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EUROPEAN SOCIAL CHARTER

European Committee of Social Rights

Conclusions 2019

ESTONIA

This text may be subject to editorial revision.

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

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.¹

The European Social Charter (revised) was ratified by Estonia on 11 September 2000. The time limit for submitting the 16th report on the application of this treaty to the Council of Europe was 31 October 2018 and Estonia submitted it on 18 December 2018.

This report concerned the accepted provisions of the following articles belonging to the thematic group "Children, families and migrants":

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

Estonia has accepted all provisions from the above-mentioned group except Articles 7§5, 7§6 and 31.

The reference period was 1 January 2014 to 31 December 2017.

The present chapter on Estonia concerns 31 situations and contains:

– 27 conclusions of conformity: Articles 7§2, 7§4, 7§7, 7§8, 7§9, 8§1, 8§2, 8§3, 8§4, 8§5, 17§1, 17§2, 19§1, 19§2, 19§3, 19§4, 19§5, 19§6, 19§7, 19§8, 19§9, 19§10, 19§11, 19§12, 27§1, 27§2 and 27§3 ;

– 3 conclusions of non-conformity: Articles 7§1, 7§3 and 16.

In respect of the situation related to Article 7§10, the Committee needs further information in order to assess the situation.

The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by Estonia under the Revised Charter. The Government consequently has an obligation to provide this information in the next report from Estonia on the articles in question.

The next report from Estonia deals with the accepted provisions of the following articles belonging to the thematic group "Employment, training and equal opportunities":

- the right to work (Article 1),
- the right to vocational guidance (Article 9),
- the right to vocational training (Article 10),
- the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15),
- the right to engage in a gainful occupation in the territory of other States Parties (Article 18),
- the right of men and women to equal opportunities (Article 20),
- the right to protection in cases of termination of employment (Article 24),
- the right to workers to the protection of claims in the event of insolvency of the employer (Article 25).

¹ The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).

The deadline for the report was 31 December 2019.

Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

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

The Committee recalls that admission to the employment of children and young workers and the respective working conditions are regulated by the Employment Contracts Act (ECA). According to the ECA, an employer shall not enter into employment contracts with or permit children under 15 years of age still subject to compulsory school attendance to work, except in cases provided by legislation. In particular, children aged 13 to 14 years or 15 to 16 years subject to compulsory school attendance are allowed to work to a limited extent and to perform duties which are simple and do not require any major physical or mental effort (light work). Moreover, children aged 7 to 12 years are allowed to perform light work in the fields of culture, art, sports or advertising.

The Committee further recalls that according to Section 7 (2) of the ECA, employers may not enter into employment contracts with or permit minors to work if the work: (i) exceeds the physical or psychological capabilities of minors; (ii) harms the morality of minors; (iii) involves hazards that minors may not recognise timely or avoid, owing to their lack of experience or training; (iv) hinders the social development or education of minors; (v) poses a hazard to the health of minors due to the nature of work or the hazards of the working environment.

The current report indicates that the ECA was amended in April 2017, with the amendments coming into force on 8 May 2017. According to the report, the Regulation containing the list of works allowed for children aged 13 to 16 years was repealed and a new list of work children of 13 years old are allowed to perform was introduced under Section 7 (41) of the ECA, which refers in particular to (i) agricultural work; (ii) ancillary work performed in trade or service establishments; (iii) ancillary work performed in catering or accommodation establishments; (iv) other work that is not beyond the children's physical or psychological capacity, is not likely to harm the moral development of the minor and does not require any major physical or mental effort (light work). The Committee takes note from the report that according to the new list of work introduced under Section 7 (41) of the ECA, children of 13 years old are allowed to perform agricultural work. 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.

The report further indicates that the employer is prohibited from allowing children to work without the consent or approval of a legal representative of the child and the consent of the Labour Inspectorate. In this respect, the latter is required to verify the intention of the children to perform work as well as to establish that the work is not prohibited for the minor and the children working conditions are in compliance with the requirements provided by law. In case of refusal of consent by the Labour Inspectorate, the employment contract concluded with a child aged 7 to 14 years is void.

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation in Estonia was not in conformity with Article 7§1 of the Charter on the ground that the daily and weekly working time for children under the age of 15 was excessive and therefore could not be qualified as light work.

The current report indicates that provisions regarding the working time of children were also amended in 2017. In particular, according to Sub-section 43 (4) of the ECA as amended, unless the employer and the employee have agreed on shorter working time, reduced working and rest time for children are regulated as follows:

- if a child is aged 7 to 12 years – 2 hours per day and 12 hours per week during a quarter of an academic year outside the hours of school attendance and 3 hours per day and 15 hours per week during the school holidays;

- if a child is aged 13 to 14 years or subject to compulsory schooling – 2 hours per day and 12 hours per week during a quarter of an academic year outside the hours of school attendance and 7 hours per day and 35 hours per week during school holidays;
- if a child, subject to compulsory schooling, performing light work in the fields of culture, art, sports or advertising – 3 hours per day and 12 hours per week during a quarter of an academic year outside the hours of school attendance;
- if a child is aged 14 years old, studying in a vocational educational institution and is completing work practice for the purpose of the Vocational Educational Institutions Act – 7 hours per day and 35 hours per week. If a child is aged over 15 years old, working for the same purpose – 8 hours per day and 40 hours per week.

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. As to the length of such work during term time, the Committee considered that a situation in which children who were still subject to compulsory schooling carried out light work for two hours on a school day and 12 hours a week in term outside the hours fixed for school attendance was in conformity with the requirements of Article 7 of the Charter (Conclusions 2011, Portugal). 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).

Given that under the amended Subsection 43 (4) of the ECA children aged 7 to 14 years or subject to compulsory schooling are allowed to perform light work up to 2 hours per day and 12 hours per week over a period of seven days during a quarter of an academic year outside the hours of school attendance, the Committee concludes that the situation in Estonia is in conformity with Article 7§1 of the Charter on this point.

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 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 regards monitoring child labour, the current report indicates that the Labour Inspectorate continues to conduct supervision of the suitability of work for children, with specific regard for those who are still subject to compulsory school attendance. According to the report, during the reference period, the Labour Inspectorate found 41 violations concerning employment relationships established with minors. In particular, the Labour Inspectorate identified (i) three violations concerning the entry into an employment contract with children for prohibited work; (ii) three violations concerning the entry into an employment contract without consent from the legal representative of the child; (iii) 11 cases where a child’s working time exceeded the working time set out in the legislation; (iv) one case of an employer stipulating an overtime working agreement with a minor; (v) five cases where a minor’s break was less than 30 minutes for a period of work exceeding 4.5 hours; (vi) eight violations on the restriction on requiring minor to work; (vii) 10 violations of the requirements concerning daily rest time for children.

The report further indicates that from the year 2014 to the first half of the year 2017 the number of applications received for the consent of the Labour Inspectorate to employ children aged 7 to 14 years was 668, out of which consent was granted to 524 applications.

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.

The Committee refers to its General question on Article 7§1 in the General Introduction.

Conclusion

The Committee concludes that the situation in Estonia is not in conformity with Article 7§1 of the Charter on the ground that the duration of work permitted to children under the age of 15 during school holidays is excessive and therefore the work cannot be qualified as light.

Article 7 - Right of children and young persons to protection

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

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

The Committee notes from the information provided in the report submitted by Estonia that there have been no changes to the legislation which it has previously found to be in conformity with Article 7§2 of the Charter.

The Committee recalls that according to Section 7 (2) of the ECA, an employer shall not enter into an employment contract with children or allow children to work if the work: (i) is beyond the child's physical or psychological capacity; (ii) is likely to harm the moral development of the child; (iii) involves risks which the minor cannot recognise or avoid owing to lack of experience or training; (iv) is likely to hinder the child's social development or the acquisition of his or her education; (v) is likely to harm the minor's health due to the nature of the work or the working environment. It further recalls that Regulation n. 94 of the Government of the Republic of 11 June 2009 – "List of occupational hazards and work prohibited to minors" introduced a list of jobs that minors should not perform and the risk factors that can be harmful to the minor's health. The Committee previously examined the legislation and concluded that the situation is in conformity with Article 7§2 of the Charter on this point (Conclusions 2011).

As regards the monitoring activity of the Labour Inspectorate, the current report indicates that over the period 2014-2017 the Labour Inspectorate found 3 violations concerning Section 7 of the ECA, which sets out the conditions under which children under the age of 15 or subject to compulsory school attendance are allowed to perform light work and regulates the cases where the child is prohibited to work. It includes such work that involves risks which the minor cannot recognise or avoid owing to lack of experience or training as well as work that is likely to harm the minor's health due to the nature of the work or the working environment.

The Committee notes that the current report does not provide specific information on activities and findings of the Labour Inspectorate in relation to the prohibition of employment of children and young persons under the age of 18 for dangerous or unhealthy activities, as it is set out in the Regulation n. 94 of the Government of the Republic of 11 June 2009 – "List of occupational hazards and work prohibited to minors". 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.

Conclusion

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

Article 7 - Right of children and young persons to protection

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

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

The Committee notes from the current report that the Basic Schools and Upper Secondary Schools Act requires children in Estonia to attend school from the age of 7 until they acquire basic education or attain the age of 17.

In its previous conclusion, the Committee concluded that the situation in Estonia was not in conformity with Article 7§3 of the Charter on the ground that the daily and weekly working time for children subject to compulsory education is excessive (Conclusions 2015).

The Committee refers to its conclusion under Article 7§1 where it noted that the Employment Contracts Act (ECA) provisions regarding working time for children were amended in April 2017, with the amendments coming into force on 8 May 2017. In particular, according to the amended Subsection 43 (4) of the ECA, unless the employer and the employee have agreed on a shorter working time, reduced working and rest time for children subject to compulsory school attendance are regulated as follows:

- in the case of a child aged from 7 to 12 years old – 2 hours a day and 12 hours over a period of seven days during a quarter of an academic year outside the hours of school attendance and 3 hours a day and 15 hours over a period of 7 days during the school holidays;
- in the case of a child aged from 13 to 14 years old or subject to compulsory school attendance – 2 hours a day and 12 hours over a period of seven days during a quarter of an academic year outside the hours of school attendance and 7 hours a day and 35 hours over a period of seven days during school holidays;
- in the case of a child subject to compulsory school attendance performing light work in the fields of culture, art, sports or advertising – 3 hours a day and 12 hours over a period of seven days during a quarter of an academic year outside the hours of school attendance.

The Committee refers to its Statement of interpretation mentioned on Article 7§1 and concludes that the situation in Estonia is in conformity with Article 7§3 of the Charter with respect to the daily and weekly duration of light work during the time of the school year. However, 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 Committee asked previously whether the rest period free of work has a duration of at least two consecutive weeks during the summer holidays. It also asked what the rest periods during the other school holidays are (Conclusions 2015).

In this respect, the report indicates that according to Subsection 8 (2) of the ECA, the child legal representative may not consent to the employment during school holidays of a child subject to compulsory school attendance for more than a half of each term of the school holiday. According to the report, school holidays are set by the Minister of Education and Research and their duration is usually one week, except in the case of Christmas and summer holidays. Moreover, schools shall provide for at least four school holidays per academic year – with a total duration of 12 weeks – and the summer holiday shall last at least eight consecutive weeks. According to the report, given that children subject to compulsory school attendance are not allowed to work for a duration exceeding half of the school holiday, the duration of their summer holidays shall be at least 4 consecutive weeks and the duration of the other school holidays shall be at least 3.5 days.

The Committee recalls that in order not to deprive children of the full benefit of their education, States Parties must provide for a mandatory and uninterrupted period of rest

during school holidays. Its duration shall not be less than 2 weeks during the summer holidays. Furthermore, the assessment of compliance over the school year takes account of the length and distribution of holidays, the timing of uninterrupted period of rest, the nature and the length of the light work and of the control efficiency of the labour inspectorate (Conclusions 2011, Statement of Interpretation on Article 7§3)). The Committee therefore concludes that the situation in Estonia is in conformity with Article 7§3 of the Charter on this point.

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.

Conclusion

The Committee concludes 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.

Article 7 - Right of children and young persons to protection
Paragraph 4 - Working time

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

In its previous conclusion (Conclusions 2015), the Committee noted that according to Section 43 (4) of the Employment Contracts Act (ECA), the maximum working time for young workers not subject to compulsory education was regulated as follows: (i) in the case of young workers of 15 years of age, 6 hours per day and 30 hours per seven days; (ii) in the case of young workers of 16 and 17 years of age, 7 hours per day and 35 hours per seven days.

The Committee notes from the current report that the abovementioned Section 43 (1) of the ECA was amended in April 2017, with the amendments coming into force on 8 May 2017. According to Section 43 (1) of the ECA, it is presumed that an employee works 8 hours a day and 40 hours over a period of seven days (full-time work), unless the employer and the employee have agreed on a shorter working time. 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.

As regards rest time, Section 51 (3) of the ECA as amended provides that an employee who is 15–17 years of age and not subject to the obligation to attend school shall benefit of 14 hours of consecutive rest time over a period of 24 hours. Moreover, according to Section 47 (3) of the ECA, a break of at least 30 minutes during a work day of at least 4.5 hours must be granted to young workers. Section 44 (2) of the ECA also prohibits overtime work for young workers.

The report indicates that if an employer has exceeded the limit of working time concerning a minor, has not enabled daily rest time or has not adhered to restriction on requiring a minor to work, the Labour Inspectorate has the right to impose a fine up to 1,300 euros to the employer.

In its previous conclusion (Conclusions 2015), the Committee asked information on the number and nature of violations detected by the Labour Inspectorate as well as on sanctions imposed on employers in practice for breach of the rules concerning the reduced working time for young persons who are not subject to compulsory education.

The current report indicates that over the period 2014-2017 the Labour Inspectorate identified 1 case where the employer concluded an overtime work agreement with a minor, 5 cases where a minor's break was less than 30 minutes for a period of work exceeding 4.5 hours, 8 violations of the restriction on requiring a minor to work. The Committee notes that the abovementioned data concern employment relationships established with minors in general, including minors subject to compulsory school attendance, and do not refer expressly to young workers under the age of 18 who are not subject to compulsory education. The Committee therefore 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.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Estonia is in conformity with Article 7§4 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The Committee takes note of the information contained in the report submitted by Estonia and notes that no changes have been made to the regulation concerning annual holiday.

The report indicates that pursuant to section 56 of the Employment Contracts Act (ECA), it is presumed that the annual holiday of an employee who is a minor is 35 calendar days (minor's annual holiday), unless the employee and the employer have agreed on a longer annual holiday or unless otherwise provided by law. Subsection 66 (1) of the ECA stipulates that holiday pay for the part exceeding the 28 calendar days of annual holiday of a minor shall be compensated to the extent of up to seven calendar days from the state budget through the budget of the area of government of the Ministry of Social Affairs.

The aim of an extended annual holiday is to ensure the social development and access to education of a minor.

Pursuant to subsection 68 (2) of the ECA, in addition to time worked, time of temporary incapacity for work shall also be included in the time serving as the basis for the right to grant annual holiday. Pursuant to subsection 69 (6) of the ECA, an employee has the right to interrupt, postpone or terminate prematurely a holiday due to significant reasons arising from the person of the employee, in particular due to temporary incapacity for work, pregnancy and maternity leave or participation in a strike. The employee has the right to demand the unused part of the holiday immediately after the impediment to using the holiday ceases to exist or, by agreement of the parties, at another time. The employee shall be obligated to notify the employer of an impediment to using the holiday at first opportunity. The aforementioned regulation also applies in the case of incapacity for work that has occurred during the holiday of a minor.

Conclusion

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

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

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

Provisions regarding night work of minors were amended in 2017. Pursuant to subsection 49 (1) of the ECA the following agreements are void: 1) an agreement by which an employee who is subject to the obligation to attend school undertakes to perform work from 20:00 to 6:00; 2) an agreement by which an employee who is 15–17 years of age and not subject to the obligation to attend school undertakes to perform work from 22:00 to 6:00.

Exemptions to the aforementioned shall be applied if an employee who is a minor does light work in the field of culture, art, sports or advertising under the supervision of an adult from 20:00 to 24:00 (subsection 49 (2) of the ECA).

An agreement by which an employee subject to the obligation to attend school undertakes to perform work immediately before the start of a school day is void (subsection 49 (3) of the ECA). If an employer has failed to adhere to the restriction on requiring minor to work, the Labour Inspectorate has the right to impose a fine of up to 1,300 euros to the employer (section 124 of the ECA).

Failure to comply with the provisions restricting child labour resulted in sanctions.

The Committee recalls that in its Conclusion 2011 the situation was in conformity with Article 7§8. The Committee concludes that there is no reason to depart from its previous conclusion.

Conclusion

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

Article 7 - Right of children and young persons to protection

Paragraph 9 - Regular medical examination

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

In its last Conclusion 2011 the Committee noted that the minimum interval between medical check-ups of 2 years which was considered to be excessive. The Committee had previously noted that although the time period between the medical examinations of minors had been reduced from three to two years, this period was still too long for employees under the age of 18 years.

The report indicates that to this end, an amendment of the Occupational Health and Safety Act will be enforced in Estonia as of January 2019 (out of the reference period); this amendment stipulates that the medical examination of an employee who is a minor shall be conducted at least once a year. While taking note of this positive step, the Committee asks the next report to confirm the implementation of this legislative amendment.

In addition the report indicates that in order to protect the health of minors, it is stipulated in the Employment Contracts Act 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.

A more detailed description of works that minors are not allowed to perform is stipulated in Regulation No. 94 of the Government of the Republic of Estonia of 11 June 2009 'List of occupational hazards and work prohibited to minors. The regulation provides a list of works that minors are not allowed to perform and a list of hazards that can be harmful for a minor's health in the case of contact.

As of 2017, an employer may not allow a minor of 7–14 years of age to work before ten working days have passed since the entry of the minor in the employment register provided for in the Taxation Act. When entering a minor of 7–14 years of age in the employment register, the employer shall enter in the register information about the consent of a legal representative of the minor, the working conditions of the minor, including the minor's place of work and duties and whether the minor is subject to the obligation to attend school. After the making of the register entry of the employer, 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.

Additionally, the health risks of an employee who is a minor shall be assessed prior to the minor starting work and in cases where a significant change has been introduced to the work organisation. When assessing risks, the following should be paid attention to, first and foremost: 1) design and furnishing of the workspace and rooms; 2) impact of hazards in the working environment to the health of an employee who is a minor; 3) suitability of tools and their use for an employee who is a minor; 4) suitability of work organisation for an employee who is a minor; 5) providing instructions and training for an employee who is a minor.

Measures for implementation

One of the measures for the protection of minors' health is to conduct medical examination. Regulation No. 74 the Minister of Social Affairs of 24 April 2003 'Procedure for medical examination of employees' stipulates general principles for medical examination of employees whose health may be affected by working environment hazards or work practices. The Regulation applies to all employees, including employees who are minors, and who are not subject by law to a special medical examination. When conducting a medical examination, the occupational health doctor shall evaluate the state of health of the employee, the suitability of the working environment or work organisation to the employee,

taking into account the results of the risk assessment of the working environment, which shall indicate the working environment hazards that the employee comes into contact at their workplace and which may cause a work-related illness for the employee, and the impact and duration of the hazards to the employee during one day. Potential work-related illnesses of an employee are determined in the course of a medical examination. The occupational health doctor, having reviewed the supporting documents of the medical examination, the working environment and work organisation of the employee at the workplace, shall prescribe the necessary additional medical examinations, involving various specialists, if necessary. The occupational health doctor shall enter the results of the additional medical examinations to the employee's medical record, will provide an evaluation of the employee's state of health and decide upon the suitability of the working environment or work organisation to the employee. The occupational health doctor will inform the employee of the results of their additional medical examinations and the decision of their medical examination. The occupational health doctor shall issue a medical examination result to the employer, in which they will, if necessary, include proposals for making changes in the working environment or work organisation.

Pursuant to the Occupational Health and Safety Act, the occupational health doctor shall conduct employees' medical examinations at the employer's expense and during working hours. Data concerning the status of health of employees is confidential and shall be stored in protected databases.

Statistics

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.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Estonia is in conformity with Article 7§9 of the Charter.

Article 7 - Right of children and young persons to protection
Paragraph 10 - Special protection against physical and moral dangers

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

Protection against sexual exploitation

The Committee notes from the report the wide range of criminal offence that exist criminalising the sexual exploitation of children.

The Committee recalls that it previously noted that Article 178 of the Penal Code provides that the production of, making available, the acquisition of or storage,, handing over, displaying or of pictures, writings or other works or reproductions of works depicting a person of less than 18 years of age in a pornographic situation, or a person of less than 14 years of age in a pornographic or erotic situation, is punishable by a pecuniary punishment or up to three years' imprisonment.

The Committee previously considered that making a distinction as does Estonian law between what can be considered as 'erotic' and 'pornographic' and allowing the production of what can be referred to an erotic material depicting a child between 14 and 18 years of age, was not sufficiently protective of children. Therefore, the Committee concluded that the situation was not in conformity with the Charter as children between 14 and 18 years of age were not effectively protected against sexual exploitation (Conclusions 2015).

The report states that Estonia has criminalized all child pornography offences established in UN Convention on the Rights of the Child's second optional protocol on the sale of children, child prostitution and child pornography; According to the report, the criminal laws prohibiting child pornography are very wide. In Estonia there is no need to prove that pornographic product/material featuring a child was produced for sexual purposes, material which consists simulated representations of children etc. In all child pornography offences, the age limit of the protected child is always 18 years.

The report explains that Article 178 does not mean that children between 14 and 18 years of age can be used in erotic material. Its aim is to ensure that situations where children between 14 and 18 years of age take their own pictures or ask their friend to take their picture where they are, for example, in a provocative pose is not criminalized. In Estonia, erotic materials do not have to contain nudity, they can just be images of a sensual or a provocative pose. The report states that where violence has been used or where a person has been coerced or undue influence has been exerted then child erotica is criminalised irrespective of the age of the child.

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.

The Committee notes from the Concluding Observations on the combined second to fourth periodic reports of Estonia of the UN Committee on the Rights of the Child (CRC/C/EST/CO/2-4, 2017) that the prevalence of sexual abuse of children in Estonia is high, while the level of detection is low and the existence and accessibility of support services is insufficient.

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.

Protection against the misuse of information technologies

The report does not provide information on developments regarding the protection of children against the misuse of information technologies.

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.

Protection from other forms of exploitation and other moral dangers

The Committee asked in its previous conclusion (Conclusions 2015) to be informed about the measures taken, both legislative and in practice, to combat trafficking in children as well as to assist children in a street situation.

It notes from the report that Article 133 of the Penal Code (Trafficking in human beings) provides that « placing a person in a situation where he or she is forced to marry, work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, and to maintain a person in such a situation, if this act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of the dependency on another person, helpless or vulnerable situation of the person » is criminalised.

It also notes that Article 175 of the Penal Code (Human trafficking in order to take advantage of minors) criminalises « influencing a person of less than eighteen years of age in order to cause him or her to commence or continue commission of a criminal offence, to beg, engage in prostitution or work under unusual conditions, to marry against his or her will or to appear as a model or actor in a pornographic or erotic performance or work, if this does not contain the necessary elements of an offence provided for in Article 133 of this Code.

According to GRETA's report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia (2018) (outside the reference period), a majority of the identified victims of human trafficking in Estonia in 2014-2016 were children, 21 in total, out of whom 18 children were trafficked for the purpose of sexual exploitation and three – for the purpose of forced labour or services. The identified child victims comprised 13 Estonian girls and one Romanian girl trafficked for the purpose of sexual exploitation, four Estonian boys subjected to sexual exploitation, two Vietnamese girls subjected to labour exploitation and one Vietnamese boy subjected to labour exploitation.

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.

The Committee recalls that under Article 7§10 of the Charter, States must prohibit the use of children in other forms of exploitation such as domestic/labour exploitation, including trafficking for the purposes of labour exploitation and begging. States must also take

measures to prevent and assist children in a street situation. In all these cases, States Parties must ensure not only that they have the necessary legislation to prevent exploitation and protect children and young persons, but also that this legislation is effective in practice.

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

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 8 - Right of employed women to protection of maternity
Paragraph 1 - Maternity leave

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

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 8§1. It will therefore only consider the recent developments and additional information.

Right to maternity leave

The report states that there has been no change in the legislation on maternity leave during the reference period: a woman is entitled to a pregnancy and maternity leave of 140 calendar days (20 weeks).

In its previous conclusion, the Committee asked for information with a view to confirming that in law and/or in practice, the entitlement of women to at least six weeks' compulsory postnatal leave is guaranteed. In reply, the report states that the average pregnancy and maternity leave was 138.9 and 139.4 days respectively during the reference period.

The Committee regards this as an indication that in practice, women take their full maternity leave. It expects nevertheless the next report to provide any relevant statistical data on the proportion of women taking less than 6 weeks' postnatal leave.

Right to maternity benefits

The Committee notes that the situation which it has previously found to be in conformity with the Revised Charter has not changed: all employed women are entitled to 100% of their average wage during maternity leave. The same set of rules applies to women employed in the public sector.

In its previous conclusion, the Committee asked whether the minimum amount of maternity benefits corresponded to at least 50% of the median equivalised income.

The Committee recalls that, under Article 8§1, the level of income-replacement benefits should be fixed so as to stand in reasonable proportion to the previous salary (these shall be equal to the previous salary or close to its value, and not be less than 70% of the previous wage) and it should never fall below 50% of the median equivalised income (Statement of Interpretation on Article 8§1, Conclusions 2015). If the benefit in question stands between 40% and 50% of the median equivalised income, other benefits, including social assistance and housing, will be taken into account. On the other hand, if the level of the benefit is below 40% of the median equivalised income, it is manifestly inadequate and its combination with other benefits cannot bring the situation into conformity with Article 8§1.

According to Eurostat data, the median equivalised annual income was €9,389 in 2017, or €782 per month. 50% of the median equivalised income was €4,695 per annum, or €391 per month. Eurostat data for 2017 puts the gross minimum monthly salary at €470 in Estonia.

In view of the above, the Committee finds that the situation is in conformity with Article 8§1 of the Charter in this respect.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Estonia is in conformity with Article 8§1 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 2 - Illegality of dismissal during maternity leave

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

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 8§2 of the Charter. Since the situation remains unchanged, it confirms its previous finding of conformity.

The Committee takes note of an example of case-law illustrating the level of compensation awarded in the event of dismissal of a pregnant worker.

Conclusion

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

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

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

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 8§3 of the Charter. Since the situation remains unchanged, it confirms its previous finding of conformity.

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

Conclusion

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

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

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

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 8§4 of the Charter. Since the situation remains unchanged, it confirms its previous finding of conformity.

The Committee refers to its Statement of Interpretation on Articles 8§4 and 8§5 (Conclusions 2019) and asks the next report 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; it furthermore asks the next report to confirm that the women concerned retain the right to return to their previous employment at the end of the protected period.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 8§4 of the Charter.

Article 8 - Right of employed women to protection of maternity
Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work

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

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 8§5 of the Charter. Since the situation remains unchanged, it confirms its previous finding of conformity.

The Committee points out that Article 8 of the Charter provides specific rights protecting employed women during pregnancy and maternity (Statement of Interpretation on Articles 8§4 and 8§5, Conclusions 2019). Since pregnancy and maternity are gender-specific, any less favourable treatment due to pregnancy or maternity is to be considered as direct gender discrimination. Consequently, the non-provision of specific rights aimed at protecting the health and safety of a mother and a child during pregnancy and maternity, or the erosion of their rights due to special protection during such a period are also direct gender discrimination. It follows that, in order to ensure non-discrimination on the grounds of gender, employed women during the protected period may not be placed in a less advantageous situation, also with regard to their income, if an adjustment of their working conditions is necessary in order to ensure the required level of the protection of health. It follows that, in the case a woman cannot be employed in her workplace due to health and safety concerns and as a result, she is transferred to another post or, should such transfer not be possible, she is granted leave instead, States must ensure that during the protected period, she is entitled to her average previous pay or provided with a social security benefit corresponding to 100% of her previous average pay. Further, she should have the right to return to her previous post. In this respect, the Committee asks the next report 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; it furthermore asks the next report to confirm that the women concerned retain the right to return to their previous posts at the end of the protected period.

Conclusion

The Committee concludes that the situation in Estonia is in conformity with Article 8§5 of the Charter.

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

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

Legal protection of families

Rights and obligations, dispute settlement

The Committee refers to its previous conclusions (Conclusions 2011 and 2015) for a description of the situation as regards **rights and obligations of spouses, settlement of disputes** and **mediation services**. It takes note of the additional information provided in respect of spouses' property regime and children custody rights and considers that the situation remains in conformity with Article 16 of the Charter.

Issues related to **restrictions to parental rights and placement of children** are examined under Article 17§1.

Domestic violence against women

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 assessment under this instrument has not taken place yet.

The Committee takes note of the information presented in the report concerning the developments occurred since its latest assessment (see Conclusions 2015), in particular as regards the results of the previous measures. According to the report, 13% fewer crimes were registered in 2017 when compared to 2016 (registered domestic violence crimes were 2 721 in 2014, 2 997 in 2015, 3 017 in 2016 and 2 632 in 2017); two thirds of domestic violence crimes are related to a previous or current partnership; the number of people (mostly women) turning to victim support for domestic violence went from 3 013 in 2014 to 4 582 in 2017, the number of women turning to women's support centres went from 1 617 in 2014 to 2 000 in 2017; in 2013-2016, 2 096 calls were made to the helpline meant for victims of violence against women. Of the cases, 31% mainly involved physical violence, 45% psychological violence, 18% economic violence and 7% sexual violence. In most cases, the abuser was a partner or ex-partner of the victim. 750 calls were made in 2017.

The report also refers to a cross-sectoral social and legal protection cooperation project which was initiated at the end of 2017 in order to make the proceedings of domestic violence cases more efficient and to provide help to victims faster. In the form of cooperation of police, the prosecutor's office, local government social and child protection, national victim support and women's support centre, work began on testing out various approaches, which would ensure safety and empowering of a victim, fast intervention and case proceedings, as well as efficient needs-based social and psychological support to parties. The Committee notes that this project aims at strengthening the protection of victims and takes note of the measures adopted to this effect, as presented in the report: victim support services, including compensation, as provided under the Victim Support Act (as amended in 2017); amendments to the Code of Criminal Procedure in 2016; special funding ensured to women's support centres; setting up of a free support line 24/7; the development of a crisis care and rehabilitation service for victims; the drafting of guidelines for doctors and organisation of training for medical staff working with victims of sexual violence as well as for other concerned professionals (police officers, prosecutors, judges, social workers, victim support and child protection workers, medical staff, teachers, etc.);

The Committee also takes note of the prevention measures enacted (several awareness-raising activities, trainings etc. and surveys to monitor the perception of violence) as well as of further measures under way in the framework of integrated policies against domestic violence, under the Violence Prevention Strategy 2015-2020. The report explains that under this strategy, violence prevention is addressed on a broader sense at three levels of

prevention – universal prevention (through public awareness and education of people), protection of victims and dealing with consequences of violence for victims and offenders (see details in the report). The preparation of the new development plan was coordinated by the Ministry of Justice; the working group included all relevant ministries, their agencies, citizen associations and local governments. The strategy determines those responsible for the activities, the specific objectives to be achieved, the resources used for achieving them and the indicators for assessing the results achieved. The Committee also takes note of the details provided on the 2012-2016 programme 'Domestic and Gender-Based Violence', the 2014-2016 project 'Creating and Empowering an Extensive Support Network for Victims of Sexual Violence'.

As regards prosecution of domestic violence, the Committee notes from the report that no specific legislation has been adopted yet on this issue, but Sections 58 and 121 of the Penal Code have been amended in 2015 to introduce new aggravating circumstances when the perpetrator and the victim are from the same family, living together or in a situation of dependency or subordination (see details in the report). In 2017, harassing pursuit, forced marriages, female genital mutilation and purchasing sex from a victim of human trafficking were criminalized and sexual harassment became a misdemeanor.

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 concern 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.

Social and economic protection of families

Family counselling services

The Committee refers to its previous conclusion (Conclusions 2015), in which it noted that family counselling services are provided primarily by service providers of the private sector and the voluntary sector, and local governments have information on local establishments that offer the service. It also noted that the state supports various projects, in the framework of which family counselling services are provided to various target groups, via the Gambling Tax Council. The report also refers to a project led in 2016 by the social insurance board, which is aimed at supporting social workers of local governments and counsel them in relation to more complex client cases, as well as the provision of counselling services to people with difficulties in coping across Estonia. 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.

Childcare facilities

The Committee refers to its previous conclusions (Conclusions 2011 and 2015, Article 27§1) for an overall description of the childcare system in Estonia, which it found to be in conformity with the Charter. It takes note of the detailed additional information provided in the report, in particular as regards the participation rates of preschool children in preschool childcare institutions and schools. In this respect, the report indicates that during the reference period the number of children attending preschool institutions decreased by 3% (in 2017/2018, the 628 preschool childcare institutions operating in Estonia provided education to 66 895 children), while the number of teachers increased by 3%. In 2017, 27.8% of children aged 0–2 years attended nursery schools and early-years childcare establishments, whereas among children aged 3–6 years that proportion was 94.7%. According to other data provided in the report, 80% of children aged 1.5–3 years were attending pre-school care facilities, and 90% of children aged 4–6 years. A 2015 survey indicates that most children on the nursery school waiting list in 2015 were aged 1.5 to 3 years (59% of their age group) and that 2290 children were denied admission to nursery school places. In order to alleviate the shortage of nursery school places, amendments were made to the Preschool Child Care Institutions Act as regards the replacement of a nursery school place with a childcare service and the local government's obligations (Section 10) to ensure that the financial participation rate of the parent is the same as is paid by a parent using the services of a nursery school. Furthermore, the report indicates that in 2015, 568 new places in childcare facilities all over Estonia were created to alleviate the shortage of childcare facilities and that the creation of new flexible childcare facilities was under way for, inter alia, parents working unconventional hours and children with special needs. The creation of nearly 2200 new places in childcare facilities and nursery schools was also envisaged.

As regards childcare services costs, the report states that, until the child is a year and a half old, the parent has the right to receive parental benefits; a place at a nursery school shall be made available once the parental benefit period ends. The rate of the amount to be paid by the parents, which may vary according to the age of the child, the management costs of the preschool institution or other circumstances, is set by the rural municipality or city council and, in 2015, it was on average € 44. Full or partial recovery of the catering costs and place fees for children from disadvantaged families is regulated by the local administration.

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.

Family benefits

Equal access to family benefits

According to the report, no fundamental changes have been made to the legal provisions governing foreign nationals and stateless persons. Equal treatment of such persons continues to be ensured, including in the case of family allowances. All legislation regulating family allowances and benefits applies to permanent residents of Estonia, including stateless persons, in accordance with the conditions provided for in subsection 6 (1) of the Income Tax Act.

The Committee recalls that under Article 16 nationals of States Parties lawfully resident in the territory must have equal access to family benefits. States may apply a length of

residence requirement as regards non-contributory benefits on condition that the length is not excessive. The Committee has considered that a period of 6 months is reasonable and therefore in conformity with Article 16. The Committee notes that equal treatment is guaranteed to permanent residents in Estonia. It asks what conditions apply to obtaining a permanent residence.

Level of family benefits

In its previous conclusion (Conclusions 2015) the Committee considered that the situation is not in conformity on the ground that family benefits were not of an adequate level for a significant number of families.

The Committee notes from the report that there are seven types of family allowances and they are divided into two groups – monthly family allowances and one-off family allowances. Monthly family allowances are the following: child allowance, childcare allowance, single parent's child allowance, guardianship allowance, allowance for a family with many children, allowance of a multiple birth of three or more children, conscript's (or person in alternative service) child allowance. One-off family allowances are the following: childbirth allowance and adoption allowance. As regards the child allowance, the Committee notes that its amount has been significantly raised compared to the previous reference period from € 19 (2013) to € 55 (2017). The Committee also takes note of the amounts of other benefits as well as the evolution of the needs-based family benefit, parental benefit and maintenance allowance.

The Committee notes from MISSOC that the child allowance for the 1st and 2nd child stood at € 55. Child allowance for every 3rd and next child was € 100. The benefit is paid to the parent, guardian or caregiver. The Committee notes that the median equivalised income in 2017 stood at € 781 per month. Therefore, the Committee notes that the child allowances represent 7% of the median equivalised income. The Committee considers that with the raise in the child allowance, the situation has been brought into conformity with the Charter.

Measures in favour of vulnerable families

In reply to the Committee question, the report provides information about the families with disabled children. As regards Roma families, the Committee also notes that according to data from the population census of 2011, there were 456 people of Roma origin living in Estonia. According to the report, as the Roma community is rather small in Estonia, no separate measures have been created for the Roma. Equal opportunities and social protection are guaranteed for the Roma living in Estonia on the same basis as for other residents of Estonia. The Committee asks what measures are taken to protect single-parent families.

Housing for families

The report refers to several measures related to housing implemented during the reference period:

- state guarantees on housing loans for private persons (including young families) and apartment associations;
- grants for apartment associations and local governments for complete reconstruction of apartment buildings, with the goal of making the buildings more energy-efficient (living conditions of nearly 8 500 people were improved);
- small residential building reconstruction grants for owners of houses (average support amount was € 6 210);
- home grants for improving living conditions of families with many children (1 186 families and an average amount of grant of € 8 413);
- grants to owners and apartment associations for the renovation of heating systems and electrical installations.

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 Committee further notes from another source that there is limited provision of social housing (an estimated 1.7% of social rent; see Housing Europe, *The State of Housing in the EU 2017*, pp. 62-63; see also the United Nations Committee on Economic, Social and Cultural Rights (CESCR), *Concluding observations on the third periodic report of Estonia*, 8 March 2019, outside the reference period, §38). 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.

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.

In its previous conclusions (*Conclusions 2011*, *2015*), the Committee asked information on measures taken to improve the housing situation of Roma families. It also held that if the next report did not provide the necessary information, there would be nothing to show that the situation is in conformity with Article 16 of the Charter on this ground (*Conclusions 2015*).

In reply, the report stresses that according to the latest population census (2011), there were 456 people of Roma origin living in Estonia. As the Roma community is rather small, no separate measures have been created for Roma. The report indicates that equal opportunities and social protection are guaranteed for the Roma living in Estonia on the same basis as for other residents.

Finally, 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.

Participation of associations representing families

The report confirms that in the case of lawmaking process that concerns children and families, draft acts have been sent to organisations that represent children and families, so that they could provide their assessments to the legislative changes, based on the needs and expectations of their interest group. Associations who have been conducted for consultation include representative organisations that represent families with many children, families with one parent, children with disabilities, children without parental care and organisations working in child protection.

Conclusion

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.

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

Paragraph 1 - Assistance, education and training

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

The legal status of the child

The Committee has noted with concern the increasing number of children in Europe registered as stateless, as this will have a serious impact on those children's access to basic rights and services such as education and healthcare.

According to EUROSTAT in 2015 there were 6,395 first time asylum applications in the EU by children recorded as stateless and 7,620 by children with an unknown nationality. This figure only concerns EU states and does not include children born stateless in Europe or those who have not sought asylum. In 2015, UNHCR estimated the total number of stateless persons in Europe at 592,151 individuals.

According to Human Rights Watch [*It's time to end Child Statelessness in Estonia*] in January 2016, about 6.1% of Estonia's population of 1.3 million was stateless – that is, 79,300 people. Despite a few advances in reducing child statelessness since then, Estonia has not fully addressed the problem.

In addition, 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 [CRC/C/EST/CO/2-4, March 2017] that amendments to the 2015 Citizenship Law grant Estonian citizenship to children with undetermined citizenship born in the State. However, the UN Committee expressed concern that these amendments do not apply to children aged 15 to 18, and limited attention is paid to stateless children who arrive in the country in the context of migration, partly because of the absence of a comprehensive procedure to determine if a person is stateless.

Therefore, the Committee asks what measures have been taken by the State to reduce statelessness (such as ensuring that every stateless migrant child is identified, simplifying procedures for obtaining nationality, and taking measures to identify children unregistered at birth).

The Committee further asks what measures have been taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation.

Protection from ill-treatment and abuse

The Committee recalls that it previously found that the situation was not in conformity with the Charter in this respect. It recalls that all forms of corporal punishment are prohibited in all settings, including in the home.

According to the report, the Child Protection Act which entered into force in 2016, explicitly prohibits the physical punishment of a child, as well as punishment of a child in any other manner which may endanger his/her mental, emotional or physical health.

The situation remains in conformity with the Charter on this point.

Rights of children in public care

In its previous conclusion, the Committee asked to be kept informed of any developments in respect to changes brought about by the Child Protection Act. The Committee notes that this Act entered into force in 2016. Additionally, at the start of 2016, a new Child Protection Department of the Social Insurance Board was established. The role of this department is to implement the national child protection policy. The Child Protection Department of the Social

Insurance Board supports local governments in resolving child protection cases, finding measures suitable for children and compiling development plans that support the well-being of children.

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.

As of 1 January 2018 (outside the reference period), amendments to the Social Welfare Act came into force, which were based on three strategic goals: increase the share of family-based care, improve the quality of alternative care facilities as a whole, and enhance the ability of persons to live independently. Changes included the provision of alternative care services in three forms: foster families, family houses and substitute homes, the establishment of an obligation on local governments to prioritise the placement of a child in a foster family, the provision of short-term or periodic alternative care services with the consent of a parent; the transfer of the evaluation and preparation of foster families from local governments to the Social Insurance Board, and the compilation of a national register of families that have been evaluated as suitable. In addition, an obligation to support foster families financially was introduced.

At the end of 2016, 2,588 children were in alternative care, 61% of whom were in family-based care and 39% in institutional care. 191 children were cared for in a family; 1,395 children under the care of a guardian; and 1,002 children in substitute homes.

The Committee notes from the Concluding Observations of the UN Committee on the Rights of the Children on the combined second to fourth periodic reports [CRC/C/EST/CO/2-4, March 2017] that the UN Committee expressed concern that the level of the institutionalization of children remained quite high.

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.

Education

As regards the issue of education, the Committee refers to its conclusion under Article 17§2.

Children in conflict with the law

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.

New legislation on juvenile justice came into force on 1 January 2018 (outside the reference period). According to the report, as a result of the new legislation, the Juvenile Committees were abolished and the system has been made more child-friendly and more in line with international recommendations.

Legislation explicitly states that a punitive approach should be a last resort and priority should be given to non-punitive measures (described as those measures that help children and follow the principles of restorative justice). Access to conciliation services and social rehabilitation services have been expanded for children who have committed an offence. Restrictions on the freedom of a child, which were previously imposed following criminal proceedings, are now imposed as a result of civil proceedings, and any restriction of liberty

only takes place in a closed childcare institution. Such a restriction of liberty only occurs where 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 a closed child care institution 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.

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 maybe 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.

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.

Right to assistance

Article 17 guarantees the right of children, including children in an irregular situation and non-accompanied minors to care and assistance, including medical assistance and appropriate accommodation [International Federation of Human Rights Leagues (FIDH) v. France, Complaint No 14/2003, Decision on the merits of September 2004, § 36, *Defence for Children International* (DCI) v. Netherlands, Complaint No. 47/2008, Decision on the merits of 20 October 2009, §§70-71, European Federation of National Organisations working with the Homeless (FEANTSA) v, Netherlands, Complaint No.86/2012, Decision on the merits of 2 July 2014, §50].

In its previous conclusion, the Committee asked what assistance is given to children in an irregular situation to protect them from negligence, violence or exploitation. According to the report, unaccompanied children in Estonia are ensured child protection just like any other children in need of help. Upon entry to the country, they are sent by the Social Insurance Board, to SOS Children's Village for alternative care and receive the same alternative care service as other children in Estonia. In addition, unaccompanied children are provided with health care, basic translation services and Estonian language lessons, and other essential services.

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.

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.

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?).

Child poverty

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection. The obligation of State Parties to take all appropriate and necessary measures to ensure that children and young persons have the assistance they need is strongly linked to measures directed towards the amelioration and eradication of child poverty and social exclusion. Therefore, the Committee will take child poverty levels into account when considering the state's obligations under the terms of Article 17 of the Charter.

The Committee notes that according to EUROSTAT in 2017 18.8% of children in Estonia of children were at risk of poverty or social exclusion (lower than the EU average of 24.9%).

The Committee asks the next report to provide information on the rates of child poverty as well as on measures adopted to reduce child poverty, including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc. Information should also be provided on measures focused on combatting discrimination against and promoting equal opportunities for, children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty

Conclusion

Pending receipt of the information requested the Committee concludes that the situation in Estonia is in conformity with Article 17§1 of the Charter.

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

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

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

Enrolment rates, absenteeism and drop out rates

According to UNESCO in 2017 the net enrolment rate for primary education for both sexes was 93.68%, the corresponding rate for secondary education was 90.24%. The Committee notes that these rates seem to be lower than rates in other European countries. The Committee asks for the Governments comments on this.

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, March 2017, and the 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 there has been a net decrease in the enrolment rate in primary education and that the drop-out rate particularly among boys remains high.

According to the report 0.2% of children fail to complete compulsory education.

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.

Costs associated with education

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

Vulnerable groups

In its previous conclusion (Conclusions 2015) the Committee sought further information about the situation of Roma children, in particular any measures adopted following the study 'Roma in the Estonian Education System – issues and solutions', and information on the placement of Roma children in special needs schools. The Committee noted that in 2014/2016 a project to improve the quality of counselling for Roma students was to be launched and asked to be informed of the results of this project.

According to the report, children of Roma origin study in either Estonian-language or in rarer cases, also in Russian-language schools. There are no separate schools or classes in Estonia which are only attended by Roma children. Roma children study in the context of the common national curricula and are not separated from other students.

The report refers to the results of a survey, sponsored by the Population Register and the Ministry of Education and Research and supported by the North Estonian Roma Association, which show that as of 2010, there were 90 children in Estonia of compulsory school age whose parent or parents were of Roma origin. The report also states that according to the data provided by the Estonian Education Information System in November 2017, 55 pupils in general education schools have identified Roma as their home language.

According to the report in Estonia, the transfer of children to specialized schools takes place on the basis of need and can only take place with the consent of the parent or legal guardian and on the basis of a medical evaluation. The placement of Roma children in schools for children with special educational needs or directing them to study on the basis of a simplified curriculum in a basic school, is based on the same grounds as for other children.

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

The report states that in order to support Roma children and Roma students, the Ministry of Education and Research has planned various measures, such as relevant in-service training courses for members of advisory committees and counselling centres.

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 Committee previously asked whether children irregularly present in Estonia have access to education (Conclusions 2015).

According to the report all children in Estonia are guaranteed the right and access to (basic) education. Section 27 of the Basic Schools and Upper Secondary Schools Act (Admission of students to school), subsection 1 stipulates that a basic school is required to admit all persons subject to the duty to attend school who have expressed such desire and for whom the school is their designated school based on their residence.

As Estonia has accepted Article 15§1 of the Charter the Committee will examine the rights of children with disabilities to education under that provision.

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.

Anti-bullying measures

The Committee asks what measures have been taken to introduce anti bullying policies in schools, i.e., measures relating to awareness raising, prevention and intervention.

The voice of the child in education

Securing the right of the child to be heard within education is crucial for the realisation of the right to education in terms of Article 17§2. This requires states to ensure child participation across a broad range of decision-making and activities related to education, including in the context of children's specific learning environments. The Committee asks what measures have been taken by the State to facilitate child participation in this regard.

Conclusion

Pending receipt of the information requested the Committee concludes that the situation in Estonia is in conformity with Article 17§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 1 - Assistance and information on migration

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

Migration trends

According to the International Organisation for Migration (IOM), Estonian migration policy has been stable but restrictive towards immigration since gaining independence from the Soviet Union in 1991. There has been no sudden increase of immigration in connection with Estonia's accession to the European Union (EU) and joining the Schengen common visa area. Instead there has been an increase of Estonian labour migration to other EU countries, particularly to Finland. In 2014, the number of people emigrated from Estonia (4,637) exceeded the number of immigrants to Estonia (3,904). However, emigration in 2014 has decreased by 30% compared to 2013. Most immigrants come to Estonia to join their spouses and close relatives.

Recently more attention has been paid to attracting and managing the flow of highly skilled professionals to Estonia. Within this, more focus is also put on foreign students and their stay in Estonia after studies.

Estonia is among the countries receiving the lowest number of asylum seekers in Europe. From 1997 to May 2015, a total of 709 asylum applications have been lodged in Estonia, out of which 114 have received international protection. Main countries of origin of asylum seekers are the Russian Federation, Georgia, Ukraine, Syria and Afghanistan.

Assisted Voluntary Return and Reintegration (AVRR) is a key tool in regulating migration and aims at the orderly, humane, and cost-effective return of migrants, who wish to return voluntarily to their countries of origin. The IOM, Tallinn, started implementing an AVRR programme in Estonia in 2010.

Change in policy and the legal framework

Number of programmes and initiatives have been implemented in Estonia since 2015. Particularly, a Welcoming Programme has been launched since 2015. It is a free of charge service aimed at helping foreigners arriving to Estonia get basic knowledge and skills necessary for the life in the country. The Welcoming programme is open to all foreigners who have legally resided in Estonia for less than five years.

In 2017, the Ministry of the Interior developed, in cooperation with the Police and Border Guard Board, a free counselling service aimed at providing legal counselling, as well as up-to-date, accurate and reliable information to foreigners. These services have been developed on the basis of the Balanced Citizenship and Migration Policy Programme, which is part of the "Internal Security Development Plan 2015-2020", as well as "Work in Estonia-Action Plan for the Involvement of Foreign Specialists in Estonia 2015-2016".

The Committee notes from the 5th report of the European Commission against Racism and Intolerance (ECRI) on Estonia (adopted 2015), that the authorities have recently amended the Citizenship Act. Henceforth, all children under 15 years of age born in Estonia of parents who do not hold Estonian citizenship will automatically be granted Estonian citizenship (the law provides that parents may refuse this granting of citizenship). According to the authorities, this measure will immediately concern some 835 children. Also, people aged over 65 wishing to acquire Estonian citizenship will in future be exempt from the written part of the language tests.

Free services and information for migrant workers

The Committee notes for the report that, within the framework of the counselling service, the foreigners are provided with a legal counsel, who should provide the client with up-to-date, accurate and reliable information, aiming to find the most suitable and convenient solutions to the client's problems and questions. Within these services, foreigners receive complex information on migration, family migration (residence permits, rights of residence and stay, long-term visas), citizenship and identity documents, as well as requirements related to the recruitment of foreigners. The counselling service is provided in Estonian, English, and Russian by phone and e-mail, personally or via Skype. It is also possible to use the document ex ante verification service. During March-December 2017 total of 9,946 people benefited from the counselling services.

In addition, within the framework of the counselling service, employers are provided with trainings on relevant and reliable information about the conditions for the employment of foreigners in Estonia.

With regard to Committee's question raised in its previous conclusion (Conclusions 2015), the report states that within the Welcome Programme, a separate training module has been developed for foreigners who arrived in Estonia for the purposes of work and entrepreneurship. It provides an overview of working in Estonia, how to start a business or how to do business, the labour law, the employee's rights, but also topics related to the tax system and work culture.

Total of 2,916 people participated in the trainings within the Welcoming Programme during 2015-2017, including language training-1,307 participants, work and entrepreneurship-484 participants, basic module-487 participants, family life module-241 participants, etc.

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.

Taking account of the information provided in the report, and the previous explanations of the regulatory system, the Committee concludes that the situation in this respect is in conformity with the Charter.

Measures against misleading propaganda relating to emigration and immigration

The Committee recalls that measures taken by the government should prevent the communication of misleading information to nationals leaving the country and act against false information targeted at migrants seeking to enter (Conclusions XIV-1 (1998), Greece).

The Committee considers that in order to be effective, action against misleading propaganda should include legal and practical measures to tackle racism and xenophobia, as well as women trafficking. Such measures, which should be aimed at the whole population, are necessary inter alia to counter the spread of stereotyped assumptions that migrants are inclined to crime, violence, drug abuse or disease (Conclusion XV-1 (2000), Austria).

The Committee also 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, and of deterring the promulgation of discriminatory views.

The Committee further recalls 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. It underlines that the authorities should take action against misleading

propaganda as a means of preventing illegal immigration and trafficking in human beings (Conclusions 2006, Slovenia).

Finally, the Committee recalls that States must also take measures to raise awareness amongst law enforcement officials, such as awareness training of officials who are in first contact with migrants.

The Committee notes from the report, that two projects were launched in 2017 aimed at raising awareness, tolerance and positive attitude towards third-country nationals residing in Estonia, including displaced persons, and those displaced under the European Migration Plan. The projects were initiated by the Estonian Public Broadcaster and the Government Office, with the support of the Asylum, Migration and Integration Fund.

Among others, within the framework of the cross-media programme 'LIVEstonia. I Live Here', a cross-media programme was created, which included, *inter alia*, a television series of third-country nationals residing in Estonia (24 episodes), a website for the programme with television and radio broadcasts, and other original materials. The website featured human interest stories about the third-countries' nationals who had appeared in Vikerraadio's broadcast series 'I Live Here'. With the support of the European Social Fund, media activities that support attitudes towards social integration were financed.

In 2017, the Integration Foundation carried out an information campaign "Valuing public sector organisations with a diverse workforce and providing information on career opportunities in the public sector for people with a mother tongue other than Estonian", the content and purpose of which was to encourage non-Estonian speaker young people to apply for work in the public sector and public sector managers to employ those people.

The Committee notes from the ECRI report, that the Criminal Code contains anti-discrimination provisions, such as Article 151 and 152 which prohibits activities which publicly incite hatred, violence or discrimination on the basis of, *inter alia*, nationality, race, colour, origin or religion.

However, ECRI notes that the Criminal Code contains no provision criminalising the public expression, with a racist aim, of an ideology which claims the superiority of, or which depreciates or denigrates a grouping of persons, the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes, the public dissemination or publication, production or storage for the purposes of public dissemination or distribution, of written, pictorial or other materials containing such manifestations.

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 Committee notes from the 2015 ECRI report, that racism and discrimination are identified as problems within the media and internet. Moreover, there is no sufficient statistical data on the number of such cases and how they are handled.

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 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.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Estonia is in conformity with Article 19§1 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 2 - Departure, journey and reception

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

Immediate assistance offered to migrant workers

This provision obliges States to adopt special measures for the benefit of migrant workers, beyond those which are provided for nationals to facilitate their departure, journey and reception (Conclusions III (1973), Cyprus).

Reception means the period of weeks which follows immediately from their arrival, during which migrant workers and their families most often find themselves in situations of particular difficulty (Conclusions IV, (1975) Statement of Interpretation on Article 19§2). It must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures (Conclusions IV (1975), Germany). The Charter requires States to provide explicitly for assistance in matters of basic need or demonstrate that the authorities are adequately prepared to afford it to migrants when necessary (Conclusions XX-4 (2015), Poland).

The Committee also reiterates that equality in law does not always and necessarily ensure equality in practice. Additional action becomes necessary owing to the different situation of migrant workers as compared with nationals (Conclusions V (1977), Statement of Interpretation on Article 19).

In its previous conclusion ([Conclusions 2015](#)), the Committee has positively assessed the legal framework relating to the assistance offered upon reception to migrant workers, in particular the access to the statutory and emergency medical care and emergency social assistance.

The report further specifies that assistance is offered upon departure (counselling, travel documents, purchase of airline tickets), along with a service-based reintegration support. Returning Estonians and incoming foreigners of retirement age receive a financial benefit if their income is below the national pension rate.

The Committee also notes the information that "remigration allowance" to mitigate the costs of return is available to Estonian citizens who lived abroad for at least 10 years.

Services during the journey

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

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.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Estonia is in conformity with Article 19§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 3 - Co-operation between social services of emigration and immigration states

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

General principles

The Committee recalls that the scope of this provision extends to migrant workers immigrating as well as migrant workers emigrating to the territory of any other State. Contacts and information exchanges should be established between public and/or private social services in emigration and immigration countries, with a view to facilitating the life of emigrants and their families, their adjustment to the new environment and their relations with members of their families who remain in their country of origin (Conclusions XIV-1 (1998), Belgium).

It also recalls that formal arrangements are not necessary, especially if there is little migratory movement in a given country. In such cases, the provision of practical co-operation on a needs basis may be sufficient. Whilst it considers that collaboration among social services can be adapted in the light of the size of migratory movements (Conclusions XIV-1 (1996), Norway), it holds that there must still be established links or methods for such collaboration to take place.

The co-operation required entails a wider range of social and human problems facing migrants and their families than social security (Conclusions VII, (1981), Ireland). Common situations in which such co-operation would be useful are, for example, where the migrant worker, who has left his or her family in the home country, fails to send money back or needs to be contacted for family reasons, or where the worker has returned to his or her country but needs to claim unpaid wages or benefits or must deal with various issues in the country in which he was employed (Conclusions XV-1 (2000), Finland).

Co-operation between social services

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

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).

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Estonia is in conformity with Article 19§3 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 4 - Equality regarding employment, right to organise and accommodation

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

Remuneration and other employment and working conditions

The Committee recalls that States are obliged to eliminate all legal and de facto discrimination concerning remuneration and other employment and working conditions, including in-service training, promotion, as well as vocational training (Conclusions VII (1981), United-Kingdom).

The Committee has positively assessed the equality concerning remuneration and other working conditions in its previous conclusion ([Conclusions 2015](#)). It then asked whether vocational training with a view to improving the skills of workers and their opportunities was available in Estonia on the same basis for migrants and nationals.

The report provides that in 2018 the amendment on the Enrolment of Students at Vocational Educational Institutions Act was adopted, with which the provisions that could be considered discriminatory with regards to the access to learning for the target group of immigrants have been removed. Currently, the admission requirements for both citizens and immigrants when entering vocational training are uniform. Moreover, in 2017 amendments to the Citizen of the European Union Act and the Equal Treatment Act were adopted to further improve the equality and uniform application of the rights of workers from EU Member States and their family members who are EU Member State or third country nationals, and to ensure measures against discrimination. They concern 1) access to employment; 2) conditions of employment and work, in particular as regards remuneration, termination of employment, health and safety at work, and, when becoming unemployed, reinstatement or re-employment, and appointment to a position or dismissal; 3) access to social and tax advantages; 4) membership of trade unions and eligibility for workers' representative bodies; 5) access to training; 6) access to housing; 7) access to education, apprenticeship and vocational training for the children of workers; 8) assistance afforded by the employment offices.

The Committee considers that the situation is in conformity with the Charter in this respect.

Membership of trade unions and enjoyment of the benefits of collective bargaining

The Committee recalls that this sub-heading requires States to eliminate all legal and de facto discrimination concerning trade union membership and as regards the enjoyment of the benefits of collective bargaining (Conclusions XIII-3 (1995), Turkey). This includes the right to be founding member and to have access to administrative and managerial posts in trade unions (Conclusions 2011, Statement of interpretation on Article 19§4(b)).

In this respect, the report provides that the legal framework has not changed since the previous conclusions. Estonian legislation continues not to discriminate between migrant workers and local employees upon membership of trade unions, participation in collective bargaining and enjoyment of the benefits of collective bargaining. The report includes statistics which indicate that 5.6% of the employed immigrant population are members of trade unions, while for nationals the figure is 4.4%.

The Committee reiterates its conclusion on conformity with the Charter on this point.

Accommodation

The Committee recalls that States shall eliminate all legal and de facto discrimination concerning access to public and private housing (European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009, §§1111-1113). It

also recalls that there must be no legal or de facto restrictions on home-buying (Conclusions IV (1975), Norway), access to subsidised housing or housing aids, such as loans or other allowances (Conclusions III (1973), Italy).

The Committee notes that there have been no changes to the situation which it has previously found to be in conformity with the Charter. Pursuant to the Social Welfare Act, local government bodies are required to provide social housing for persons or families who are unable to secure housing for themselves. The report stresses that everyone, including migrant workers and their families, has equal conditions and opportunities regarding accommodation.

In its previous conclusion (Conclusions 2015) the Committee asked for information on possible cases of discrimination regarding social housing at local level and the practical measures to remedy such cases. In reply, the report indicates that no complaints were filed with the Gender Equality and Equal Treatment Commissioner regarding discrimination concerning social housing. The situation remains, accordingly, in conformity with the Charter in this respect.

Remedy

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

In particular, the Committee considers that in order to monitor and ensure that no discrimination occurs in practice, States Parties should have in place sufficient effective monitoring procedures or bodies to collect information, for example disaggregated data on remuneration or information on cases in employment tribunals (Conclusions XX-4 (2015), Germany).

The Committee further recalls that under Article 19§4(c), equal treatment can only be effective if there is a right of appeal before an independent body against the relevant administrative decision (Conclusions XV-1 (2000) Finland). It considers that existence of such review is important for all aspects covered by Article 19§4.

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.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Estonia is in conformity with Article 19§4 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 5 - Equality regarding taxes and contributions

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

The Committee recalls that this provision recognises the right of migrant workers to equal treatment in law and in practice in respect of the payment of employment taxes, dues or contributions (Conclusions XIX-4 (2011), Greece).

It notes that there have been no changes to the situation, which it has previously considered to be in conformity with Article 19§5 of the Charter (see [Conclusions 2015](#)): migrant workers are treated equally with nationals in relation to taxes or other employment contributions. Social tax, income tax, mandatory pension payments and unemployment insurance payments are paid on salaries and do not depend on the nationality but on the residence of the person in the particular tax year. A non-resident pays only income tax on the income received from income source in Estonia.

In case of alleged discrimination, individuals may turn to a court or a labour dispute committee to claim damages, or to a Chancellor of Justice for a conciliation procedure.

Conclusion

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

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 6 - Family reunion

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

Scope

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

The Committee recalls that it found in this regard in its previous conclusion that the situation in Estonia was in conformity with the Charter ([Conclusions 2015](#)). No changes have been reported.

Conditions governing family reunion

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

The Committee furthermore recalls taking into account the obligation to facilitate family reunion as far as possible under Article 19§6, States Parties should not apply relevant requirements in a blanket manner which precludes the possibility for exemptions to be made in respect of particular categories of cases, or for consideration of individual circumstances (Conclusions 2015, Statement of Interpretation on 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.

Furthermore, the procedure has been simplified and the family reunion application forms made more user-friendly. Advice service was established to provide migrant workers with relevant information and advice with regard to settling in Estonia.

Finally, 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.

Remedy

The Committee recalls that restrictions on the exercise of the right to family reunion should be subject to an effective mechanism of appeal or review, which provides an opportunity for consideration of the individual merits of the case consistent with the principles of proportionality and reasonableness (Conclusions 2015, Statement of Interpretation on Article 19§6).

In reply, the report explains that in the event of a refusal to issue a residence permit, the foreigner has the right to file a complaint with the administrative court, with subsequent two possible levels of jurisdiction (appeal and a cassation appeal). Pursuant to the Administrative Procedure Act, their decisions must be compatible with the law, proportionate, without abuse of discretion and meeting all formal requirements.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Estonia is in conformity with Article 19§6 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 7 - Equality regarding legal proceedings

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

The Committee recalls that States must ensure that migrants have access to courts, to lawyers and legal aid on the same conditions as their own nationals (Conclusions 2015, Armenia).

It further recalls that any migrant worker and his or her family members residing or working lawfully within the territory of a State Party who is involved in legal or administrative proceedings and does not have counsel of his or her own choosing should be advised that he/she may appoint counsel and, whenever the interests of justice so require, be provided with counsel, free of charge if he or she does not have sufficient means to pay the latter, as is the case for nationals or should be by virtue of the European Social Charter. Whenever the interests of justice so require, a migrant worker must have the free assistance of an interpreter if he or she cannot properly understand or speak the national language used in the proceedings and have any necessary documents translated. Such legal assistance should be extended to obligatory pre-trial proceedings (Conclusions 2011, Statement of interpretation on Article 19§7).

The Committee notes that it previously assessed the legal framework relating to the access to free legal counsels, legal aid and interpreter for migrant workers in judicial proceedings concerning the rights guaranteed by Article 19§7 ([Conclusions 2015](#)) and found it to be in conformity with the requirements of the Charter. It will focus in the present assessment on any outstanding issues.

In reply to the Committee's request for some further clarifications on the eligibility for legal aid, the report states that free state legal aid is guaranteed to all migrant workers and to all persons temporarily staying in Estonia, regardless of their nationality or residence, on equal terms with nationals and residents from EU member states.

In the previous conclusion (Conclusions 2015) the Committee referred to its Statement of Interpretation on rights of refugees (Conclusions 2015) and asked under what conditions refugees and asylum seekers may receive legal aid assistance.

In reply, the report states that free state legal aid is guaranteed to beneficiaries of and applicants for international protection throughout all legal proceedings, in line with the Convention Relating the Status of Refugees and the relevant EU legislation.

According to the Act on Granting International Protection to Aliens and the Administrative Procedure Act, applicants for international protection are provided with free legal and procedural information throughout the proceedings. Refugees receive procedural information from the procedural unit of the Police and Border Guard Board (PBGB) dealing with international protection proceedings. Legal and procedural information is also provided by legal advisers who work at the detention centre and in the accommodation centre. The main task of advisers is to clarify the rights and obligations of applicants and beneficiaries of assistance, assistance in preparing for interviews, practical assistance in dealing with administrative agencies, filing a complaint and applying for legal aid in the event of refusal, family reunification, and all other legal matters. Further assistance in matters relating to legal status for applicants for international protection and beneficiaries of international protection is provided by migration advisers working at the PBGB customer service. These advisers consult applicants on legal grounds related to the application and extension of residence permits. Additionally, all beneficiaries of international protection participate in the Welcoming Programme and receive an overview of their rights and obligations, and the institutions that can be contacted (Chancellor of Justice, Equal Treatment Commissioner) in the case of an alleged violation of their rights.

Conclusion

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

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 8 - Guarantees concerning deportation

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

General principles

The Committee has previously interpreted Article 19§8 as obliging 'States to prohibit by law the expulsion of migrants lawfully residing in their territory, except where they are a threat to national security, or offend against public interest or morality' (Conclusions VI (1979), Cyprus). Where expulsion measures are taken they cannot be in conformity with the Charter unless they are ordered, in accordance with the law, by a court or a judicial authority, or an administrative body whose decisions are subject to judicial review. Any such expulsion should only be ordered in situations where the individual concerned has been convicted of a serious criminal offence or has been involved in activities which constitute a substantive threat to national security, the public interest or public morality. Such expulsion orders must be proportionate, taking into account all aspects of the non-nationals' behaviour, as well as the circumstances and the length of time of his/her presence in the territory of the State. The individual's connection or ties with both the host state and the state of origin, as well as the strength of any family relationships that he/she may have formed during this period, must also be considered to determine whether expulsion is proportionate. All foreign migrants served with expulsion orders must have also a right of appeal to a court or other independent body (Statement of Interpretation on Article 19§8, Conclusions 2015).

Guarantees concerning deportation

In its previous conclusion ([Conclusions 2015](#)), the Committee examined the rules related to expulsion and found them to be in conformity with the Charter. It acknowledged in particular that foreigners may only be ordered to leave Estonia when they have no legal basis for staying or it has been declared invalid by a judicial authority on specific grounds set in law by a decision subject to an appeal. The report confirms that, when deciding on expulsion, the court takes into account the personal circumstances of the foreigner and his/her family members.

In reply to the Committee's request for information on the law and practice pertaining to the expulsion of migrants who have been long-term residents in Estonia and established significant ties there, the report states that a long-term residence permit may only be declared invalid on following grounds:

- use of fraud to obtain it;
- posing a threat to public order and national security;
- punishment for an intentional criminal offence;
- an invalidation of the refugee status or subsidiary protection status, if applicable.

In such situations, a court decides on expulsion taking into account the severity or nature of the risks related to the person concerned, the offence committed, duration of the residence, ties with Estonia and the country of origin, age and the consequences of the declaration of invalidity of the long-term residence permit for the alien and his or her family members.

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.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Estonia is in conformity with Article 19§8 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 9 - Transfer of earnings and savings

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

The Committee recalls that this provision obliges States Parties not to place excessive restrictions on the right of migrants to transfer earnings and savings, either during their stay or when they leave their host country (Conclusions XIII-1 (1993), Greece).

The Committee further notes that it previously assessed the legal framework relating to transfer of earnings and savings of migrant workers ([Conclusions 2015](#)) and found it to be in conformity with the requirements of the Charter. It will focus in the present assessment on any changes or outstanding issues.

In the previous conclusion (Conclusions 2015) the Committee referred to its Statement of Interpretation on Article 19§9 ([Conclusions 2011](#)), affirming that the right to transfer earnings and savings includes the right to transfer movable property of migrant workers. It asked whether there were any restrictions in this respect.

In reply, the report confirms that there are no legal restrictions on the transfer of movable property of migrant workers.

Conclusion

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

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 10 - Equal treatment for the self-employed

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

On the basis of the information contained in the report, the Committee notes that there is no discrimination between migrant employees and self-employed migrants.

Conclusion

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

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 11 - Teaching language of host state

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

The Committee recalls that the teaching of the national language of the receiving state is the main means by which migrants and their families can integrate into the world of work and society at large. States should promote and facilitate the teaching of the national language to children of school age, as well as to the migrants themselves and to members of their families who are no longer of school age (Conclusions 2002, France).

Article 19§11 requires that States shall encourage the teaching of the national language in the workplace, in the voluntary sector or in public establishments such as universities. It considers that a requirement to pay substantial fees is not in conformity with the Charter. States are required to provide national language classes free of charge, otherwise for many migrants such classes would not be accessible (Conclusions 2011, Norway).

The language of the host country is automatically taught to primary and secondary school students throughout the school curriculum but this is not enough to satisfy the obligations laid down by Article 19§11. The Committee recalls that States must make special effort to set up additional assistance for children of immigrants who have not attended primary school right from the beginning and who therefore lag behind their fellow students who are nationals of the country (Conclusions 2002, France).

The Committee has already addressed the teaching of Estonian language to migrant children and adults in its previous conclusion. Estonian is taught in schools as a second language and supplementary lessons and immersion classes are also provided. In addition, students who need further extra-curricular help in learning Estonia can obtain financial assistance on a needs-tested basis. Such being the case, the Committee was able to conclude that Estonia complies with this provision of the Charter ([Conclusions 2015](#)).

The report submits further details on free Estonian language courses for adults, inside and outside employment market. In particular, Unemployment Insurance Fund commissions 160-300-hour language training courses. The Ministry of Education and Research supports the Estonian language learning at a high level for education workers.

Conclusion

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

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 12 - Teaching mother tongue of migrant

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

The Committee recalls that according to its case law, States must promote and facilitate, as far as practicable, the teaching in schools or other structures, such as voluntary associations, of those languages that are most represented among migrants within their territory. In practical terms, States should promote and facilitate the teaching of the mother tongue where there are a significant number of children of migrants who would follow such teachings (Conclusions 2011, Statement of interpretation on Article 19§12).

In its previous conclusion, the Committee has assessed the teaching of the mother tongue to migrant workers and their families, both in the form of state-financed mainstream education, as well as an extra-curricular activity provided by voluntary associations ([Conclusions 2015](#)) and found it to be in conformity with the requirements of the Charter.

The report provides statistics to accompany the information, submitted before, on the organisation of the multilingual education. According to the report, despite a supportive legal framework, foreign language mainstream schools are rather unusual; Jewish and Finnish schools are given as an example. It is Sunday schools which prevalingly provide opportunities for language and cultural learning for migrants. The Private Schools Act provides such schools with a consistent state support. Cultural associations of ethnic minorities who offer language activities receive financial grants from the state budget, local governments, as well as from foreign embassies and private foundations.

Conclusion

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

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

Paragraph 1 - Participation in working life

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

It already examined the situation with regard to the right of workers with family responsibilities to equal opportunity and treatment (employment, vocational guidance and training, conditions of employment, social security, child day care services and other childcare arrangements). It will therefore only consider the recent developments and additional information.

Employment, vocational guidance and training

The report states that the Labour Market Services and Benefits Act does not prescribe special measures for jobseekers with family responsibilities, but the Employment Programme 2016-2017 provides that the unemployment insurance fund may compensate for the additional costs of care services and other costs stemming from a person's special needs, particularly for unemployed persons who otherwise would be unavailable on the labour market and could not work because they are raising a child under seven years of age or caring for an elderly or a disabled person.

As the Committee expressed no objections, under Articles 10§3 and 10§4 of the Charter, to the level of standard training and employment services (Conclusions 2016, Estonia), it considers the quality of vocational guidance and training offered to people with family responsibilities to be compatible with the Charter.

Conditions of employment, social security

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation was in conformity with the Charter on this point. The report states that there have been no legislative changes during the reference period.

The Committee notes from the report that the number of collective agreements providing for work conditions which might help to strike a better balance between work and private life was calculated on the basis of the information in the database of collective agreements as of 2016. This shows that at the end of that year, 98 clauses on entitlement to parental leave had been adopted, in 12% of all valid collective agreements. 18 teleworking agreements had been negotiated (in 2% of agreements); 70 arrangements for part-time work had been set up (in 9% of agreements) and 83 schemes for additional leave had been signed (in 10% of agreements).

Child day care services and other childcare arrangements

The Committee recalls that, as Estonia has accepted Article 16 of the Charter, measures taken to develop and promote child day care structures are examined under that provision.

A child's parent or guardian may obtain a care leave certificate if the child is ill and receive a care allowance for this period (paid by the health insurance fund to a person insured under a care leave certificate and prevented from earning their taxable income subject to social tax). The Committee notes from the report that the conditions for entitlement to care allowance have been amended: since 1 July 2015, the parent of a child under the age of 12 commencing hospital treatment for a malignant tumour has had the right to care allowance for up to 60 consecutive days, while since 1 July 2017, entitlement to care allowance for a child under the age of 19 has been limited to 14 consecutive days. Care allowance for up to 10 consecutive days is also available for caring for a child under the age of three or, in certain circumstances, under the age of 16.

Conclusion

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

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

Paragraph 2 - Parental leave

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

The Committee deferred its previous conclusion (Conclusions 2015) and asked for information on the recommendations made on parental leave in the Green Paper.

In reply, the report states that the Green Paper on Family Benefits and Services was adopted by the Ministry of Social Affairs in 2015 with the aim of proposing family policy measures making it possible, *inter alia*, to reconcile work and family life. The results of an analysis of the parental leave and family benefit system carried out by the PRAXIS Centre for Policy Studies (Conclusions 2015) were taken into account.

According to the report, an analysis of the parental leave and benefit system carried out in 2016 assessed whether it met the needs of parents and current patterns of work organisation and made proposals for changes.

The Committee notes from the report that on 2 March 2017, the Government approved motions to amend the parental leave and benefit system in two stages. As a result of the first-stage amendments adopted on 6 December 2017 (which will come into force on 1 July 2020, outside the reference period), fathers will be entitled to individual leave and benefit for a duration of 30 days regardless of their previous employment relationship or the type of employment contract they have. All fathers will be able to take advantage of this benefit, either simultaneously with the mother or successively.

The report also states that another amendment, which came into force on 1 March 2018 (outside the reference period), provides improved conditions for part-time workers to obtain parental benefits. Before it came into force, parental benefits were reduced if the person earned more in salary than the parental benefit rate (€470 in 2018). Since 1 March 2018, workers' parental benefits have only been reduced if their salary exceeds the upper limit on parental benefits, which is one and a half times their average salary. The Committee will examine the second-stage amendments during its next supervision cycle.

The Committee takes note of the information on a media campaign entitled "Growing Together" (*Kasvage koos*), whose aim is to encourage fathers to take parental leave, and the outcome of this campaign.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Estonia is in conformity with Article 27§2 of the Charter.

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

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

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

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 27§3 of the Charter. Since the situation remains unchanged, it reiterates its previous finding of conformity.

Conclusion

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