focus on another language and culture, support has also increased for schools where the language of instruction is Russian but combine instruction in Estonian. This means that the interest for providing Estonian-language education comes from parents in national minority groups – the Ministry of Education and Research sees this as a demand to keep up with. **National minority parents' support for schools where the only language of instruction is Russian is around 12%.** Additionally, recent data shows that each year in schools with Estonian as the language of instruction, there is an increase of pupils with another native tongue (around +1200 to +1400 yearly).

This transition will take place gradually. The transition to Estonian-language education starts in kindergartens and in the 1st and 4th grades in 2024. To support this smooth transition, the Ministry of Education and Research is working on increasing the volume of teaching in Estonian at all educational levels and to ensure the availability of teachers with the necessary Estonian language skills; supporting the training of new teachers and in regions particularly in focus.

In schools where Russian was the language of instruction and Estonian was only taught in the minimum number of lessons will need more methodological support and counselling during the transition. However, in schools that have implemented the language immersion method, the transition to Estonian-medium learning primarily means an increase in the volume of subjects taught in Estonian. The language immersion programme can also be applied in schools where Russian is the language of instruction. The schools are supported by the Education and Youth Board's network of language advisors for educational institutions, who advise teachers, school teams and school management on teaching children whose mother tongue is not Estonian.

In the course of the development of the national curriculum, in order to ensure the smooth transition to Estonian-medium instruction in classes where Russian is the language of instruction, the number of weekly lessons of Estonian as a second language will be increased in all school stages from autumn 2023. In addition, documents with methodological recommendations describing the various approaches to learning a specific subject will be compiled to complement the national curricula. The flexibility of the national curricula enables schools to create their own arrangements in the curriculum and timetable in order to manage the transition and balance the teaching of Estonian and Estonian-

medium subject teaching in transition classes during the school year. In order to facilitate the transition to Estonian-medium subject teaching in transition classes, it is recommended to start the academic year with a greater emphasis on Estonian language classes and to focus less on subjects that require more in-depth language skills.

There are two academic years left before the start of the transition, which gives each school time to think about how to cope with the change and where to start. The government also provides substantive support in the form of training, funding and advice. As the transition is gradual, it will also help alleviate dropping out rates after completion of basic school.

Following the start of this transition, schools should be able to provide classes on minority languages and culture upon written request expressed by at least ten children with a wish to learn their home language and culture. In case there is an insufficient number of interested applicants to open a minority language group, cooperation is encouraged between other schools of the region and local minority associations. The Ministry of Education and Research funds the teaching of mother tongue and culture at ethnic minority hobby schools-initiated and run by relevant associations. Teaching of mother tongue certainly plays an important part in the development of a student's identity.

One of the key aims of this transition is to ensure that all children, regardless of their native language, have access to high quality education and have access to equal opportunities in employment and access to higher education.

Article 19 – The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

- 1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;**
- 2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;**
- 3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;**
- 4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters: a) remuneration and other employment and working conditions; b) membership of trade unions and enjoyment of the benefits of collective bargaining; c) accommodation;**

5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;
6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;
7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;
8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;
9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;
10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply;
11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;
12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 19§5, 19§7, 19§9, 19§10, 19§11 and 19§12 of the Charter. The Committee concluded that the situation in Estonia is in conformity with Article 19§1, 19§2, 19§3, 19§4, 19§6 and 19§8 of the Charter pending receipt of information. Below are replies to the questions of the Committee.

Article 19§1

The Committee notes that in 2017, the Police and Border Guard Board conducted training sessions on the early detection and prevention of radicalisation (a total of 38 academic hours, and 107 PBGB officials trained), as well as training on responding to sudden events related to radicalisation (a total of 26 academic hours, and 60 participants). The Committee requests that the next report continue to provide up to date information and statistics on the offered trainings and numbers of participants.

Early detection and prevention of radicalisation through enhanced networking training: in 2018, 4 training courses, 18 academic hours, 171 PBGB officials trained. In the following years there has been no training with the same name.

Training in response to sudden events with a background of radicalisation:

- in 2018, 4 training courses, 30 academic hours, 105 PBGB officials trained;
- in 2019, 1 training course, 30 academic hours, 24 PBGB officials trained.

Training on radicalisation in 2018-2021 (Different cultures, customs, religions. Recognition of radicalisation, 10 ac/h):

- in 2019, 9 training courses, 241 participants;
- in 2020, 2 training courses, 52 participants;
- in 2021, 4 training courses, 97 participants.

Implementation of the guidance on identifying primary signs of radicalisation, 8 ac/h: in 2019, 8 training courses, 215 participants.

Negotiation and radicalisation, 12 ac/h: in 2021, 4 training courses, 101 participants.

Estonia has two specialised national bodies: the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner, dealing with discrimination issues. However, the mandate of both bodies is somewhat limited. The Committee asks for further information regarding the implementation of anti-discrimination regulations and detailed description of the mandate of specialised national bodies.

The institution promoting equality in the sense of the EU directives in Estonia is primarily the Gender Equality and Equal Treatment Commissioner, who: 1) monitors compliance with the requirements of the Equal Treatment Act and the Gender Equality Act; 2) advises and assists persons in filing complaints regarding discrimination; 3) provides opinions concerning alleged cases of discrimination on the basis of the applications filed by persons or on his or her own initiative on the basis of the information obtained; 4) analyses the effect of laws on the situation of persons classifiable on grounds of any characteristics specified in subsection 1 of § 1 of the Equal Treatment Act and on the situation of men and women in society; 5) makes proposals to the Government of the Republic, government authorities, local governments and their authorities for alteration of and amendments to legislation; 6) advises and informs the Government of the Republic, government authorities and local government authorities on issues relating to the implementation of this Act and the Gender Equality Act; 7) publishes reports on implementation of the principle of gender equality and equal treatment; 8) cooperates with other persons and entities to promote gender equality and equal treatment, including acting as a contact point for cooperation between the Member States of the European Union to facilitate the exercise of the right of free movement of the workers who are citizens of a Member State of the European Union and of the European Economic Area, and of their family members; 9) takes measures to promote equal treatment and gender equality.

The Chancellor of Justice can also be considered an institution that promotes equality, one of whose tasks is to check compliance with the principle of guaranteeing fundamental rights and freedoms, and to whom everyone has the right to turn to for a conciliation procedure if she or he believes that she/he has been discriminated against on the basis of sex, race, nationality (ethnic origin), skin colour, language, origin, religion or religious beliefs, political or other beliefs, property or social status, age, disability, sexual orientation or other discrimination attributes specified by law. In addition, the Chancellor of Justice, as the children's ombudsman, performs the tasks of protecting and promoting the rights of the child and the tasks of promoting, protecting and monitoring the implementation of the United Nations Convention on Persons with Disabilities.

The Committee recalls that statements by public actors are capable of creating a discriminatory atmosphere. Racist misleading propaganda indirectly allowed or directly emanating from the state authorities constitutes a violation of the Charter ([Centre on Housing Rights and Evictions \(COHRE\) v](#)

Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010). *The Committee stresses the importance of promoting responsible dissemination of information. It considers that in order to combat misleading propaganda, there must be an effective system to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere. The Committee asks the next report to provide information on the existing monitoring systems to ensure the implementation of anti-discrimination regulations.*

The Gender Equality and Equal Treatment Commissioner monitors compliance with the requirements of the Equal Treatment Act, inter alia discrimination on ground of race or skin colour. In 2019, 4 complaints regarding race or colour were submitted to the Gender Equality and Equal Treatment Commissioner, two of which were made with regards to lease agreements and two were requests for general clarification on the matter. No discrimination was found in these cases. In 2020 there were 2 complaints made, both concerned racist views expressed in a newspapers' article. The Commissioner contacted the newspapers' editorial board and the racist views were removed. In 2021 there were no complaints made concerning race or colour.

Until the end of 2022 the Chancellor of Justice Ülle Madise is the Estonian representative in the European Commission against Racism and Intolerance (ECRI).

Anyone in Estonia can report hate speech to web constables. Web constables, among other tasks, monitor publicly available web-environment, receive information, tips or notifications from people; amongst others (of suspicion) if someone is operating under this person's name on the Internet, of sites with illegal content and Internet users whose action may be directed towards sexual abuse of children, about sexual or other abuse, forward information, tips or notifications for information or for proceeding for police stations, search information on the web environment in order to help colleagues in their cases. According to the Estonian Police and Border Guard Board there are about 6000 notifications or letters submitted yearly to the web-constables (data from 2019).

Victim Support Estonia, under the Social Insurance Board offers 24/7 online counselling to anyone. Victim Support provides extensive support to people who have been treated violently, negligently or badly. Victim Support supports people in cases of physical, mental, sexual and economic violence, as well as accidents and crimes. The victim support helpline 116 006 offers round-the-clock crisis counselling, provides information about one's rights and options for assistance, and puts the person in touch with the right specialist. Information on hate crime is also available on the webpage of victim support. Annually, victim support composes an overview of all referrals and reports to the victim support.

The Police and Border Guard Board has an overview of all reported misdemeanours and crimes of incitement of hatred (§ 151. Incitement of hatred, Penal Code). The Ministry of Justice publishes annually an overview of reported and recorded hate crime in its "Crime in Estonia" yearbook.

The Committee also recalls that States have an obligation to take measures or undertake programmes to prevent the dissemination of false information to departing nationals, as well as to prevent the misinformation of foreigners wishing to enter the country. Authorities should take action in this area as a means of preventing illegal immigration and trafficking in human beings (Conclusions 2006, Slovenia). *It reiterates its request for complete and up-to-date information on any measures taken to target illegal immigration and in particular, trafficking in human beings.*

Prevention of exploitation of foreigners in the purposes of trafficking is considered relevant because the flow of migrant workers in Estonia as well as refugees travelling to Estonia has increased in recent years. In 2024, a special campaign is planned for the foreign workers from third countries in order to raise their awareness of their working rights for the purpose of preventing trafficking, but now counselling from Police side¹⁸ is done, including seminars in different languages, also counselling from the Labour Inspectorate and the Unemployment Fund is offered constantly. The Social Insurance Board carries out actively preventive activities towards volunteers and also local practitioners who work with refugees in order to train them to detect signs of trafficking and also addressing the problems to police.

Article 19§2

The Committee notes that no large-scale recruitment of migrant workers has been reported in the reference period. It asks what requirements for ensuring medical insurance, safety and social conditions are imposed on employers, shall such recruitment occur, and whether there is any mechanism for monitoring and dealing with complaints.

There are no differences regarding requirements for employers in case of large-scale recruitment of migrant workers.

In its previous conclusion ([Conclusions 2015](#)), the Committee asked whether cooperation took place in an international context between NGOs and public bodies to coordinate the provision of assistance to migrants. In reply, the report submits that the cooperation with social services in other countries takes place on a case-by-case basis, involving other institutions, if necessary. The Committee again requests that more information is provided in this respect, so that it can assess the situation in full. The Committee also asks whether the cooperation extends beyond social security alone (for example in family matters).

Ministry of Justice's International Judicial Co-Operation does not have a general practice of international cooperation directly regarding migrant workers. However, decisions on guardianship assigned to children of war refugees who came from Ukraine go through Ministry of Justice. If the child has come to Estonia without a parent, the court appoints a temporary guardian for the child. Estonian courts forward decisions to Ministry of Justice, who forwards the solution along with its translation to Ukraine via the Ukrainian Embassy in Estonia. Since March, approximately 350 guardianship decisions have passed through Ministry of Justice, many of which have been extended since.

The Social Insurance Board is a member of the European Guardianship Network (<https://www.egnetwork.eu/>). The organisation gathers NGOs and other partners from all over Europe who provide or are involved in the support and guardianship of unaccompanied foreign minors at the national level. Through this network, Estonia participates in the piloting of the Pilot Assessment System tool. The tool assesses the compliance of the guardianship system and guardianship arrangement with the FRA guardianship principles.

Article 19§4

¹⁸ For more information see: <https://www.politsei.ee/en/migration-consultants>

The Committee notes the existence of the Gender Equality and Equal Treatment Commissioner, as well as the fact that its competence was extended in the reference period. It asks the next report to provide comprehensive information on its functioning as a monitoring body, as well as on all avenues of appeal or review as regards the aspects covered by this provision of the Charter.

Gender Equality and Equal Treatment Commissioner is an independent and impartial expert who acts independently, monitors compliance with the requirements of the Gender Equality Act and the Equal Treatment Act (protection of persons against discrimination on grounds of nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation), and performs other functions imposed by law. Please also see answer for question under Article 19§1.

Article 19§6

In its previous conclusions, the Committee has considered that the two years residence requirement, imposed on migrant workers who were not citizens of Member States of the European Union nor citizens of states within the European Economic Area, was excessive and as such not compatible with the requirements of Article 19§6 of the Charter (see [Conclusions 2011](#) and [Conclusions 2015](#)). This requirement was abolished by legislative reforms of 2017. Also two other conditions for a family reunion – registered residence or existence of an actual dwelling and sufficient legal income, were amended and became less restrictive. In particular, the legal income under the Aliens Act includes a legitimately earned salary, parental benefits, unemployment benefit, pensions, scholarships, benefits paid by a foreign state and means of subsistence. The Committee understands that the means of subsistence referred to may include social benefits and asks the next report to confirm that this is the case.

The means of subsistence may include social benefits if it is a pension or a subsistence paid in a foreign country. According to the Aliens Act §9 (Legal income): (1) Lawfully earned remuneration for work, parental benefits, unemployment benefits, income received from lawful business activities or property, pensions, scholarships, means of subsistence, benefits paid by a foreign state and the subsistence ensured by family members earning legal income are deemed to be legal income for the purposes of this Act unless otherwise provided for by this Act.

The Committee notes from the statistics submitted that less than 10% of requests for a family reunion is being rejected by courts. It accepts that it may be considered that the legal conditions are not so restrictive as to present obstacles to the migrant workers' enjoyment of their rights under Article 19§6 of the Charter. The Committee wishes to know whether the information on reasons for the refusal is collected.

We have not collected such information separately. It is certainly not a large-scale problem (at least in the administrative courts' view in Estonia) that would have required separate attention and analysis, including collection of data.

It cannot be ruled out that the decisions made in individual cases can be qualified as preventing family reunification (e.g. deportation of persons without residence permits after serving their imprisonment if they have preserved certain family ties), but unfortunately, we cannot give a more comprehensive answer.

Article 19§8

Referring to its statement of interpretation ([Statement of Interpretation on Article 19§8, Conclusions 2011](#)), the Committee asks whether the above mentioned rules may apply to foreign nationals who have been resident for a sufficient length of time in a state without a residence permit but with the tacit acceptance of their illegal status by the authorities in view of the host country's needs, and what are the usual practices in this respect in Estonia.

Every person must have a legal basis for staying in Estonia. There are no legal options to get the residence status for a long term stay in Estonia with illegal status.

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

1. to take appropriate measures:

- a) to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;
- b) to take account of their needs in terms of conditions of employment and social security;
- c) to develop or promote services, public or private, in particular child day care services and other childcare arrangements;

a) Please provide information on whether the Covid-19 crisis had an impact in particular on the possibilities for and the consequences of remote work on the right of workers with family responsibilities to equal opportunities and treatment.

The regulations and legal acts have not been changed on the impact of COVID-19 crisis, but there is no data to evaluate if in practice COVID-19 crisis had any impact in such cases.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 27§1.

2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;

a) Please provide information on whether the Covid-19 crisis had an impact on the right to parental leave.

The COVID-19 crisis did not have an impact on the right to parental leave.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 27§2.

3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

a) Please provide information on whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic.

COVID-19 crisis had no impact on the prohibition of dismissal on the ground of family responsibilities and no exceptions were made to the prohibition of dismissal on the ground of family responsibilities during the pandemic.

b) Please explain whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.

There is no data on whether the compensation for unlawful dismissals was applied on the ground of family responsibilities during the COVID-19 crisis.

c) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

In 2019 conclusions, the Committee concluded that the situation in Estonia is in conformity with Article 27§3.