



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Combined second, third and fourth periodic reports of States  
parties due in 2008

**Estonia\***

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## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1–5	4
1. General measures of implementation (Articles 4, 42 and 44 (6)).....	6–124	5
1.1. Bringing Estonian legislation into conformity with Articles of the Convention (Article 4): new laws and amendments to laws .....	6–40	5
1.2. Implementation of the Convention in case-law .....	41–51	11
1.3. International agreements .....	52	13
1.4. Coordination of national actions .....	53–71	14
1.5. Institution exercising supervision over the rights of the child.....	72–74	17
1.6. Collection of data .....	75–83	18
1.7. Preparation of report and cooperation with civic associations .....	80–85	19
1.8. Allocation of state funds .....	86–97	20
1.9. International cooperation.....	98–115	22
1.10. Introducing the Convention (Article 42).....	116–123	25
1.11. Publishing and introducing the report (Article 44 (6)).....	124	26
2. Definition of the child (Article 1).....	125–140	26
2.1. Passive and active legal capacity.....	126–140	27
3. General principles .....	141–184	29
3.1. Non-discrimination (Article 2).....	151–160	29
3.2. Right to life, survival and development (Article 6).....	161–169	33
3.3. Right to express one’s views (Article 12) and best interests of the child (Article 3).....	170–184	35
4. Civil rights and freedoms .....	185–248	37
4.1. Registration of birth, name and nationality (Article 7) .....	185–213	37
4.2. Preservation of identity (Article 8).....	214–220	44
4.3. Freedom of expression and access to appropriate information (Articles 13 and 17).....	221–224	45
4.4. Freedom of thought, conscience and religion (Article 14).....	225–228	46
4.5. Freedom of association and peaceful assembly (Article 15).....	229–233	47
4.6. Protection of privacy (Article 16) .....	234–235	48
4.7. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Article 37(a)).....	236–248	48
5. Family environment and alternative care .....	249–313	50
5.1. Parental responsibilities (Article 5 and Article 18 (1), (2)).....	249–258	50
5.2. Parental guidance and support (Article 5).....	259–264	51
5.3. Separation from parents (Article 9).....	265–268	53

5.4.	Family reunification (Article 10) .....	269–271	53
5.5.	Illicit transfer abroad (Article 11) .....	272	54
5.6.	Recovery of maintenance for the child (Article 27 (4)) .....	273–274	54
5.7.	Children deprived of a family environment (Article 20).....	275–288	55
5.8.	Adoption (Article 21).....	289–298	58
5.9.	Right of child placed in care to periodic review of placement (Article 25) .....	299	59
5.10.	Abused and neglected child (Article 19) and psychological and physical recovery of the child and social reintegration (Article 39).....	300–313	59
6.	Protection of health and social welfare .....	314–394	62
6.1.	Disabled children (Article 23).....	314–328	62
6.2.	Health and health care services (Article 24).....	329–350	65
6.3.	Standard of living (Article 27 (1)–(3)).....	351–367	69
6.4.	Social security, childcare services, and childcare institutions (Articles 26 and 18 (3))	368–394	72
7.	Education, leisure and cultural activities (Articles 28, 29 and 31).....	395–437	77
7.1.	Education, including vocational training (Article 28).....	395–415	77
7.2.	Objectives of education (Article 29) .....	416–425	82
7.3.	Leisure, recreation and cultural activities (Article 31).....	426–437	85
8.	Special protection measures .....	438–465	87
8.1.	Children in refugee status (Article 22).....	438–454	87
8.2.	Children in armed conflicts (Articles 38 and 39) .....	455–463	90
8.3.	Criminal liability and administration of justice over children (Article 40).....	464–465	93
9.	General strategic changes in criminal policy.....	466–531	93
9.1.	Criminal policy.....	466–492	93
9.2.	Deprivation of liberty (Article 37) .....	493–504	99
9.3.	Children as victims of exploitation .....	505	101
9.4.	Abuse of narcotic drugs (Article 33).....	506–510	101
9.5.	Sexual exploitation and sexual abuse (Article 34) .....	511–516	102
9.6.	Abduction of, the sale of or traffic in children (Article 35).....	517–520	104
9.7.	Children belonging to ethnic minorities or who are indigenous (Article 30).....	521–531	105
Annex	Tables .....		109

## Introduction

1. The Republic of Estonia acceded to the Convention on the Rights of the Child (hereinafter the Convention) by the resolution of the Supreme Council of the Republic of Estonia of 26 September 1991 (RT 1991, 35, 428), the letter of accession was deposited with the Secretary-General on 20 October 1991 and the Convention took effect in relation to Estonia on 20 November 1991. The text of the Convention has been published in Part II of the Riigi Teataja (RT II 1996, 16, 56). The Riigi Teataja is an official gazette for the publication of Estonian laws and accompanying legislation. Part II of the Riigi Teataja is for the publication of international agreements and their Estonian translations. The legislation published in the Riigi Teataja can be accessed through the Internet ([www.riigiteataja.ee](http://www.riigiteataja.ee)).

2. Pursuant to Article 44 of the Convention, States Parties undertake to submit to the Committee on the Rights of the Child (hereinafter the Committee) periodic reports every five years on the measures they have adopted which give effect to the rights recognized in the Convention and on the progress made on ensuring those rights. Estonia submitted its initial and second periodic report in one consolidated report in 2001. Estonian non-governmental organisations submitted their amendments, comments and proposals to the Committee in 2002. The Committee considered the initial report of Estonia on 14 January 2003, sent its concluding observations to Estonia on 31 January 2003, and also invited Estonia to submit its third and fourth periodic reports in one consolidated report in 2008. This report has been prepared based on actions taken from 2003 to 2011 and on statistics published concerning the said period of time, but also initiatives and projects which took place from 2012 to 2013 have been mentioned.

3. This report has been prepared according to the UN General Guidelines for periodic reports (20/11/96, CRC/C/58 and 29/11/05, CRC/C/58/Rev.1), and it focuses, inter alia, on issues raised by the Committee in its concluding observations in 2003. The report also refers to information included in the previous report submitted in 2001. A statistical overview of the situation of children in Estonia has been annexed to the report.

4. In preparing the report, the Ministry of Social Affairs also involved the Ministry of Education and Research, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Culture, the Ministry of Finance, the Ministry of the Interior, the Office of the Chancellor of Justice, the Union for Child Welfare, and the Estonian non-profit association UNICEF National Committee as well as other non-profit associations. See clause 1.7.1 for the process of drawing up the report.

5. Estonian reports to international organisations are published on the webpage of the Ministry of Foreign Affairs (<http://www.vm.ee>) and are available to everyone after their submission to the relevant organisations. This report is prepared in Estonian and translated into English, and published on the webpage of the Ministry of Foreign Affairs both in Estonian and English. The Committee's concluding observations have also been published on the webpage in Estonian and English.

## **1. General measures of implementation (Articles 4, 42 and 44 (6))**

### **1.1. Bringing Estonian legislation into conformity with Articles of the Convention (Article 4): new laws and amendments to laws**

6. Since the period reflected in this report is long and many considerable amendments have been made to legislation, only the most important legislative reforms will be addressed herein.

#### **1.1.1. Code of Civil Procedure**

7. The wording which entered into force on 01.01.2009 includes the court's obligation to hear a child of at least 10 years of age in matters pertaining to a child. The court may also hear a younger child. If, in the opinion of the court, it is necessary in the interests of the matter, the court hears a child in his or her usual environment and not in court. If necessary, a child is heard in the presence of a psychiatrist, psychologist or social worker. The court may also permit other persons to be present at the hearing of a child unless the child or representative thereof objects to it (§ 552). Amendments which entered into force on 01.01.2006 provided for the right of a child to independently file appeals, which means that a child of at least 14 years of age with sufficient capacity to exercise discretion and will has the right, in a family matter on petition pertaining to his or her person, to file an appeal against a ruling without the assistance of his or her legal representative. The same also applies to other matters where a child must be heard before adjudication of the matter (§ 553).

#### **1.1.2. Code of Criminal Procedure**

8. A new Code of Criminal Procedure, which provides for more extensive and better rights of defence for minors, is applicable since 2004. The Code includes special provisions concerning the conduct of criminal proceedings against minors. According to the new wording, the participation of a counsel throughout a criminal proceeding is mandatory if the person was a minor at the time of commission of the criminal offence. By amendments to the Code of Criminal Procedure which entered into force on 01.09.2011, the obligation to involve a specialist (a child protection official, social worker, teacher or psychologist) in the hearing of a witness who is a minor was made voluntary at the discretion of the body conducting the proceedings provided the body conducting the proceedings has acquired higher education in the field of child protection, psychology or education, or has completed appropriate training.

9. In 2006 an amendment to the Code entered into force, providing for an option to apply a temporary restraining order in criminal proceedings. A temporary restraining order is a safeguard measure intended for victims of crime and persons close to them, above all, in the case of crimes committed against the person or against a minor. Also conciliation proceedings facilitating social rehabilitation were enacted by amendments in 2006. This means that in the case of more severe criminal offences, criminal proceedings may be terminated if the parties to a crime have completed extra-judicial conciliation proceedings. Extra-judicial conciliation proceedings are voluntary for the victim and the offender, and the objective thereof is to reach an agreement on compensation for damage caused by the crime and to make the offender actually contemplate what he or she had put the victim through. During the year 2006, specialists working in the victim support system also received training on how to conduct conciliation proceedings.

### 1.1.3. Penal Code

10. The Code, which was passed in 2002, provides for offences against equality as well as applicable punishments. In 2006, punishments prescribed in the Penal Code for sexual offences against minors were made harsher by increasing the maximum punishment. In 2007, a new regulatory framework governing confiscation in the Penal Code entered into force, creating wider possibilities for combating organised crime through taking away profit gained from it. For example, in the case of severe criminal offences, such as crimes related to drugs, enslaving, human trafficking (including inducing a minor to prostitution and aiding prostitution), terrorism, and criminal offences related to illicit trafficking, it is possible to apply confiscation of property together with imprisonment of more than 3 years.

11. On 15.03.2010, the section “Sexual enticement of children” was added to the Penal Code, whereby it was provided that handing over, displaying or making otherwise pornographic works or reproductions thereof knowingly available to a person of less than 14 years of age, or engaging in sexual intercourse in the presence of such person or knowingly sexually enticing such person in any other manner is punishable by a pecuniary punishment or up to 3 years’ imprisonment. As of the same date, also grooming, i.e. agreement of sexual purpose for meeting with a child is an act punishable pursuant to criminal procedure. A child is deemed to be a person less than 14 years of age.

12. Several amendments to the Penal Code entered into force on 14.04.2012. Section 175 “Human trafficking in order to take advantage of minors” provides that a person who influences a person of less than 18 years of age in order to cause him or her to commence or continue commission of a criminal offence, begging, engagement in prostitution or working under unusual conditions or to appear as a model or actor in the manufacture of a pornographic or erotic performance or work, and a person aiding the above-mentioned activities of a person of less than 18 years of age, shall be punished by 2 to 10 years’ imprisonment.

13. At the time of preparation of this report, the Riigikogu is processing a draft transposing Directive 2011/92/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, into national law.

### 1.1.4. Legislative amendment package addressing restrictions on working with children

14. Legislative amendments enacted in 2007 ensure that persons convicted of a crime which is of a sexual nature and directed against children or which is related to child prostitution or pornography cannot work in positions where they would come into direct contact with children as a teacher, kindergarten teacher, children’s camp instructor, hobby group instructor, or child care provider and so on. Employers in said fields are required to check from the punishment register whether a person to be employed has been punished for any of the above crimes.

15. The punishment register is a state database where information concerning a person punished and the punishment is entered. As of 1 January 2012, the punishment register is part of the national e-file. The e-file is a central procedural information system used in all criminal and misdemeanour proceedings. Maintaining the punishment register lies within the area of government of the Ministry of Justice and it is administered by the Centre of Registers and Information Systems.

16. As of 1 January 2012, the punishment register is publicly accessible in Estonia, or more precisely, valid entries in the punishment register are publicly accessible. There is one exception — misdemeanour matters where a person has one valid misdemeanour entry for which the principal punishment imposed is less than € 200 (50 fine units) and there is no supplementary punishment. Also, information concerning punishment is not published in

case of minors. The public nature of the register serves an important crime prevention aspect — for example, it is easier for parents to check the background of persons with whom their children come into contact.

#### **1.1.5. Citizenship Act**

17. By amendments which entered into force on 01.03.2003, an adopted child is deemed, at the request of the adoptive parent, to have acquired Estonian citizenship by birth, provided the adoptive parent was an Estonian citizen at the time of the birth of the child and provided the child is not a citizen of another state or that the child will be released from it as a result of him or her acquiring Estonian citizenship. According to the previous wording, an adopted alien child could acquire Estonian citizenship only by naturalisation. An amendment which entered into force on 01.01.2004 provided for a procedure for reimbursement of language training expenses in order to help those people apply for citizenship whose insufficient financial situation could prove to be an impediment. According to the amendment, up to one hundred per cent of the fee for Estonian language training paid by a person who has passed the citizenship examinations will be reimbursed to the person. By an amendment which entered into force on 20.03.2004, the time-limits for processing citizenship applications were shortened both for children less than 15 years of age and others. The amendment was aimed at expediting the process for acquiring or restoring citizenship. In the case of children less than 15 years of age, the time-limit for submitting documents to the Government of the Republic for deciding was shortened by half, meaning that instead of six months the documents are submitted to the Government for deciding within three months.

#### **1.1.6. Act on Granting International Protection to Aliens**

18. As of 1 July 2006, instead of the Refugees Act, the Act on Granting International Protection to Aliens (hereinafter the AGIPA) is applicable in Estonia, governing grant of international protection to aliens. As Estonia joined the European Union (EU) on 1 May 2004, the main objective of the AGIPA was to harmonise several Council of the European Union Directives with the Estonian law. Furthermore, the AGIPA introduced the regulatory framework of temporary protection of aliens in Estonia and reorganised provisions concerning asylum seekers and refugees. The entry into force of the new Act widened the definition of family member compared to that provided by the Refugees Act. If the Refugees Act specified only a minor child and spouse of an alien who have been granted protection (a refugee and a person enjoying subsidiary protection) as a family member, then the new Act provides for a wider definition. For example, the new Act includes an unmarried minor child, including an adopted child, of the spouse of the applicant. Family members of an unaccompanied minor refugee and unaccompanied minor enjoying subsidiary protection have been separately specified. Therefore, children now have better chances to be with their family. A provision according to which an unaccompanied minor seeking asylum at a border checkpoint, who has no legal basis for entry in Estonia, is permitted to enter Estonia and be handed over to the Citizenship and Migration Board (the Police and Border Guard Board as of 01.01.2010) was also added. Therefore, an application of unaccompanied minor asylum seekers cannot be refused at the border. The new Act also specified several principles of processing children's applications. For example, pursuant to subsection 18 (5) of the AGIPA, the possibility of questioning shall be granted to a minor of at least ten years of age or to a younger minor if the level of development of the minor so permits; according to subsection 17 (6), in asylum proceedings involving an unaccompanied minor, the rights and interests of the minor shall be taken into consideration above all; and on the basis of subsection 18 (10), priority may be given to reviewing the applications of applicants who are unaccompanied minors.

19. Pursuant to the amendments of 24.12.2010 to the Obligation to Leave and Prohibition on Entry Act (the amendments were necessary due to Estonia's obligation to harmonise Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals), the administrative authority carrying out expulsion shall, before removing an unaccompanied minor from the territory of the Member State, be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the country of origin. An unaccompanied minor alien who has no legal basis for staying in the country is ensured, through the Social Insurance Board, services intended for asylum seekers throughout his or her stay in the country.

20. The definition of an unaccompanied minor alien was furnished based on the definition provided by the Act on Granting International Protection to Aliens.<sup>1</sup> According to the definition, an unaccompanied minor alien is an alien under 18 years of age who arrives or has arrived in Estonia without a parent or a guardian or another responsible adult or who loses a parent, guardian or another responsible adult during the stay in Estonia. Pursuant to the applicable regulatory framework, compliance with a precept to leave issued to an unaccompanied minor alien shall be arranged by a guardian. As a rule, assignment of a guardian by the court is an extremely time-consuming process. Until the court assigns a guardian for an unaccompanied minor, the functions of a guardian shall be performed by the local government of the minor's place of stay. The Police and Border Guard Board has been granted additional authority to enter into a contract with a natural or legal person who is reliable and has the knowledge and skills needed for representing an unaccompanied minor, in order to ensure the protection of the minor's interests and rights in procedural acts. The system established for assigning a representative should guarantee better efficacy and also competence.

#### **1.1.7. Aliens Act**

21. By an amendment which entered into force on 01.10.2002 it was provided that a temporary residence permit may be issued to an alien to settle with a close relative who is an Estonian citizen or who is an alien who has permanently resided in Estonia on the basis of a residence permit for at least five years if the alien is a minor child settling with a parent who permanently resides in Estonia. In such a case, priority is given to the rights and interests of the minor. A residence permit shall not be issued if the settling of the child in Estonia damages his or her rights and interests and if the legal, financial or social status of him or her may deteriorate as a result of settling in Estonia. The residence permit of a minor child shall not be cancelled and extension thereof shall not be refused if this does not correspond to the rights and interests of the child.

22. By an amendment which entered into force on 01.05.2003 it was provided that a minor of at least 15 years of age may perform the acts arising from the Aliens Act independently, and a minor who resides permanently in a foreign state may lodge an application for a temporary residence permit and work permit in person with the notarised consent of a parent.

23. By an amendment which entered into force on 01.05.2004 it was provided that a minor who resides permanently in a foreign state may lodge an application for visa in person. Upon submission of a visa application in person, a notarially authenticated consent of a legal representative may be demanded.

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<sup>1</sup> The definition was specified by amendments which entered into force on 28.04.2013.



24. By an amendment which entered into force on 01.06.2006, an integration requirement was provided for persons applying for a long-term residence permit, which means that adults aged between 15 and 65 years of age and who have active legal capacity are required to have the Estonian language proficiency at least at the elementary level. The examination shall take place on the conditions provided by the Language Act. Persons who have acquired the basic, secondary and higher education in the Estonian language are not required to take the examination.

25. Amendments which entered into force on 01.02.2007 (Chapter IV<sup>3</sup>) deal, inter alia, with special cases of issue of a temporary residence permit to a minor alien. One amendment concerns issue of a temporary residence permit to human trafficking victims from third countries and assistance to unaccompanied children. It was also provided that upon the assignment of the place of stay of an unaccompanied minor alien the priority is given to the rights and interests of the minor. If possible, unaccompanied minor siblings shall not be separated from one another. According to amendments which entered into force on 28.04.2013, victim support services provided by the Victim Support Act shall be provided for human trafficking victims, including child victims.

#### **1.1.8. Basic Schools and Upper Secondary Schools Act**

26. A new Basic Schools and Upper Secondary Schools Act was passed on 09.06.2010 and it entered into force on 01.09.2010, providing for the bases for organisation of studies of basic schools and upper secondary schools, the rights and duties of students and students' parents or guardians, the rights and duties of school employees, the bases for management and funding of schools, and the bases for state supervision over the teaching and education activities of schools. The need to prepare a new Act was due to the fact that the old Basic Schools and Upper Secondary Schools Act (entered into force on 10.10.1993) had already been amended 43 times, as a result of which the text was difficult to read and ambiguous in several aspects. It was necessary to renew the entire regulatory framework concerning several issues. Changes in society had given rise to the need to significantly specify and amend the legal basis for general education school: to specify several existing provisions (fulfilment of students' duty to attend school, participation in studies, and absence), to provide conditions for better educational opportunities for students with special educational needs, for establishment of a school network which would guarantee quality education, for ensuring a safe mental and physical school environment, for determining by law the fundamental principles of curricula, etc. For example, § 3 of the new Act incorporates for the first time fundamental principles of curricula. It states the principles of studies in basic and upper secondary school, which were only established within the curriculum itself before. There is a separate division for supporting development of students at school. According to the new Act, class or subject teachers observe the development and ability to cope of students at school and, where necessary, adjust studies according to the needs of students. Several new provisions are intended to improve the fulfilment of students' duty to attend school and to decrease dropping out of school.

#### **1.1.9. Study Allowances and Study Loans Act**

27. The Act, which entered into force on 01.09.2003, establishes the bases, conditions and procedure for the grant of study allowances and study loans in order to ensure access to higher education and motivate pupils completing vocational education and students acquiring higher education to study full time and successfully and to complete the curriculum in the nominal period.

**1.1.10. Vocational Educational Institutions Act**

28. As of 2007, also the school lunch of pupils studying according to the curricula of vocational secondary education, vocational training on the basis of basic education and vocational training without the requirement of basic education is covered by the state budget.

**1.1.11. Hobby Schools Act**

29. The Act was passed in 2006 and it entered into force on 01.09.2007. The Act governs the bases for the foundation, organisation of studies and financing of hobby schools, and state supervision over hobby schools.

**1.1.12. Parental Benefit Act**

30. According to the Act passed in 2004, a parent taking a parental leave shall be paid 100% of his or her wages for the period of 435 days after the end of pregnancy and maternity leave. The purpose of the benefit is to provide the parent with income during absence from work.

**1.1.13. Maintenance Allowance Act**

31. The Act passed on 21.02.2007 entered into force on 01.01.2008. The Act ensures state maintenance allowance for a child whose parent is not performing his or her maintenance obligation.

**1.1.14. Victim Support Act**

32. In 2004 the Victim Support Act entered into force, providing for the bases for state organisation of victim support, organisation of conciliation services, compensation for the cost of the psychological care paid within the framework of provision of victim support services and the organisation of payment of state compensation to victims of crimes.

33. On 18.04.2013, amendments to the Victim Support Act entered into force, bringing the Act into conformity with Directives 2011/36/EU and 2011/93/EU of the European Parliament and of the Council. The amendments extended access to victim support services and compensation, among others, to minor victims of human trafficking and sexual offences.

**1.1.15. Equal Treatment Act**

34. The objective of the Act passed on 11.12.2008, and which entered into force on 01.01.2009, is to ensure the protection of persons against discrimination on grounds of nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation. The Act provides for the principles of equal treatment, duties upon implementation and promotion of the principle of equal treatment, and resolution of discrimination disputes (see clause 3.1.1).

**1.1.16. Social Welfare Act**

35. The provisions of the Social Welfare Act governing substitute home services and foster care were amended in 2007 (see clause 5.7.2).

36. On 18.04.2013, amendments to the Social Welfare Act entered into force, bringing the Act into conformity with Directives 2011/36/EU and 2011/93/EU of the European Parliament and of the Council. The amendments extended access to substitute home services and foster care services to minor victims of human trafficking and sexual offences.

### **1.1.17. Youth Work Act**

37. On 17.06.2010, a new Youth Work Act was passed, making several fundamental changes in the organisation of youth work. Principles of youth work (§ 4), restriction on working with young people (§ 5) and liability for violation of the restriction (§ 16) as well as the procedure for establishing a youth council (§ 9) were instituted.

### **1.1.18. Renewal of Child Protection Act**

38. At the time of drawing up this report, a new Child Protection Act is being prepared by the Ministry of Social Affairs. The part “Development of Draft Child Protection Act” of the Government of the Republic action programme for 2011–2015 has created a favourable environment for updating the Child Protection Act which entered into force in 1993 and for increasing its application efficiency. The new Child Protection Act is based on the Convention on the Rights of the Child and on the recommendations of the Committee on the Rights of the Child from 2003. It is also based on the national need to raise the competence of the Ministry of Social Affairs for efficient coordination of child protection related activity across several fields and for providing extensive support to child protection related local activity. Significant principles addressed in the Draft Child Protection Act are emphasis on prevention, quality and success of interventions as well as unification of interventions and routines. The draft requires that a child’s opinion is to be heard, a child is to be informed based on his or her age, and feedback is to be provided for a child. The draft includes a provision of unconditional prohibition on physical punishment of a child. According to the draft, the state is assuming an obligation to provide in-service training and supervision to all local child protection officials; however, the draft expects child protection officials to have basic education and previous work experience.

39. Another significant amendment is establishment of a state implementing authority on the basis of an existing state authority which allows to implement state strategies more efficiently and also to develop interventions based on specific regional needs. An entirely new solution is the establishment of mobile consultation teams within the regional state implementing units, whose competence would include the provision of general support to child protection related local activity (for example, support for the development of local development plans and counselling of employees) and solving complicated cases with multiple problems or related to several fields. The new implementation structure is planned to be open and flexible, allowing interventions by other fields.

40. The draft has been drawn up keeping in mind all good practices of involvement; in addition to specialists and officials of other ministries, children and young people have been involved in the process. The Ministry of Social Affairs has had a remarkably good cooperation with the Children’s Rights Department of the Office of the Chancellor of Justice.

## **1.2. Implementation of the Convention in case-law**

41. According to the Constitution of the Republic of Estonia, generally recognised principles and rules of international law are an inseparable part of the Estonian legal system. Pursuant to § 3 and § 123 of the Estonian Constitution, when laws or other legislation of Estonia are in conflict with an international treaty ratified by the Riigikogu, provisions of the international treaty apply. Therefore, the Convention on the Rights of the Child is an inseparable part of the Estonian legal system and directly applicable in court.

### 1.2.1. Supreme Court

42. During recent years, the Convention on the Rights of the Child has been referred to somewhat more frequently in the Supreme Court judgments. In two cases the Supreme Court referred to the principle of primary consideration for the best interests of the child provided by Article 3 of the Convention on the Rights of the Child in a case concerning interpretation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The court also referred to Article 12 of the Convention which deals with the obligation to hear the child and to give due weight to the views of the child (the Civil Chamber of the Supreme Court judgment no. 3-2-1-142-06 of 22.02.2007).

43. In a case concerning decrease of maintenance allowance for children living abroad, the Supreme Court has referred to the principle of equal treatment of children and relied on Article 2 of the Convention according to which States Parties shall respect and ensure the rights set forth in the Convention equally to each child. The court also referred to Article 18 of the Convention pursuant to which States Parties shall recognise the principle that both parents have common responsibilities for the upbringing and development of the child. The court stated that parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child and that the interests of the child must be their basic concern (the Civil Chamber of the Supreme Court judgment no. 3-2-1-21-07 of 28.03.2007).

44. The Supreme Court has also taken the position that unemployment is not a sufficient reason to be released from the obligation to pay maintenance allowance. The court referred to Article 18 of the Convention which provides that parents have the primary responsibility for the upbringing and development of the child and that the interests of the child must be their basic concern, and found that the duty of a parent to maintain the child also means the duty to do everything in their power to find work and earn an income for themselves and for the children. The court is of the opinion that it is not fair for a child to be needy because the parent, due to personal reasons, does not deem it necessary to work (the Civil Chamber of the Supreme Court judgment no. 3-2-1-65-07 of 19.06.2007).

45. Furthermore, in connection with a case of illicit transfer of a child, the Supreme Court has referred to the Convention in conjunction with Article 25 (2) of the Declaration of Human Rights according to which motherhood and childhood are entitled to special care and assistance. The court indicated that according to the Convention on the Rights of the Child, the child, by reason of his physical and mental immaturity, needs special safeguards and care (the Civil Chamber of the Supreme Court judgment no. 3-2-1-123-06 of 06.12.2006).

46. It is stressed in clause 17 of court ruling no. 3-2-1-45-11 of the Civil Chamber of the Supreme Court (divorce, division of joint property, receipt of maintenance allowance, and determination of right of access) that the right of custody is the vital part of the rights of a parent and child.

47. In clause 20 of court ruling no. 3-2-1-6-12 of the Civil Chamber of the Supreme Court (determination of right of access), the Chamber is of the opinion that determination of the right of access to a child in a situation where a child with sufficient power of understanding does not know his or her parent living separately is not in the child's interests because it is not known how finding out the truth may affect the child or whether and how quickly the child will adjust to the situation, and what kind of a connection he or she will have with the parent living separately and how frequent access is best in the interests of the child.

### 1.2.2. Courts of lower instance

48. Courts of lower instance rarely refer to the Articles and general principles of the Convention; however, they are doing so more and more frequently. The Convention is referred to mostly in matters of ordering maintenance allowance, conciliation and granting the right of custody.

49. A court of first instance has referred to Article 41 of the Convention as a generally recognised principle of international law according to which nothing in the present Convention shall affect any provisions which are more conducive to the realisation of the rights of the child and which may be contained in the law of a State party or international law in force for that State. The court of first instance applied said provision in several similar cases which did not concern children, but grant of pension.

50. Once in a case concerning changing of name the court referred to Article 3 of the Convention pursuant to which the best interests of the child shall be a primary consideration. Above all in cases of ordering maintenance allowance the courts have referred to Article 21 (1) of the Convention according to which parents have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

51. In a case concerning determination of the place of residence of children a court referred to Article 3 and 9 (3) of the Convention on the basis of which the child who is separated from one or both parents has the right to maintain personal relations and direct contact with both parents on a regular basis.

### 1.3. International agreements

52. During the reporting period, Estonia signed and/or ratified the following agreements:

(a) Convention on the Civil Aspects of International Child Abduction, drawn up in The Hague on 25 October 1980, entered into force in relation to Estonia on 01.07.2001.

(b) European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children, drawn up in Luxembourg on 20 May 1980, entered into force in relation to Estonia on 01.09.2001.

(c) Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, drawn up in The Hague on 29 May 1993, entered into force in relation to Estonia on 01.06.2002.

(d) Amendment to article 43 (2) of the Convention on the Rights of the Child entered into force in relation to Estonia on 18.11.2002.

(e) Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, adopted at the Hague Conference on Private International Law on 19 October 1996, entered into force in relation to Estonia on 01.06.2003.

(f) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, signed on 20.09.2002, entered into force in relation to Estonia on 11.06.2004.

(g) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, signed on 24.09.2003, entered into force in relation to Estonia on 03.09.2004.

(h) Convention on the Rights of Persons with Disabilities. Estonia signed the convention on 25.09.2007 and it entered into force in relation to Estonia on 29.06.2012. The optional protocol to the convention was acceded to at the same time.

(i) ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182) entered into force in relation to Estonia on 24.09.2012.

(j) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was signed on 24.09.2003 and entered into force in relation to Estonia on 12.03.2014.

(k) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) was signed on 17.09.2008.

(l) Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) was signed on 03.02.2010.

(m) European Social Charter (Revised) (Article 10. The right to vocational training (sections 1–4), Article 30. The right to protection against poverty and social exclusion (entire Article) was ratified on 02.05.2012, and amendments entered into force in relation to Estonia on 01.09.2012.

#### **1.4. Coordination of national actions**

##### **Information on the issues raised in paragraph 14 of the Committee's previous concluding observations (CRC/C/15/Add.196)**

53. An underlying analysis of the Child Protection Act was prepared in the Ministry of Social Affairs in 2003. "Strategy for ensuring the rights of the child", the goal of which was to implement the Convention better in Estonia and in coordination between various fields of activity, was applicable from 2004 to 2008. An inter-ministerial working group was established for preparing the strategy and annual action plan for ensuring the rights of the child, and for carrying out and supervising the actions. The Union for Child Welfare participated in the working group as a representative of the voluntary sector. The person responsible for preparing the action plan and for providing the Government with reports related to the plan was the Ministry of Social Affairs. In 2009 the Ministry of Social Affairs prepared a report on the execution and efficiency of the strategy for ensuring the rights of the child during the period from 2004 to 2008. The strategy was criticised for lack of independent funding, for which reason not all the measures were directly related to the goals. The report proposed subsequent actions, the most important ones being: preparation of a complete development plan dealing with the rights of children and the welfare of families, assessment of the capability of the state in ensuring the efficient organisation of child protection and the rights of children, and improvement of the availability of information and statistics about children.

54. In 2005 the Government of the Republic approved the child protection concept. The child protection concept provided a basis for developing uniform principles in the field of child protection work in order to harmonise child protection work practices across Estonia to guarantee quality assistance in compliance with standards to children and families in Estonia, established an integral system for organising the protection of the rights of children, and proposed necessary amendments to laws providing for and governing the rights and protection of children (for example, the Family Law Act). As a possible measure for achieving the goal, the concept set out to prepare a new Child Protection Act enabling practical implementation. Preparation of the child protection concept served the goal of

specifying the requirements of the Convention in the context of Estonia by giving clear and unambiguous guidelines.

55. In the Ministry of Social Affairs development plan for 2007–2010, goals related to the rights of children were dealt with by measures No. 3.1 and 3.2, based on which the following main goals were set for the period up to the year 2010: implementation of the anti-trafficking in children action plan, development of welfare services aimed at children, and establishment of a safe development environment which supports health. The Ministry of Social Affairs development plan for 2011–2014 deals with goals related to the rights of children together with measures of family policy in clause 3 — supporting the welfare of children and families. The course of action No. 3.1 includes, inter alia, actions related to ensuring the rights of children, including implementation of actions for aiding unaccompanied children and children who have been trafficked, development of welfare services aimed at children, and development of policies and improvement of the child protection system for ensuring the rights of children. The course of action No. 3.2 deals with promoting and supporting the health of children. The course of action No. 3.3 concerns measures aimed at improving the quality of life of families: supporting the adjustment of work, family and private life to one another, and supporting parenthood. The Ministry of Social Affairs went through significant structural changes in 2010 — Department of Children and Families was established, which was a considerable initiative. From 2009 to 2010 the state had suffered extensive budget cuts, and the establishment of a new department in the conditions of economic difficulties showed how much the state values children and families. As of 2013, the department has 8 employees.

56. Ensuring the rights of children has been consistently reflected in various national and specific strategy documents.

57. The bases for population policy for 2009–2013 voices the general bases for the rights of children and the establishment of family policy as well as the principles of Estonia's population policy, and outlines the goals of Estonia's population policy and the main actions to be taken for achieving those goals. According to the document regarding the bases for population policy, the main goal of Estonia's policy on children and families is to ensure the security of families with children which allows for the birth of children longed for, and to ensure a safe environment for children and young people to grow up in.

58. See clause 6.2.4 for the development plan for the health of the population for 2009–2020.

#### **1.4.1. Development plan for children and families for 2012–2020**

59. The strategy document currently governing actions related to the rights of the child in different fields is the "Development plan for children and families for 2012–2020", approved by the Government of the Republic in 2011, and the implementation plan of the development plan for 2012–2015, which includes a detailed action plan with persons responsible and planned expenses. The following have been involved in carrying out the actions in the implementation plan: research institutions, representatives of the voluntary sector, the Union for Child Welfare, the Ministry of Justice, the Ministry of Education and Research, the Ministry of Economic Affairs and Communication, and the Ministry of Culture. A report on the implementation of the development plan is submitted to the Government of the Republic each year.

60. Through the working groups, more than a hundred experts on children and families were involved in the preparation of the development plan, and prior to its approval by the Government of the Republic, the development plan was sent for commenting to most non-profit associations dealing with children and families or engaged in areas related to them, to ministries and to every local government, and the opinion of citizens was asked through the

Participation Web. In cooperation with the Union for Child Welfare, a nationwide youth panel was summoned to consult on issues concerning development plans and to get the input of young people, and also the input of youth organisations was requested.

61. The main goal of the development plan is to increase the welfare of children and families and to improve the quality of life, thereby contributing to the birth of children. The development plan includes 5 sub-goals which, in turn, include specific measures and courses of action.

#### **1.4.2. Network related to the various children's rights initiatives**

##### **Information on the issues raised in paragraph 8 (b) of the Committee's previous concluding observations**

62. The most common method of national cooperation is the establishment of working groups involving ministries and other relevant institutions, the purpose of which is to develop and implement development plans or to prepare legislative amendments. Here are some examples.

63. The development plan for combating human trafficking for 2006–2009 was carried out by the network for combating human trafficking, which also included children's experts from different ministries and non-profit associations.

64. To carry out the HIV and AIDS strategy for 2006–2015, a Committee of the Government of the Republic was established.

65. To carry out the national strategy for drug addiction prevention up to the year 2012, an interministerial working group was established, currently known as the drug addiction prevention government committee, a member of which is also the Union for Child Welfare.

66. The development plan for reducing juvenile delinquency for 2007–2009 was carried out under the leadership of the Ministry of Justice in cooperation with the inter-ministerial network.

67. The implementation of the youth work strategy for 2006–2013 is supported by the Youth Politics Council, an advisory body to the Ministry of Education and Research.

68. The development plan for reducing violence for 2010–2014 was prepared under the guidance of the Ministry of Justice in cooperation with other ministries, authorities and non-profit associations.

69. The Ministry of Social Affairs, the Police and Border Guard Board, the Union for Child Welfare, the Tiger Leap Foundation, the Information Technology Foundation for Education and the NGO Estonian Advice Centre protect children from violence inflicted through the Internet, mostly by means of the Safe Internet programme. The project was initiated in 2010 is going to be carried out until the end of 2014. As a part of the project a number of informative trainings, seminars and other events are taking place; informing takes also place via published materials and the Internet. The actors are cooperating with different stakeholders in Estonia and in Europe, including participating in INHOPE and Insafe networks.

70. In cooperation with the Ministry of Justice, the Police and Border Guard Board coordinates the area of reduction and prevention of juvenile violence and delinquency, where children at risk are helped and supported through community-based and family-centred actions, alcohol consumption is reduced and a system for more efficient response to juvenile delinquency is established.



### **1.4.3. Joint programme for children and youth at risk**

71. The Ministry of Education and Research, the Ministry of Social Affairs and the Ministry of Justice have prepared a joint programme for children and youth at risk for 2013–2016, and they have received funding for the programme actions from the support fund of the European Economic Area. Within the framework of the joint programme, the ministries are planning several sub-projects and actions for reducing risks concerning children and young people through education, youth work, children's welfare and the legal system. The programme for children and young people at risk aims to prevent and reduce risks concerning children and young people, and to improve their welfare. The following is to be done as a result of the programme: 1) evidence-based interventions for children and young people in the risk group are developed and implemented; 2) intervention measures necessary for protecting the rights of juvenile delinquents and for reintegrating them into society are developed and implemented; 3) a joint support system is established for joint and inter-sectoral coordination of services in various areas (education, justice, child protection, and children's mental health). Actions to be done include school-based preventive interventions, family-based interventions for decreasing juvenile delinquency, and youth work measures as well as studies and analyses. An evidence-based parenting programme is implemented as an intervention and prevention work measure for developing parental skills. The amount of funding for the programme from the European Economic Area Financial Mechanism is 6.5 million euros, and Estonia's co-funding amounts to 1,147,941 euros.

## **1.5. Institution exercising supervision over the rights of the child**

### **Information on the issues raised in paragraph 12 of the Committee's previous concluding observations**

72. At the end of 2010 the state decided to allocate additional resources to the institution of the Chancellor of Justice, and on 19.03.2011 the institution of Ombudsman for Children was established. The Ombudsman for Children in Estonia is the Chancellor of Justice. To carry out the duties of the Ombudsman for Children, the Children's Rights Department was established within the Office of the Chancellor of Justice, comprising 4 employees. The basis for the activity of the Ombudsman for Children is provided in subsection 1 (8) of the Chancellor of Justice Act, which states that the Chancellor of Justice performs the functions of protection of the rights of children and promotion thereof according to Article 4 of the Convention. The Ombudsman for Children is assisted by the Advisory Committee the task of which is to support and advise the Ombudsman for Children in his activities. The Advisory Committee includes representatives of various youth organisations.

73. The Ombudsman for Children pursues, inter alia, better understanding of the rights of children in the society and the ability to take them into account. To this end, the Ombudsman for Children organises trainings on specific subjects, seminars, and competitions and events, cooperates with other state authorities, local governments and non-profit associations, and voices his opinions in the media. In 2011 the Ombudsman for Children, in cooperation with the Data Protection Inspectorate and experts in the field, developed a handbook on what steps should be taken to notify the state when you identify a child in need of assistance. Furthermore, in 2011 the Ombudsman for Children prepared an overview of children's poverty, basing it on the information received from Statistics Estonia and on profound interviews with child protection officials from different local governments of Estonia arranged in cooperation with the Child Advocacy Chamber. In 2012, an analysis of the situation of children living in substitute homes was completed.

74. In addition to being the Ombudsman for Children, the Chancellor of Justice is also the national preventive mechanism for torture and degrading treatment since 2007. The

existence of the preventive mechanism is required by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which has entered into force in relation to Estonia. The task of the preventive mechanism of the states which have acceded to the Convention is to regularly visit places where people are deprived of their liberty and all other places (including private places) where the liberty of persons is limited, in order to prevent torture and other cruel, inhuman or degrading treatment. The authorities supervised by the Chancellor of Justice as the national preventive mechanism for degrading treatment are child care and educational institutions (for example, specialised schools for children with behavioural problems or special requirements concerning health), welfare and health care institutions (for example, care homes, substitute homes, psychiatric hospitals), units of the Defence Forces and custodial institutions (for example, prisons and houses of detention of police prefectures).

## **1.6. Collection of data**

### **Information on the issues raised in paragraph 10 (a) and (b) of the Committee's previous concluding observations**

75. The Ministry of Social Affairs is the official body accumulating statistics on child protection and child welfare. Information is collected from county governments, local governments and providers of welfare services. Child protection information is collected on a regular basis by services providing substitute care for children as well as on children in need of care and help. Annual overviews of statistical data are published on the website of the Ministry of Social Affairs, and they are also reflected in the ministry's publications and topical editions (issued with periodicals). In addition to statistics, the Social Policy Information and Analysis Department of the Ministry of Social Affairs organises different studies, which deal in depth with topics related to child protection and welfare.

#### **1.6.1. Estonian Education Information System**

76. There has been a considerable progress in the field of education since the Estonian Education Information System was launched. The Estonian Education Information System is a web-based information system which includes all educational institutions holding an education licence for providing formal education in Estonia, and which is intended for maintaining a register of students, teachers / teaching staff, the infrastructure of schools, study programmes and final documents. The Estonian Education Information System provides data on all students, including students with special needs, on support systems and study programmes applicable to them, and also on sanctions applied to minors by juvenile committees. The information contained in the Estonian Education Information System also serves as the basis for allocation of financial resources to owners of schools. As of 2008 the Estonian Education Information System also provides information on hobby schools to inform young people and parents of hobby schools and their study programmes.

#### **1.6.2. Information system STAR**

77. As an Internet-based information system the register of social services and social benefits, which was launched in 2010, is intended, above all, as a tool for specialists working in local government units and county governments, but also for specialists working in various social welfare institutions. It is an electronic working environment where the social worker of a local government can register all cases of being contacted by citizens, and all actions or decisions taken or being taken in order to settle the problems. It is also possible to analyse through the system information related to social work, making it easier to manage information concerning children.

### **1.6.3. Criminal statistics**

78. There has been a significant progress in collecting, processing and publishing criminal statistics. As of 2006, the Ministry of Justice publishes weekly, quarterly and annual overviews of crime statistics. The overviews are available on the website of the Ministry of Justice (<http://www.just.ee/kriminaalstatistika>). It is also possible to send ad hoc inquiries to the Criminal Information and Analysis Division of the Ministry of Justice. The annual publication “Crime in Estonia”, which is published in print, includes a separate chapter on juvenile delinquency (including crimes committed against and by minors) as well as on crimes related to human trafficking. As of 2008, an overview of the length of criminal proceedings against minors is published twice a year ([www.just.ee/39068](http://www.just.ee/39068)). On 3 January 2009 the e-file was launched: it is a digital information system containing all the information from various stages of procedure, so that information could be exchanged between different authorities faster and more easily in the case of juvenile crimes (and all other crimes) and so that the processing of a criminal matter could be monitored from the beginning until the end — from notifying the police until a court judgment, prison and probation supervision.

### **1.6.4. Police activity upon gathering statistics**

79. By the Minister of the Interior Regulation No. 66 of 3 October 2007 a police database was established and the statutes on the maintenance of the database were approved. The police database includes, inter alia, information on criminal and misdemeanour proceedings as well as information on minors who have committed an unlawful act. The police also register cases of close relationship violence and domestic violence. The information is used in everyday police work and in planning future actions.

## **1.7. Preparation of report and cooperation with civic associations**

### **1.7.1. Preparation of report**

80. The preparation of the report started in 2008. Non-profit associations, the Office of the Chancellor of Justice and ministries all have contributed to the report. On the initiative of the Ministry of Social Affairs, an inter-ministerial working group was assembled and tasks for compiling the report were assigned. Also non-profit associations were involved in the process, and in December 2008 a seminar was held for all parties for the purpose of preparing the report and discussing the situation of the rights of children. From 2008 to 2009 discussions were held with children and young people in connection with the report, for example, concerning issues of prohibition of physical punishment, participation of children, establishment of the institution of Ombudsman for Children, and supporting the relationship between children and their parents, etc. Non-profit associations held a meeting in the spring of 2009 under the leadership of the Union for Child Welfare.

### **1.7.2. Cooperation with civic associations**

#### **Information on the issues raised in paragraph 18 of the Committee’s previous concluding observations**

81. Non-profit associations are actively engaged in the field of the rights of children by carrying out various projects and campaigns, offering services and contributing to the establishment of policies. Involving non-profit associations in discussions on issues concerning the welfare of children, in taking decisions, and in shaping the legislation has become everyday practice. The largest non-profit associations engaged in the field of the rights of children are the Union for Child Welfare, UNICEF, Estonian Children’s Fund, Family Centre You and Me, Estonian Parents’ Association, Tartu Child Support Centre,

Tallinn Child Support Centre, SOS Children's Village Estonia, Living for Tomorrow, Caritas Estonia, Estonian Student Union, A Family of My Own, Bringing Abandoned Children Home, Crisis Programme for Children and Youth, Estonian Society for School Psychologists, Before and After Birth, Estonian Society for Mental Health, etc. For speaking on behalf of the interests of children, an unofficial network of non-profit associations "Child Advocacy Chamber" was established in 2009, and at the beginning of 2013 it became a non-profit association.

82. Cooperation with non-profit associations has been addressed throughout the report in connection to specific subjects. For example, see clause 5.2 for cooperation related to parenting, and clause 5.8.3 for development of practices related to adoption.

83. In the field of education, the main partners are the Union for Child Welfare and the Estonian Parents' Association. Being financed by the ministry, these organisations have for several years informed parents of their parental rights and obligations, the rights of children, promotion of cooperation between the home and school, and activities related to preventing and combating school bullying, and they have also organised relevant trainings.

84. Cooperation with non-profit associations is also important in crime prevention. For several years the Ministry of Justice has organised crime prevention project competitions. Crime prevention projects have focused, for example, on developing social skills and reducing drug consumption. When shaping the criminal policy, the Ministry has been engaged in active collaboration with various research institutions which carry out analyses and surveys.

85. Non-profit associations are financed through various funds, and certain tasks have been procured by the state from the organisations, financing it from the state budget. The most important source supporting the activities of non-profit associations is the Council Of Gambling Tax, which supports educational, research, social and cultural projects as well as children's and youth projects. Non-profit associations can submit to the Council Of Gambling Tax annual applications to apply for funds for the organisation, and it is also possible to submit applications for small projects each month.

## **1.8. Allocation of state funds**

### **Information on the issues raised in paragraph 16 (a) and (b) of the Committee's previous concluding observations**

#### **1.8.1. Expenditure from state budget on children's welfare during 2008–2011**

86. The following children's welfare services were funded from the state budget:

(a) Taking care of orphans and children without parental care in social welfare institutions (substitute home service).

(b) Social welfare services for children with severe or profound disability who are being cared for in social welfare institutions at the request of the parents (substitute home service).

(c) Foster care.

(d) Guardianship.

(e) Child care service.

87. Funding of the above services from 2008 to 2011 was stable, and even increased slightly (17,137,000 euros in 2008 and 17,325,700 euros in 2011). State funding for children's welfare remained steadily around 90% from 2008 to 2011. The remaining funds

come from local governments, persons with maintenance obligation and other sources. The number of persons provided with those services has constantly decreased (except for welfare of disabled children and child care service). Therefore, the percentage of expenses on one person provided with services has increased in respect of all services provided for children (see Annex, table 1).

88. According to the Social Welfare Act, a new service funded by the state in caring for children with severe or profound disability, is child care service for children with severe or profound disability. The number of persons using the service and also the funding have continued to increase over the recent years.

89. Concerning the child care service it is important to remember that state funding includes only the expenses related to the child care service for children with severe or profound disability. Child care service expenses on children not included in that group have been divided between local governments and individuals. From the EU structural funds for 2014–2020 the state plans to establish child care service and a place in kindergarten for children aged 0–7 years, offer child care service and support service (support person, personal assistant, etc.) for disabled children aged 0–17 years, support youth work and children’s hobby education, mitigate youth (15–24 years of age) unemployment, develop labour market measures, and develop services targeted at health and children’s risk behaviour.

90. Guardianship services are funded 100% from the state budget. Substitute home services are funded by the state to the extent of 90%. In the case of children with severe or profound disability who are being cared for in a substitute home at the request of the parents, 62% of the substitute home service is funded by the state and 31% by local governments (see Annex, table 1).

91. During the reporting period, money was allocated from the state budget to the following programmes: boarding school facilities programme (see clause 7.1.8); long day group project (see clause 7.3.3); free school lunch programme and free learning materials (see clause 7.1.8), open youth centres programme (see clause 7.3.1); youth and project camps programme (see clause 7.3.2).

#### **Information on the issues raised in paragraph 16 (d) and (e) of the Committee’s previous concluding observations**

##### **1.8.2. Support to child protection work**

92. The number of child protection officials in local governments has been constantly increasing. At the end of 2011 there were total of 177 child protection officials in Estonia. At the end of 2011 there were 1392 children on average per one child protection official (see Annex, table 2 — Child protection officials in county governments and local governments, and the number of children per one child protection official, 2005–2011).

93. In addition to noting the number of child protection officials it is important to emphasise that every local government is required to ensure child protection-related work. Therefore, the responsibility related to employing local government child protection officials lies with the local government. In the absence of a special child protection official the same duties are performed by a social worker or a designated official. To even out the level of qualification of the child protection officials, the implementation plan of the development plan for children and families for 2012–2020 prescribes the preparation of instructions and in-service training programmes for child protection officials, the organisation of trainings and seminars for child protection officials as well as the development of and supervision over a regular system of supervision aimed at child protection officials has also been focused on. From 2010 to 2013 the Ministry of Social

Affairs together with the Counsel Centre for Families and Children organised seminars and discussions for child protection officials on a regular basis.

94. In 2012 a child welfare assessment guide was developed, which will assist child protection officials, and in 2013 a parental skills assessment tool is being adopted in cooperation with third party specialists. At the end of 2012 the Ministry of Social Affairs began cooperation with the Estonian Supervision and Coaching Institute with the aim of developing a regular system of supervision aimed at child protection officials.

95. The Ministry of Social Affairs is planning important developments in the existing child protection system in compliance with the development of the new Child Protection Act and with activities of the programme for children and youth at risk planned to be carried out from the resources provided by the Norwegian and European Economic Area Financial Mechanisms. The developments are aimed, above all, at increasing state support in order to make child protection work at the local government level more efficient. There are plans to establish a national child protection implementation unit with regional sub-units which would coordinate child protection work across various areas at the state level and which would support the local government as to the development and availability of services. By means of the state implementation mechanism, local governments are supported in solving more complicated child protection cases and in developing local strategies. The Ministry of Social Affairs has also organised regular information days for county governments, local governments and social services providers.

### **1.8.3. Preschool child care institutions and schools**

96. The state has imposed on local governments the obligation to ensure for all children aged 1–7 years, whose parents so wish, a place in a preschool child care institution to guarantee the right to education for all children. In 2008 local governments were supported with 9,615,385 euros in performing the said obligation to modernise child care institutions and to create new places in kindergartens. In bigger settlements there could still be problems with getting a place in kindergarten as local governments are not always able to ensure a place for all those applying for it. In 2010 the Preschool Child Care Institutions Act was amended so that a basic school and a preschool may operate as one institution, and also the authorisation of the director to make decisions was extended, and the duties of teachers and the entry of children with special needs into a preschool was specified. The amendments also focused on the preparation of activity plans and daily schedules. Each year, allocations to local governments are made from the state budget for the in-service training of preschool teachers to the extent to 3% of the annual salary fund (1,311,628 euros in 2010 and 1,270,225 euros in 2011). As of 2009 money is allocated for organising teaching of the Estonian language to preschool child care institutions' groups with another language of instruction and groups with mixed languages of instruction where children of 3–7 years of age, whose home language is not Estonian, are studying, including for the wages of teachers and for acquiring learning materials (319,484 euros in 2011).

97. Each year allocations are made from the state budget to local governments for covering educational costs of general education schools, including for wages and in-service training of teachers (3% out of the salary fund), school management costs, investments, purchasing textbooks and learning materials. In 2010 and 2011, nearly 170 million euros were allocated for the wages of teachers (170,671,788 euros in 2010, and 169,979,132 euros in 2011).

## **1.9. International cooperation**

98. A representative of the Department of Children and Families of the Ministry of Social Affairs is taking part in the Council of the Baltic Sea States Expert Group for

Cooperation on Children at Risk, whose priorities are: 1) activity combating sexual abuse of children (including abuse on the Internet); 2) children in institutions; 3) young criminals; 4) unaccompanied children and children who have been trafficked. Additional information: <http://childcentre.info>.

99. From 2011 to 2012 Estonia participated in a system-based auditing project “AudTrain” concerning the rights of children living in institutions, funded from the EU Leonardo Fund and in addition to Estonia also involving Latvia, Sweden, Iceland and Norway. The project is based on a system-based supervision model developed in Norway, on which the so-called Baltic model has been developed. The project is an experimental project in the framework of which 4-day training sessions for supervisory specialists have been organised in Estonia, Sweden and Latvia. The representative of the Ministry of Social Affairs is participating in the project as a co-trainer alongside the Norwegian expert.

100. A representative of the Department of Children and Families of the Ministry of Social Affairs is participating in the Council of Europe network of national coordinators of the rights of children and violence against children. Various recommendations of the Council of Europe on the rights of children living in substitute homes and on positive parenting and so on are important guidelines for Estonia. Estonia has signed the Lanzarote Convention, and is currently making preparations for its ratification process.

101. In 2003 Estonia joined the unofficial working group L’Europe de L’Enfance established by the European Union Member States, in the framework of which experiences and good practices are shared and joint positions are formed. Estonia is participating as an observer in the so-called satellite group ChildONEurope of the L’Europe de l’Enfance, which aims to gather and analyse information and statistics concerning mostly children.

102. The National Institute for Health Development represents Estonia in the international network Schools for Health in Europe (formerly Health Promoting Schools Association) supporting school health promotion. In the field of prevention of injuries of children and young people the Ministry of Social Affairs participates in work-related meetings organised by the European Child Safety Alliance, and follows the Alliance’s recommendations in planning its activities. In the framework of the Northern Dimension, Estonia is participating in the youth health behaviour sub-group of the working group Social Inclusion, Healthy Lifestyles & Work Ability (SIHLWA).

103. In the field of the rights of children the Ministry of Justice is cooperating also with several international organisations, for example, with the European Crime Prevention Network (EUCPN) of the European Union in issues of crime prevention, and with the International Organization for Migration (IOM) in connection with human trafficking, with the unofficial network of the European Union rapporteurs on anti-trafficking in human beings or of equal mechanisms, and with the human trafficking task force of the Council of the Baltic Sea States.

104. The Ministry of the Interior cooperates with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). The Ministry of Education and Research is engaged in continuous cooperation with the Nordic Council of Ministers, UNICEF and the European Agency for Special Needs and Inclusive Education. There has also been cooperation with the OECD and the International Committee of the Red Cross in initiating an educational programme in humanitarian law. The Ministry of Education and Research is also participating in the work of committees and working groups of the Council of Europe.

105. Several projects have been carried out in Estonia within the framework of international cooperation. The IOM helped to prepare and translate booklets intended for asylum seekers. As of 2011 the Estonian Human Rights Centre, with the help of the

European Refugee Fund, is providing legal aid for asylum seekers to ensure access to a fair and appropriate asylum procedure.

106. From 2004 to 2005 the AGIS programme of the European Commission was carried out — a framework programme carried out jointly by Sweden, the United Kingdom, Germany and Estonia for the protection of children in connection with physical and sexual abuse, and over the period of 2005–2006 a close relationship violence training was organised in Germany, with the main emphasis on violence against children.

107. Estonia participated as a trainer in a training session on violence against children and the rights of children, which took place in Baku in the framework of a joint programme of UNICEF and the Azerbaijani Union for Child Welfare.

108. Estonia has cooperated with Finland in the framework of various projects aimed at crime prevention and explaining to children their rights and obligations (project “Majakas” (“Beacon”) in Rapla County, 2004–2006); and also cooperation projects with Germany, Belgium, Malta and Finland aimed at preventing violence and consumption of addictive substances by children have been carried out in the Southern Police Prefecture.

109. In 2007 a joint project with Latvia and Lithuania was initiated in the Southern Police Prefecture for preventing consumption of addictive substances by children and for explaining the rights and obligations of children to them. In 2008 a joint training project was launched with Poland and the Western Police Prefecture.

110. In the framework of a development programme for heads of school, 20 heads of school were trained together with the British Council, and they will become the trainers of next heads of school. The purpose of the training was to improve the knowledge of heads of school about instructing others, and to allow them to experience and study manners of leadership in other countries and to analyse their experience in heading a school so far. 40 schools participated in the project, launched with the support of the British Council, for setting up and supporting self-assessment of schools. The participants learnt to see their strengths and weaknesses, to assess themselves with criticism, and to improve methods of cooperation with different parties.

111. 11 EU countries participated in the SYNEVA project; the target group of the cooperation network consisted of heads of school and development teams of educational institutions, experts and inspectors as well as trainers of teachers. The participants aimed to gather, analyse and disseminate positive experiences of internal and external assessment of educational institutions of different countries, and to support school teams in the development of educational institutions and the improvement of the quality of educational work.

112. With the support of Norway a project for reinforcing the Estonian prison system was initiated in 2008, the main goals of which were to train new prison officers and decrease recurrent crimes committed by juvenile prisoners by helping them acquire basic vital skills. Norway has also given our prison officers a chance to adopt several social assistance programmes to apply to prisoners and probationers. A good example is the social assistance programme VÕIDA aimed at female criminals, used for developing social skills and decreasing recurrent commission of crimes.

### **1.9.1. Foreign aid programmes**

113. Estonia has also participated in foreign aid programmes concerning children. From 2003 to 2010 the Government supported development and humanitarian aid activities and organisations related to children in the amount of 3 million euros. It includes both international organisations, including humanitarian aid donations (support is mostly aimed at the most vulnerable target groups — women and children), and bilateral projects, some



of which target directly children, for example, children's playgrounds in Georgia and the implementation of the Child Protection Convention in Ukraine. There have also been projects which are aimed more at women (for example, AFG health care projects) and which contribute directly to improving the welfare of children.

114. Through the United Nations Children's Fund (UNICEF) a total of 3.3 million kroons were donated, of which:

- Voluntary donation for the year 2009 was 800,000 kroons (in 2007 voluntary donation for the year 2008 amounted to 600,000 kroons);
- Humanitarian aid of 500,000 kroons for children who had suffered in the cold wave in Tajikistan;
- Humanitarian aid of 500,000 kroons for children who had suffered in cyclones in Madagascar;
- Humanitarian aid of 500,000 kroons for schools which had suffered in cyclones in Haiti;
- Humanitarian aid of 1 million kroons for children of South Ossetia who had suffered in the conflict between Georgia and Russia in August 2008.

115. Small children who had suffered in the conflict between Georgia and Russia were sent clothes, diapers and food for small children with the total value of 23,932 euros. The campaign took place through the cooperation between the Union for Child Welfare and the Ministry of Foreign Affairs.

## **1.10. Introducing the Convention (Article 42)**

### **Information on the issues raised in paragraph 20 (a) and (b) of the Committee's previous concluding observations**

116. The state has supported the activities of non-profit associations in introducing the contents of the Convention to both adults and children. The Convention is disseminated and implemented in society by UNICEF Estonia and the Union for Child Welfare.

117. The Union for Child Welfare informs both children and adults of the rights of children through its website, and it has also issued various information materials and publications on the rights of children. From 2003 to 2006 the Union for Child Welfare organised for child protection officials 10 training sessions (in 6 counties) on the Convention on the Rights of the Child and its implementation. Preparation of social education as well as civics and citizenship education textbooks has also been contributed to. Following the Convention on the Rights of the Child is one of the fundamental principles of basic school and upper secondary school state curricula approved in 2011.

118. From 2007 to 2009 in cooperation with the Society of Personal Education and the Estonian Debating Society, the Union for Child Welfare organised for 3rd level upper secondary school pupils a competition "Do I know?", the purpose of which was to improve the knowledge of upper secondary school pupils on human rights, including the rights of children. The competition was held both in Estonian and Russian, and over 500 pupils from all over Estonia studying in grades 8–9 took part in the competition.

119. In 2012 the Ministry of Social Affairs finally issued a children's book "Kreete", which introduces the principles enshrined in the Convention and the goals of the development plan for children and families for 2012–2020 and which targets children in preschool child care institutions and in elementary schools as well as their parents. In 2013

the book was given to all 3rd grade pupils, and animated films in Estonian and Russian were made to introduce the book and its content.

120. The Office of the Chancellor of Justice has organised various trainings on the rights of children for teachers in schools for children with special educational needs, school psychologists and other specialists.

121. The national development plan for children and families for 2012–2020 and its implementation plan for 2012–2015 prescribes several actions for improving awareness of the rights of children.

#### **1.10.1. Training sessions for judges and prosecutors**

122. In the recent years, trainings concerning minors have been organised for judges. For example, in 2009 two training sessions were held: questioning of minors and minors in criminal proceedings. The latter also focuses on the rights of children. Also prosecutors have the possibility to attend those trainings. Each year as an internal training, round tables for prosecutors specialised in minors take place, to which other specialists are also invited according to the subject in question (child protection officials, members of juvenile committees, etc.). In the spring of 2012 the Estonian Women's Associations Roundtable in cooperation with the Ministry of Social Affairs organised for judges, police officers processing domestic violence cases and prosecutors a training session where issues of domestic violence and violence against children were addressed by psychiatrists, paediatricians and representatives of shelters. The said trainings have been reflected in the implementation plan of the development plan for decreasing violence.

123. In 2009 the Ministry of Justice conducted a survey concerning the knowledge of specialists in questioning minor witnesses and victims. The results were introduced to prosecutors and police officers, and the Police and Border Guard Board took the results into account in developing a procedural guide for treatment of children and in planning trainings.

#### **1.11. Publishing and introducing the report (Article 44 (6))**

124. The previous report and the recommendations of the Committee on the Rights of the Child have been made available for the public in English and in Estonian on the website of the Ministry of Foreign Affairs at <http://www.vm.ee/?q=node/10128>. Recommendations on the report have been taken into account in activities related to ensuring the rights of children, for example, in preparing strategic documents and in introducing them. Also this report will be made available on the website the Ministry of Foreign Affairs, and its dissemination will be made possible also through the websites of other authorities and organisations.

### **2. Definition of the child (Article 1)**

125. According to Article 1 of the Convention, a child means every human being below the age of eighteen years. Also Estonian legislation provides that full active legal capacity is acquired at the age of 18 years. However, Estonian legislation also provides for several exceptions where a child is deemed an adult at an earlier or later age. Since the definition of the child has been addressed in the first and second report of Estonia submitted to the Committee in 2001, this report deals more thoroughly with changes that have taken place during the reporting period.

## **2.1. Passive and active legal capacity**

126. All natural persons have uniform and unrestricted passive legal capacity in the Republic of Estonia. Passive legal capacity begins with the live birth of a human being and ends with his or her death. In certain cases, a foetus has passive legal capacity from conception if the child is born alive. Active legal capacity of a natural person is the capacity to enter independently into valid transactions. Persons who have attained 18 years of age (adults) have full active legal capacity. Persons who are under 18 years of age (minors) have restricted active legal capacity. A court may extend the restricted active legal capacity of a minor of at least 15 years of age if this is in the interests of the minor and the level of development of the minor so permits. In such case, the court shall decide the transactions which the minor is independently permitted to enter into. The restricted active legal capacity of a minor may be extended with the consent of his or her legal representative. If refusal to grant consent is clearly contrary to the interests of the minor, the court may extend the active legal capacity of the minor without the consent of the legal representative. With good reason, a court may revoke an extension of the restricted active legal capacity of a minor in full or in part. Unilateral transactions made by a person with restricted active legal capacity without the prior consent of his or her legal representative are void. A multilateral transaction entered into by a person with restricted active legal capacity without the prior consent of his or her legal representative is void unless the legal representative subsequently ratifies the transaction. If the person acquires full active legal capacity after entry into the transaction, he or she may ratify the transaction himself or herself. A transaction entered into by a person with restricted active legal capacity without the prior consent or subsequent ratification of his or her legal representative is valid if no direct civil obligations arise from the transaction for the person, or if the person performed the transaction by means which his or her legal representative or a third person with the consent of the legal representative had granted to him or her for such purpose or for free use (§§ 7–11 of the General Part of the Civil Code Act).

127. Unilateral transactions made by a minor of less than 7 years of age are void. A multilateral transaction entered into by a minor of less than 7 years of age is void unless he or she performs the transaction by means which his or her legal representative or a third person with the consent of the legal representative has granted to him or her for such purpose or for free use (for example, items purchased using pocket money; § 12 of the General Part of the Civil Code Act).

### **2.1.1. Marriage and consenting in sexual relationship**

128. Only adults may get married. A court may extend the active legal capacity of a person who has attained at least 15 years of age pursuant to the provisions concerning the extension of active legal capacity of minors for the performance of acts required for the contraction of marriage and for the exercise of the rights and performance of the obligations related to marriage. (Subsections 1 (2) and (3) of the Family Law Act.) See also the Annex, table 4: Married persons less than 18 years of age, 2003–2009.

129. Sexual intercourse with a child (§ 145) and satisfaction of sexual desire with a child (§ 146) are punishable pursuant to criminal procedure. An adult person who engages in sexual intercourse with a person of less than 14 years of age shall be punished by up to 5 years' imprisonment, and an adult person who involves a person of less than 14 years of age in satisfaction of sexual desire in a manner other than sexual intercourse shall be punished by up to 5 years' imprisonment. In 2006 the punishments for the said crimes were increased: instead of 2–3 years' imprisonment the punishment was set to up to 5 years' imprisonment.

**2.1.2. Guilt capacity**

130. Pursuant to the Penal Code, a person is capable of guilt if at the time of commission of the act he or she is mentally capable and at least 14 years of age. Therefore, children are liable for the commission of offences starting from the age of 14 years. According to the Juvenile Sanctions Act, one or more sanctions may be applied to minors from the age of 7 years to prevent the recurrence of violations of law.

**2.1.3. Child as party to proceedings**

131. Both in civil court procedure (§ 38 of the Code of Civil Procedure) and criminal procedure (clause 12 (1) 3) of the Code of Criminal Procedure) the court may declare proceedings or a part thereof closed if this is necessary in the interests of a minor. In civil court procedure the court may declare a proceeding closed at the initiative of the court or based on a petition of a participant in the proceeding if this is clearly necessary for the protection of the life, health or freedom of a participant in a proceeding, witness or other person, for the protection of private life, to maintain the confidentiality of adoption, or in the interests of a minor or a mentally handicapped person and above all, for hearing such persons. Persons with restricted active legal capacity do not have active civil procedural legal capacity. A participant in a proceeding without active civil procedural legal capacity is represented in court by his or her legal representative (subsection 217 (3) of the Code of Civil Procedure). A minor of at least 15 years of age has the right to participate in a proceeding together with his or her legal representative (subsection 202 (2) of the Code of Civil Procedure).

132. In civil court procedure in a family matter on petition a child has the right to independently file appeals. A child of at least 14 years of age with sufficient capacity to exercise discretion and will has the right, in a family matter on petition pertaining to his or her person, to file an appeal against a ruling without the assistance of his or her legal representative. The same also applies to other matters where a child must be heard before adjudication of the matter. A child shall be personally informed of the rulings against which he or she may file an appeal. The reasoning of a ruling need not be communicated to a child if this could result in harmful consequences to the development, upbringing or health of the child (§ 553 of the Code of Civil Procedure).

133. The court decides the extension of the active legal capacity of a minor at least 15 years of age based on the petition of the minor himself or herself, or the minor's parent or guardian, or a rural municipality or city government of the residence of the minor. The court hears a minor in person. The court hears a minor in his or her usual environment if the minor so requests or if, in the opinion of the court, this is necessary in the interests of the matter and the minor does not object to it. The course of the proceeding shall be explained to the minor.

134. See clause 4.7.2 for specifications of questioning a minor.

**2.1.4. Succession capacity and capacity in property law**

135. Any person with passive legal capacity has succession capacity. A natural person who is alive at the time of death of the bequeather or a legal person who exists at that time may be a successor. A child born alive after the opening of a succession shall be deemed to have succession capacity at the time of opening of the succession if the child was conceived before the opening of the succession. The general regulatory framework of making transactions extends to transactions related to real rights in immovable property; see clause 2.1.

### **2.1.5. Alcohol, tobacco and illegal substances**

136. According to §§ 46 and 47 of the Alcohol Act, persons under 18 years of age are prohibited from consuming alcoholic beverages, and they are also prohibited from owning or possessing alcoholic beverages. It is also prohibited to offer, transfer or hand over alcoholic beverages to minors. It is prohibited to employ minors for work related to the handling of alcohol, except upon storage or distribution of such alcohol for commercial purposes if it is ensured that in the course thereof minors come into contact with alcohol only in unopened packaging.

137. The Alcohol Act prescribes a fine as a punishment for a misdemeanour for a violation of the age limit upon the handling of alcoholic beverages. The purchase of alcoholic beverages for minors is also punishable by a fine. Also the consumption of alcoholic beverages by minors and the purchase of alcoholic beverages by minors are punishable pursuant to misdemeanour procedure (§§ 67, 69, 71 and 72 of the Alcohol Act). As a preventive measure, the sale of alcohol at night (22.00–10.00) is prohibited in Estonia.

138. Inducing minors to consume alcohol and selling alcohol to and purchasing alcohol for minors are punishable pursuant to criminal procedure. An adult person who induces a person of less than 18 years of age to consume alcohol shall be punished by a pecuniary punishment or up to one year of imprisonment (§ 182 of the Penal Code). An adult person who sells alcohol to or purchases alcohol for a person of less than 18 years of age, if a misdemeanour has been imposed on the offender for the same act, shall be punished by a pecuniary punishment or up to one year of imprisonment. Sale of alcohol to a person of less than 18 years of age, if committed by a legal person, is punishable by a pecuniary punishment (§ 1821 of the Penal Code).

139. The Tobacco Act provides that persons less than 18 years of age (minors) are prohibited from smoking or consuming smokeless tobacco products. Minors are prohibited from acquiring or possessing tobacco products, and it is prohibited to sell tobacco products to minors. In order to observe the prohibition, a seller may demand identification from the buyer and refuse to sell tobacco products if the buyer fails to present such identification. Adults are prohibited from buying tobacco products for, offering tobacco products to and handing tobacco products over to minors, and it is also prohibited to offer for sale or sell to minors products the shape of which is similar to tobacco products. It is prohibited to employ minors for work related to the handling of tobacco products (§§ 27 and 28 of the Tobacco Act).

140. In connection with minors the following are punishable pursuant to criminal procedure: providing narcotic drugs or psychotropic substances to persons less than 18 years of age, instigating minors to provide narcotic drugs or psychotropic substances or aiding it, and inducing minors to illegally consume narcotic drugs or psychotropic substances or other narcotic substances.

## **3. General principles**

### **3.1. Non-discrimination (Article 2)**

141. Section 9 of the Constitution of the Republic of Estonia provides that the rights, freedoms and duties of all persons and of everyone, as set out in the Constitution, apply equally to citizens of Estonia and to citizens of foreign states and persons with undetermined citizenship in Estonia.

142. Section 12 of the Constitution provides that everyone is equal before the law, and no one may be discriminated against on the basis of nationality, race, colour, sex, language,

origin, religion, political or other views, property or social status, or on other grounds. Incitement to ethnic, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law. Also incitement to hatred and violence between social classes or to discrimination against a social class is prohibited and punishable by law.

**Information on the issues raised in paragraph 24 of the Committee's previous concluding observations**

**3.1.1. Gender equality and equal treatment**

143. Section 12 of the Constitution of the Republic of Estonia provides both for general fundamental right to equality and prohibition on discrimination: "Everyone is equal before the law. No one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or on other grounds". In 2004 the Gender Equality Act entered into force, the purpose of which is to ensure equal treatment of men and women and to promote equality of men and women as a fundamental human right and for the public good (§ 1). The scope of application of the Act is extensive and it covers all areas of social life. Discrimination on the grounds of sex is prohibited in the private and public sectors. State and local government authorities, educational and research institutions and employers are obligated to promote equality between men and women (clause 1 (2) 1)). The requirements of the Act do not apply to professing and practising faith or working as a minister of a religion in a registered religious association, or to relations in family or private life (subsection 2 (2)).

144. In 2009 the Equal Treatment Act entered into force. The Act was passed, above all, to transpose into national law framework directives of the European Union concerning equal treatment, and the Act follows the minimum requirements specified in Directives 2000/43/EC (the Racial Equality Directive) and 2000/78/EC (the Employment Equality Directive), which have been adopted under Article 13 of the Treaty of Amsterdam.

145. Section 1 of the Equal Treatment Act provides that discrimination on grounds of nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation is prohibited. The Act does not preclude the requirements of equal treatment in labour relations on grounds of any characteristic not specified above, in particular due to family-related duties, social status, representation of the interests of employees or membership in an organisation of employees, level of language proficiency or duty to serve in defence forces.

146. Compliance with the requirements of the Equal Treatment Act and the Gender Equality Act is monitored by the Gender Equality and Equal Treatment Commissioner. Due to the entry into force of the Equal Treatment Act and amendments to the Gender Equality Act, the institution of the Gender Equality Commissioner was expanded to the institution of the Gender Equality and Equal Treatment Commissioner at the beginning of 2009. The Commissioner is an independent and impartial expert who receives applications from persons and gives opinions concerning alleged cases of discrimination. The Commissioner is competent to:

- (a) Monitor compliance with the requirements of the Equal Treatment Act and the Gender Equality Act;
- (b) Advise and assist persons upon filing of complaints regarding discrimination;
- (c) Provide opinions concerning alleged cases of discrimination;
- (d) Analyse the effect of laws on the situation of persons classifiable on grounds of any characteristics specified in subsection 1 (1) of the Equal Treatment Act and on the situation of men and women in society;

- (e) Make proposals to the Government of the Republic, government authorities, local governments and their authorities for alteration of and amendments to legislation;
- (f) Advise and inform the Government of the Republic, government authorities and local government authorities on issues relating to the implementation of the Acts;
- (g) Publish reports on implementation of the principle of gender equality and equal treatment;
- (h) Take measures to promote equal treatment and gender equality.

147. The Commissioner does not provide legally binding opinions. Discrimination disputes shall be resolved by a court or a labour dispute committee. Discrimination disputes shall be resolved by the Chancellor of Justice by way of conciliation procedure.

148. Section 24 of the Gender Equality Act also prescribes the establishment of the Gender Equality Council. The Council is an advisory body within the Ministry of Social Affairs which:

- (a) Approves the general objectives of gender equality policy and performs the duties prescribed in the Gender Equality Act and in the statutes of the Gender Equality Council;
- (b) Advises the Government of the Republic in matters relating to strategies for the promotion of gender equality;
- (c) Presents its opinion to the Government of the Republic concerning the compliance of national programmes presented by the ministries with § 9 of the Gender Equality Act, which provides for the role of state and local government authorities as promoters of gender equality.

149. According to subsection 67 (1) of the Government of the Republic Act, the area of government of the Ministry of Social Affairs includes, inter alia, “the promotion of equal treatment and the equality of men and women and co-ordination of activities in this field, and the preparation of respective draft legislation”.

150. In 2004 the Gender Equality Department of the Ministry of Social Affairs was established, the main duties of which are to plan gender equality policy and measures for decreasing inequality and to ensure equal treatment. The department also analyses the effect of laws and other legislation on the situation of men and women in society, coordinates the wide spread of gender equality and the development of measures for combating violence against women. The area of equal treatment was added to the functions of the department in connection with the entry into force of the Equal Treatment Act at the beginning of 2009. Gender equality plays an important role in shaping the equal treatment policy since in the case of multiple discrimination, or in other words discrimination on two or more grounds, sex is often one of them.

151. Within the framework of the European Social Fund and the Norwegian Financial Mechanism, the Gender Equality Department of the Ministry of Social Affairs has engaged in activities which also affect the welfare of children and families. The ESF programme “Promotion of gender equality in 2008–2010” included an action “Balancing work, and family and private life better”, one of the goals of which was to improve the awareness of and to value the role of the father in society and to strengthen family ties. A desk calendar which introduces and popularises the active role of the father was prepared and also translated into Russian and disseminated in women’s clinics and maternity hospitals, local governments and also at the conference “Caring Fatherhood”, see [www.hooliv-isadus.ee](http://www.hooliv-isadus.ee). The conference was held in February 2009.

152. From 2011 to 2013 the Gender Equality Department carried out the ESF programme “Promotion of gender equality in 2011–2013”. At the beginning of the programme period a procurement was announced, the purpose of which was to determine the possibilities for making the leave for parents, benefits, rights and support services for Estonian parents more flexible to enable better possibilities for women and men to balance their work and family life. The winner of the procurement prepared a draft analysis by autumn 2013. One of the outputs of the analysis is stating and introducing policy recommendations.

153. The programme “Promotion of gender equality in 2011–2013” also includes a campaign on introducing so-called gender stereotypes, aimed at young people aged 15–24 years and addressing the negative effect of gender stereotypes on work and career choices as well as introducing solutions by way of positive examples. Some of the campaign materials are also available in Russian and English (campaign website <http://www.stereotyyp.ee/>).

154. The purpose of the Norwegian Financial Mechanism 2009–2014 programme “Mainstreaming Gender Equality and Promoting Work-Life Balance” is to develop and carry out, by way of projects selected from open application rounds, knowledge-based actions favouring the balance between work, and family and private life and aimed both at employees and employers to promote a family-friendly and employee-friendly environment.

### **3.1.2. Penal Code**

155. On 01.09.2002 a new Penal Code entered into force in Estonia, which celebrated the end of an important stage of the thorough penal law reform started in 1995. The first Division of Chapter 10 of the Penal Code deals with offences against equality.

156. Section 151 of the Penal Code prohibits incitement of hatred. According to the amended wording of the said section, which entered into force on 16.07.2006, activities which publicly incite to hatred, violence or discrimination on the basis of nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, or financial or social status if this results in danger to the life, health or property of a person are prohibited. Such an act is punishable by a fine of up to 300 fine units or by detention. The same act, if it causes the death of a person or results in damage to health or other serious consequences, or it was committed by a person who has previously been punished for such act, or the act is committed by a criminal organisation, is punishable by a pecuniary punishment or up to 3 years’ imprisonment. Until 1 July 2004 the preliminary investigation of crimes indicating incitement of social hatred belonged exclusively to the jurisdiction of the Estonian Internal Security Service, but from that date forward the Estonian Internal Security Service investigates such crimes only if there are aggravating circumstances. One of the functions of the Estonian Internal Security Service is to protect the constitutional order. The said function gives rise to the obligation of the Internal Security Service to discover and combat the illegal activity of extremist movements, groupings or persons (including those who incite hatred on grounds of nationality or race). Only a few incitement of hatred proceedings have been commenced because pursuant to law, a threat to the life or health of persons caused by a threat must be proven when imposing a punishment.

157. Section 153 of the Penal Code provides that unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her genetic risks is punishable by a fine of up to 300 fine units or by detention. The same act, if committed at least twice, or if significant damage is thereby caused to the rights or interests of another person that are protected by law or to public interests, is punishable by a pecuniary punishment or up to one year of imprisonment. The benefit protected is the genetic equality of persons, and the purpose of the provision is to guarantee equal



opportunities for every person irrespective of their genotype. Collection of data concerning heredity has been specified in the Human Genes Research Act.

158. Section 152 of the Penal Code concerns violation of equality. According to that provision, unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, financial or social status is punishable by a fine of up to 300 fine units or by detention. The same act, if committed at least twice, or if significant damage is thereby caused to the rights or interests of another person that are protected by law or to public interests, is punishable by a pecuniary punishment or up to one year of imprisonment.

### **3.1.3. The Chancellor of Justice**

159. In issues concerning equality and equal treatment, the Chancellor of Justice is competent to verify compliance of legislation with the Constitution and laws and to verify discrimination caused by the activity of a representative of a public authority (also local government authority or body and legal person in public law), in other words the function of ombudsman, and to carry out conciliation proceedings between persons in private law. Arising from amendments to the Chancellor of Justice Act, the Chancellor of Justice is competent, as of 1 January 2004, to resolve discrimination disputes between persons in private law under the Constitution and other laws. Based on the amended Chancellor of Justice Act, everyone has the right of recourse to the Chancellor of Justice for the conduct of a conciliation procedure if he or she finds that a natural person or a legal person in private law has discriminated against him or her on the basis of sex, race, nationality (ethnic origin), colour, language, origin, religion or religious beliefs, political or other opinion, property or social status, age, disability, sexual orientation, or other discrimination attributes specified by law. Performance of an agreement approved by the Chancellor of Justice is mandatory to the parties to conciliation proceedings. One of the reasons for the low number of applications for conciliation proceedings might be low public awareness of such an opportunity.

160. Pursuant to the Chancellor of Justice Act, the Chancellor of Justice is also required to apply the principles of equality and equal treatment. The annual overview prepared by the Chancellor of Justice includes a chapter on introducing proceedings conducted by the Chancellor of Justice concerning equal treatment.

## **3.2. Right to life, survival and development (Article 6)**

161. This subsection reflects the right of children to life and survival. The right of children to development has been reflected throughout this report in other parts, above all in Chapter 7 and clause 5.2.

162. Section 16 of the Constitution of the Republic of Estonia provides that everyone has the right to life. The death rate among children and young people aged 0–19 years is a falling trend; 234 deaths were registered in 2003 and 135 deaths in 2010. The main causes of death are accidents, poisonings and traumas. The main causes of death among small children are perinatal period pathologies and congenital anomalies (cause of death of 70% of children less than 1 year of age in 2010). See the Annex, table 5 (deaths among children and young people aged 0–19 years by age groups, 2003–2010), table 6 (most frequent deaths of children and young people aged 0–19 years, 2003–2010), and table 7 (percentage of most frequent causes of death by age groups (2003–2010 combined)).

### 3.2.1. Suicides

163. Accidents, poisonings and traumas also include suicides committed by minors. From 1995 to 2010, a total of 257 cases were registered in age groups 10–14 and 15–19 years; 1998 and 2002 were exceptions where one suicide was registered in the age group 5–9 years. The number of suicides among young people has decreased. See the Annex, table 8 (suicide as cause of death among people aged 0–19 years, 1996–2010).

164. Prevention of suicides is the area of activity of the Estonian-Swedish Mental Health and Suicidology Institute, whose most important objective has been to raise the suicide awareness of Estonian society. The Institute has informed the general public of the spread of suicidal behaviour, and drawn attention to significant problems in people's health. The Ministry of Social Affairs ordered the preparation of a suicide prevention programme and several actions have been carried out among risk groups. The suicide coefficient has been constantly decreasing in Estonia as of 1995.

165. In 2010 a SEYLE project was carried out — a programme promoting the health of teen-aged school children in Europe, the general purpose of which is to improve the health of teenagers by decreasing risk and suicidal behaviour, to assess the efficiency of various prevention programmes, and to develop culture-wise adapted recommendations for applying programmes promoting the health of teenagers in European countries.

166. Rescue service agencies follow in their activity the Estonian safety policy guidelines up to 2015, the development plan for the area of government of the Ministry of the Interior, and the strategy for prevention work in the rescue field up to 2013. Examples of prevention work in the rescue field are preparation of teaching materials intended for preventing fires and aimed at children, organisation of children's hobby groups related to the rescue field, organisation of a summer camp in the rescue field, carrying out children's annual creativity competitions in the rescue field, giving families with children starting 1st grade a smoke detector and relevant teaching materials. Activities related to children have been separately specified in the strategy for prevention work in the rescue field.

167. The body responsible for developing children's traffic education and road safety is the Road Administration. The traffic education specialists of the Road Administration and other road administrations organise both in-service training of active teachers and provision of guidance to students studying to become a teacher. Also an Estonian national road safety programme for 2003–2015 has been developed.

### 3.2.2. Abortion

168. Termination of pregnancy is allowed in Estonia at the woman's own request and on her own responsibility until the 11th week of pregnancy, and with medical reasons until the 21st week of pregnancy. Abortions are regulated in Estonia by the Termination of Pregnancy and Sterilisation Act, pursuant to which a woman's pregnancy may only be terminated at her own request. Nobody is allowed to force or influence a woman to terminate her pregnancy. A request for termination of pregnancy shall be in written form. Pregnancy of a woman with restricted active legal capacity may be terminated at her own request and with the consent of her guardian. If a woman does not consent with the termination of pregnancy or cannot express her will or if the guardian does not consent with the termination of pregnancy, pregnancy may only be terminated with a court's permission. If due to delay of receipt of the court's permission there is a serious risk to the woman's health, pregnancy may also be terminated without a court's permission but in such case a permission must be immediately obtained *ex post facto* (see also the first report of Estonia).

169. The number of abortions has been consistently decreasing in Estonia and the number of births has been increasing. Also the following has decreased: abortion rate (38.0 in 2003 and 27.8 in 2010 per 1000 women in fertile age) and abortion rate in relation to live births

(abortion rate per 100 live births was 100 in 2003 and 57.2 in 2010). See the Annex, table 9: Birth and abortion statistics, 2003–2010.

### **3.3 Right to express one's views (Article 12) and best interests of the child (Article 3)**

#### **Information on the issues raised in paragraph 27 of the Committee's previous concluding observations**

170. See clauses 1.8.2, 1.10.1 and 5.10.3 for training of specialists. See clause 7.3.1 for establishment of youth centres.

171. One of the recurring principles in Estonian legislation is the obligation to consider the opinion of children in issues pertaining to them. There are several decisions that may not be made without considering the wishes of the child. The fourth sentence of § 27 of the Constitution states that the protection of parents and children is provided by law. This serves as a basis for requiring the state to take positive actions in ensuring child protection. The principle of the best interests of the child has been provided by § 3 of the Child Protection Act of the Republic of Estonia, pursuant to which child protection is based on the principle that the best interests of the child shall be a primary consideration at all times and in all cases. Although the definition of the best interests of the child rarely occurs in legislation, it is followed throughout the Estonian legislation.

172. In civil court procedure in matters pertaining to determining the rights of a parent in respect of his or her child and organising access to the child, to adoption, and to appointing a guardian for a minor, the court hears a child of at least 10 years of age, with sufficient capacity to exercise discretion and will, in person. If necessary, a child is heard in the presence of an expert. Upon hearing a child, he or she shall be informed of the object and potential outcome of the proceeding unless this can be presumed to result in harmful consequences to the development or upbringing of the child. A child shall be given an opportunity to present his or her position. Hearing of a child shall be denied only with good reason. If a child is not heard due to the reason that the delay would damage the child's interests, the child shall be heard afterwards at the earliest opportunity.

173. Section 123 of the Family Law Act provides that upon hearing any matter pertaining to Chapter 10 of the Act, that means to the rights and obligations of parents as well as to the exercise of a parent's right of custody, a court shall make a decision primarily in the interests of the child, taking into account all the circumstances and the legitimate interest of the relevant persons. Under subsection (2) of the same section, a court shall amend a decision made earlier if this is required due to significant circumstances which affect permanently the well-being of a child.

174. A petition to terminate the parents' joint right of custody shall be dismissed if a child who has attained at least 14 years of age objects to the transfer of the right of custody, or if there is reason to believe that termination of the joint right of custody and granting sole right of custody to the petitioner does not correspond to the interests of the child. In the case of termination of the joint right of custody, a court shall decide on the grant of the right of custody to one parent on the basis of the interests of the child and shall take into account, inter alia, the mental and financial readiness of each parent to raise the child, emotional relationship with the child and current commitment to caring for the child and the future living conditions of the child.

175. A child who is at least 10 years of age may be adopted only with his or her consent. A child shall grant his or her consent in person. The wishes of a child younger than 10 years of age shall also be considered if the development level of the child so permits. A child

shall grant his or her consent to an adoptive parent whose person is known to the child (§ 151 of the Family Law Act.)

176. In hearing a dispute pertaining to a child, the court shall, to ensure the best interests of the child, involve the local government of the residence of the child, who shall provide the court with its opinion from the aspect of protecting the interests of the child. If necessary, the court shall appoint a representative (professional advocate) for a child. In hearing a claim for restriction, suspension or deprivation of a parent's right of custody, the court shall always involve the local government for provision of an opinion. If due to restricting a parent's right of custody over person or depriving a parent thereof a child is deprived of parental care and legal representative, the life of the child shall be arranged by a guardianship authority and the court shall appoint a guardian (Chapter 10 of the Family Law Act).

177. According to subsection 32 (2) of the Social Welfare Act, in the resolution of issues pertaining to a child, the will of the parent or, if there is no parent, the foster parent or guardian and the will of a child who is at least 10 years of age shall be considered. Upon separation of a child from his or her home and family, the will of a child who is less than 10 years of age shall also be considered if the development level of the child so permits.

178. At the hearing of a juvenile offence matter in a juvenile committee, a minor has the right to apply for appointment of a new representative if the interests of his or her legal representative are in conflict with the interests of the minor (subsection 21 (3) of the Juvenile Sanctions Act).

179. See clause 4.2.1 for considering the opinion of a child in connection with personal name. The principle of the best interests of the child has also been provided in the Act on Granting International Protection to Aliens, the Aliens Act, and the Obligation to Leave and Prohibition on Entry Act. See clause 1.2 for application of the principle of the best interests of the child in the case-law.

### **3.3.1. Participation of children in decision making processes**

180. Children participate in decision making processes, above all, through youth organisations and youth associations. The Ministry of Education and Research supports youth work associations and youth associations on an annual basis to ensure the participation and involvement of young people, and thereby creating possibilities for young people to participate in developing activities and for improving young people's social competence.

181. Student councils have been established in schools. The nation-wide representative organisation of student councils is the Estonian School Student Councils' Union. State level participation bodies operating within the Ministry of Education and Research are the Student Advisory Chamber and the Youth Policy Council. In spring 2002 the Estonian National Youth Council (ENL) was established, and at the beginning of 2011 it had a total of 53 member organisations and about 38,000 members. The possibility to participate in decision making processes is also offered by youth participation councils — youth councils operating within every county government and youth councils operating within local governments. In 2012 there were 15 county participation councils and 70 local level participation councils. The Estonian School Student Councils' Union and the ENL as youth representative organisations have been involved in the consultation process of preparing and approving the "Youth work strategy for 2006–2013" and its annual implementation plans, and also in the process of preparing a new long-term strategic document "Development plan for youth-related field for 2014–2020" initiated in 2013. The Estonian School Student Councils' Union and the ENL are also consulted in preparing legislation concerning youth work and in determining the need for new regulatory frameworks. The

Estonian School Student Councils' Union and the ENL are involved in the Ministry of Education and Research working groups which pertain to career services, development plan for vocational education and study allowances, renewal of the system of treatment of juvenile offenders and preparation of a new Act governing the said field.

182. As of 2004, there is a youth council operating within the Union for Child Welfare, whose activity is aimed at supporting the participation of children in dealing with issues concerning their lives. In 2012 the youth council included 35 children and young people from different regions of Estonia. Members of youth councils are engaged in notifying people of the same age of the rights of children, applying methods which require active involvement, for example, social theatres, workshops, role playing, etc. Members of youth councils attend seminars and conferences of the Union for Child Welfare to relay opinions of children and young people, collected by way of previously conducted surveys.

183. Active Estonian Youth ([www.ten.ee](http://www.ten.ee)) is a nation-wide Estonian organisation established and headed by young people, the mission of which is to improve the social awareness of Estonian young people as well as their self-initiative both at national and European level. This mission is carried out through three courses of action: young people's self-initiatives, democracy school, and the European Youth Parliament Estonia.

184. Once a year, the Union for Child Welfare and the Estonian School Student Councils' Union organise in the parliament a youth forum "101 Children to Toompea", where serious discussions and exchange of thoughts take place between students in the final grade and upper secondary school on issues selected by the young people themselves. As a summary of preliminary forums and the discussions of the final forum in the parliamentary chamber of the Riigikogu a final document stating the opinions and proposals of young people is prepared, which is submitted to the representatives of the legislative and/or executive power. A few examples of subjects of the youth forum over recent years: student's problems at school, student's opportunities to participate in social life and in organisation thereof, integration processes in the educational system, young people on the Estonian labour market, Estonian youth and the European Union, freedom of speech and young people, inappropriate upbringing.

## **4. Civil rights and freedoms**

### **4.1. Registration of birth, name and nationality (Article 7)**

#### **4.1.1. Registration of birth of child**

185. According to § 9 of the Child Protection Act of the Republic of Estonia, every child shall be registered immediately after birth in a medical care institution. Every child has the right from birth to a name, nationality, general education in his or her national culture, and to know and be cared for by his or her parents. The child shall be registered in a vital statistics office during the first month of life.

186. The birth of all children born in Estonia is registered irrespective of the place of residence or citizenship of their parents. To this end, a medical birth chart is filled in at the maternity hospital both for stillborns and children born alive. The chart is then sent to the National Institute for Health Development where information on birth charts is gathered and processed in a medical birth register as of 1992. From there statistically processed data is sent to hospitals, and information on birth charts is compared with information on birth sheets arriving at Statistics Estonia from the vital statistics departments. Statistical data is forwarded to Statistics Estonia electronically.

187. A birth registration is prepared in a vital statistics office to whom an appropriate application is submitted. A birth registration is prepared on the basis of an application by a parent. If a parent is deceased or unable to file an application, an application is filed by a relative of the parent, the head of the medical institution where the child was born, or by another person. A birth registration is prepared within one month as of the date the child was born, or in the case of a foundling as of the date the child was found, or in the case of a stillborn as of the date the child was stillborn. No parents are entered in the registration of birth of a foundling. Allowing the period for registration to lapse is not grounds for refusing to register the birth, but it may result in liability. Under § 282 of the Penal Code, failure by a person who is required to give notice of a birth or death to notify the official registering births and deaths within the term prescribed by law is punishable by a fine of up to 100 fine units or by detention.

188. A birth registration is prepared on the basis of the parents' application, the birth certificate issued by the maternity hospital, and a document which serves as the basis for entering information on the father in the child's birth registration. The following is entered in the birth registration: the child's date and time of birth, sex, given name and surname, place of birth; the parents' given name and surname, personal identification code, date of birth, place of birth, place of residence; the basis for filiation from the father. No state fee is charged for the preparation of a birth registration (§§ 46 and 47 of the State Fees Act).

#### **4.1.2. Name of child**

189. A vital statistics office issues a birth certificate concerning the birth of a child. The child's given name and surname, personal identification code, date and place of birth and information on the mother and father (given name and surname, personal identification code, citizenship) are entered on the birth certificate. The law does not discriminate between citizens and non-citizens in the registration of children and giving them a name.

190. The Names Act provides for a few restrictions on the name. The spelling of an Estonian personal name shall be in accordance with the rules of orthography of the Estonian language. The spelling of a non-Estonian personal name shall be in accordance with the rules of orthography of the relevant language. According to the Names Act, a surname may consist, upon assigning, of one name or two names linked by a hyphen, and upon application (to an alien on the basis of the name that already exists), of one or several names. A given name may consist, upon assigning, of no more than three names written as several words or two names linked by a hyphen, and upon application, of one or several names. A name which contains numbers or non-alphabetical signs or which separately or together with the surname is contrary to good morals shall not be assigned as a given name. The following shall not be assigned as a given name without good reason: 1) an unconventional given name which is not suitable to be used as a given name due to its complex spelling or pronunciation, or spelling or pronunciation which does not comply with the general language use, or due to its general linguistic meaning; 2) a name which does not correspond to the gender of the person; 3) a well-known name used as a personal name or a shortened version of the name, a name of a well-known author or a service name. A service name is a name which is used upon performance of official duties, but which is not the official name of the person. Exceptions to the last two requirements may be made if, due to their citizenship, family relations, national identity or other circumstances, a child or the parents of a child have personal connection to the foreign-language name tradition and the name applied for complies therewith.

#### **4.1.3. Acquisition of citizenship**

191. Estonian citizenship is acquired by birth or by naturalisation. Pursuant to the Citizenship Act, Estonian citizenship is acquired by birth by any child at least one of whose

parents holds Estonian citizenship at the time of the birth of the child, and any child who is born after the death of his or her father who, at the time of his death, held Estonian citizenship. Any child who is found in Estonia and whose parents are unknown is declared, in a court proceeding, at the application of the guardian of the child or the guardianship authority, to have acquired Estonian citizenship by birth unless the child is shown to hold the citizenship of another state.

**Information on the issues raised in paragraph 29 (a) of the Committee's previous concluding observations**

192. The main principles of Estonian citizenship policy since Estonia regained its independence have remained unchanged, supporting the protection of Estonian statehood and constitutional order. Supporting the naturalisation of persons with undetermined citizenship continues to be one of the priorities of the Government of the Republic. The main target group consists of minors less than 15 years of age. It is easy for children less than 15 years of age to acquire Estonian citizenship because the legislation does not provide for complicated application procedures. The parents are only required to express a wish for their child to acquire Estonian citizenship. When determining the citizenship of a child it is important that the initial expression of will for a child to acquire citizenship is made by the child's parents. Estonia does not grant Estonian citizenship automatically to children who have not acquired citizenship by birth because that would create a situation where in many cases the actual will of parents would be left undetermined upon deciding on a child's citizenship. The applicable Citizenship Act has established all necessary prerequisites for avoiding statelessness of children.

193. Estonia is carrying out its citizenship and migration policy based on the Government's coalition agreement. At the beginning of 2008 a new integration plan for 2008–2013 was adopted, greatly focusing on persons with undetermined citizenship. The state finds that currently the Estonian legislation is, in general, in compliance with requirements provided by international conventions since all persons (irrespective of their citizenship or lack thereof) are guaranteed social and economic rights equal to those of Estonian citizens.

194. In order to decrease the number of children with undetermined citizenship, Estonia has simplified and improved naturalisation proceedings. In 2000 the Citizenship Act was amended by a provision pursuant to which a minor under 15 years of age who was born in Estonia after 26 February 1992 is granted Estonian citizenship by naturalisation if: 1) his or her parents apply for Estonian citizenship on his or her behalf, provided the parents have lawfully resided in Estonia for at least five years at the time of submission of the application and are not recognised by any other state to be citizens of that state in accordance with the legislation in force; 2) the single or adoptive parent applies for Estonian citizenship on behalf of the minor, provided the single or adoptive parent has lawfully resided in Estonia for at least five years at the time of submission of the application and is not recognised by any other state to be a citizen of that state in accordance with the legislation in force. A minor under 15 years of age on whose behalf Estonian citizenship is applied for in accordance with the above requirements must be staying in Estonia on a permanent basis and must not have been recognised by any other state to be a citizen of that state in accordance with the legislation in force. The definition of persons who are not deemed by any other state to be citizens of that state in accordance with the legislation in force extends to persons who, before 20 August 1991, were citizens of the Union of Soviet Socialist Republics and who have not been recognised by any other state to be citizens of that state in accordance with the legislation in force.

195. On 01.03.2003 an amendment to the Citizenship Act entered into force, significantly simplifying the procedure for applying for Estonian citizenship for an adopted child.

According to the previous Act citizenship had to be applied for an adopted child by way of naturalisation. The procedure under the applicable Act is simpler, faster and more convenient. At the written application of an adoptive parent who is an Estonian citizen, a minor alien child is deemed to have acquired Estonian citizenship by birth, provided the adoptive parent was an Estonian citizen at the time of the birth of the child and provided that the child is not a citizen of another state or that the child will be released from the citizenship of another state as a result of him or her acquiring Estonian citizenship. At the written application of an adoptive parent who was not an Estonian citizen at the time of the birth of the child, a minor alien child is deemed to have acquired Estonian citizenship as of the date on which Estonian citizenship was granted to the adoptive parent, provided that the child is not a citizen of another state or that the child will be released from the citizenship of another state as a result of him or her acquiring Estonian citizenship.

196. Citizenship can be independently applied for by a child at least 15 years of age who: 1) holds a long-term residence permit or the right of permanent residence; 2) prior to the date on which he or she submits the application for Estonian citizenship, has lived in Estonia for at least eight years on the ground of a residence permit or by right of residence, of which at least the last five years on a permanent basis; 3) has lawfully and on a permanent basis resided in Estonia on the ground of a long-term residence permit or by right of permanent residence for six months from the day following the date of registration of the application for Estonian citizenship; 4) has a registered place of residence in Estonia; 5) is proficient in the Estonian language in accordance with the requirements provided by law; 6) knows the Constitution of the Republic of Estonia and the Citizenship Act in accordance with the requirements provided by law; 7) has a permanent legal income which ensures his or her own subsistence and that of his or her dependants; 8) is loyal to the Estonian state; 9) takes an oath: "In applying for Estonian citizenship, I swear to be loyal to the constitutional order of Estonia".

197. A minor under 15 years of age is granted Estonian citizenship by naturalisation if this is applied for on behalf of the minor by the minor's parents who are Estonian citizens, or by one parent who is an Estonian citizen following an agreement with the parent who is not an Estonian citizen which bears officially certified signatures of the parties, or by the minor's single or adoptive parent who is an Estonian citizen.

198. In 2004, the waiting time for being granted citizenship was shortened from one year to six months, and the period of time for processing applications for citizenship was shortened from six months to three months. There are no particular difficulties for minor children to acquire citizenship, and the procedure is simple. All the parents have to do is go to the Citizenship and Migration Bureau of the Police and Border Guard Board, where they can fill in an appropriate application form with the help of an official. The percentage of children among those naturalised has increased. As at 01.01.2014, there were 13,246 children less than 15 years of age who had been with undetermined citizenship prior to naturalisation.

199. A survey conducted by the Office of the Minister of Population and Ethnic Affairs in 2008 showed that the reasons why parents did not apply for citizenship for persons less than 15 years of age were, above all, of practical nature (possibility to enrol in school in Russia, let the child choose his or her own citizenship), but lack of information was also pointed out. It appeared from a survey conducted by the Ministry of the Interior that one of the reasons why applying for Estonian citizenship has decreased is the decision of the Russian Federation to allow stateless persons to travel to Russia without a visa.



#### 4.1.4. Informing of options for acquiring citizenship

##### **Information on the issues raised in paragraph 29 (c) of the Committee's previous concluding observations**

200. Providing parents with information has been made significantly more efficient. As of February 2008, every parent of a newborn with undetermined citizenship is explained the option to apply for Estonian citizenship for their child pursuant to a simplified procedure. Whereas, the parents can also express a wish for the Citizenship and Migration Board (the Police and Border Guard Board as of 01.01.2010) to contact them for individual counselling in issues related to applying for citizenship for their child. The current experience shows that such personal approach has resulted in positive feedback and good outcome.

201. Several important information and counselling activities were carried out in 2005 within the framework of a project "Supporting the integration of persons with undetermined citizenship in Estonia", which was part of the programme "Transition Facility" initiated with the financial support of the European Union.

202. In spring 2008 a campaign for informing students was carried out in schools where also children with undetermined citizenship are enrolled. For improving the process of providing information new booklets were prepared, which are aimed at smaller target groups to make it easier for people to find information applicable to them. From 2009 to 2010 every parent who had a child with undetermined citizenship meeting the requirements for applying for Estonian citizenship was sent an information letter to that effect. As of November 2011, on every working day the Police and Border Guard Board receives directly from the population register information concerning newborns and their parents. On the basis of the said information a procedure for determining whether the persons hold Estonian citizenship is carried out in the information system of the Police and Border Guard Board. If a newborn has not acquired Estonian citizenship by birth, his or her parents are sent a letter informing of the need to obtain a legal basis for their child to reside in Estonia and explaining the options for applying for Estonian citizenship for the child. An information letter is also sent to a parent of a child of 14 years of age who is person with undetermined citizenship meeting the requirements for applying for Estonian citizenship.

203. At the initiative of the National Examination and Qualification Centre (currently SA Innove), examinations on the knowledge of the Constitution of the Republic of Estonia and the Citizenship Act, which are necessary for acquiring citizenship, and consultations before the examinations have been organised in schools.

#### 4.1.5. Alien child

204. A new Aliens Act was passed in 2009. According to the Aliens Act, a minor child has the right to a visa under the same conditions that were applied to the issue of a short-term visa for his or her parents. If an alien is issued a temporary residence permit as an exception, his or her spouse and minor child may also be issued a temporary residence permit as an exception. A temporary residence permit may be issued to an alien to settle with a close relative who is an Estonian citizen or who is an alien who permanently resides in Estonia and holds a residence permit if the alien is a minor child settling with a parent who permanently resides in Estonia. Upon the issue of a temporary residence permit to a minor child in order for him or her to settle with a parent, the rights and interests of the child shall be considered above all. A residence permit shall not be issued if the settling of the child in Estonia damages his or her rights and interests and if the legal, financial or social status of him or her may deteriorate as a result of settling in Estonia. In case of shared custody the consent of the party sharing custody is necessary before issue of a residence permit. The residence permit of a minor child shall not be cancelled and

extension thereof shall not be refused if this does not correspond to the rights and interests of the child. If an alien was issued a temporary residence permit as a minor child to settle with a parent, the extension of his or her residence permit shall not be refused due to his or her reaching the age of majority if he or she is a dependant of his or her parent. A minor child who resides permanently in a foreign state and who is at least 15 years of age may lodge an application for a temporary residence permit independently only with the notarised consent of a legal representative.

205. By transposing into national law Council of the European Union Directive 2003/109/EU concerning the status of third-country nationals who are long-term residents it was provided, *inter alia*, that certain requirements for acquiring a long-term residence permit (for example, valid temporary residence permit, requirement of previous stay) are not applied to a child under one year of age who is a child of a citizen of Estonia permanently residing in Estonia or an alien permanently residing in Estonia who has a residence permit for a long-term resident of Estonia.

206. In connection with transposing Council Directive 2004/81/EU (on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities) into national law, amending the Aliens Act with the regulatory framework of issue of a residence permit in case of a substantial public interest, it was provided by the Aliens Act that a minor or a person with restricted active legal capacity may be issued a temporary residence permit if the issue of the residence permit is in compliance with her or his rights and interests. According to the currently applicable Aliens Act, an unaccompanied alien, who has arrived in Estonia without a legal representative or who loses a parent or guardian while staying in Estonia (also if there is no other person responsible for the minor in Estonia), shall be placed for the period of the review of the application for a temporary residence permit in case of a substantial public interest and, upon the issue of the specified residence permit, for the period of validity of the residence permit to a place designated by the Social Insurance Board. A human trafficking victim, including a child victim, is provided with victim support services prescribed by the Victim Support Act. Upon determining the place of stay of an unaccompanied minor alien and upon providing services for him or her, the rights and interests of the minor shall be considered above all. If possible, unaccompanied minor siblings shall not be separated from one another.

#### **Information on the issues raised in paragraph 28 and 29 (d) of the Committee's previous concluding observations**

207. The prohibition on the grant or restoration of citizenship provided by clauses 21 (1) 5) and 6) of the Citizenship Act does not include children. Clause 21 (1) 5) prohibits the grant or restoration of citizenship only to a person who has been employed or is currently employed by foreign intelligence or security services, and clause 21 (1) 6) prohibits the same to a person who has served as a commissioned member of the armed forces of a foreign state or who has been assigned to the reserve forces of such state or has retired from such forces, as well as to his or her spouse who entered Estonia due to the member of the armed forces being seconded in relation to service, assignment to the reserve or retirement.

208. Within the meaning of the Citizenship Act, a child is an independent subject of law. Estonian citizenship may be applied for a child less than 15 years of age by his or her parents who are Estonian citizens, or by one parent who is an Estonian citizen following an agreement with the parent who is not an Estonian citizen which bears officially certified signatures of the parties, or by the minor's single or adoptive parent who is an Estonian citizen, or in the case of children less than 15 years of age who were born in Estonia after

1992, by his or her parents who have lawfully resided in Estonia for at least five years at the time of submission of the application and are not recognised by any other state to be citizens of that state in accordance with the legislation in force, or by his or her single or adoptive parent who has lawfully resided in Estonia for at least five years at the time of submission of the application and is not recognised by any other state to be a citizen of that state in accordance with the legislation in force. When a child attains 15 years of age, he or she may apply for Estonian citizenship independently.

**Information on the issues raised in paragraph 29 (e) of the Committee's previous concluding observations**

209. Irrespective of their citizenship or lack of it, all children in Estonia enjoy all the rights under the Convention, including the right to acquire citizenship.

**Information on the issues raised in paragraph 29 (f) of the Committee's previous concluding observations**

210. Concerning the Convention on the Reduction of Statelessness of 1961 Estonia is of the opinion that every person has the right to freely choose his or her citizenship and this choice cannot be affected by the state. The Estonian Government has encouraged persons with undetermined citizenship to choose between Estonian citizenship or that of another country, but it is not mandatory to choose. In 2005 the number of persons who had been granted Estonian citizenship by naturalisation exceeded the number of persons with undetermined citizenship.

211. Estonia has considered the effects of acceding to the Convention relating to the Status of Stateless Persons of 1954, and has found that persons with undetermined citizenship residing in Estonia are currently enjoying all the rights under the Convention.

212. The state is of the opinion that acceding to the said Conventions does not provide any significant extra value to persons with undetermined citizenship. But it may happen that from certain aspects the Convention relating to the Status of Stateless Persons of 1954 even limits the rights of the persons with undetermined citizenship residing in Estonia. For example, pursuant to the Estonian legislation an alien's passport is valid for 5 years, but the Convention of 1954 enables the issue of passports only for 2 years. In 2006 in "Global Refugee Trends" the UNHCR stated about Estonia that nearly every person with undetermined citizenship has permanent residence permit and they are enjoying more rights than provided by the Convention relating to the Status of Stateless Persons of 1954.

**Information on the issues raised in paragraph 29 (b) of the Committee's previous concluding observations**

213. On 14.06.2008 an amendment to the Aliens Act entered into force, as a result of which the Citizenship and Migration Board (the Police and Border Guard Board as of 01.01.2010) makes a decision on the grant of or refusal to grant a temporary residence permit within two months as of the date of commencement of proceedings of an application for a residence permit or as of the date of elimination of deficiencies. According to the previous wording, the Citizenship and Migration Board had six months as of the date of commencement of proceedings of an application or as of the date of elimination of deficiencies to make a decision if the applicant is considered in the fulfilment of the immigration quota, or three months as of the date of commencement of proceedings of an application or as of the date of elimination of deficiencies if the applicant is not considered in the fulfilment of the immigration quota. The annual immigration quota is the quota for aliens immigrating to Estonia, which shall not exceed 0.1 per cent of the permanent population of Estonia annually. The immigration quota shall be established by the

Government of the Republic. In 2011 the quota was 1008, in 2010 it was 1009, in 2009 it was 1002, in 2008 it was 1013, in 2007 it was 686, and in 2006 it was 675 persons.

## **4.2. Preservation of identity (Article 8)**

214. Identity, including citizenship, name and family relations, and preservation thereof is a fundamental benefit protected by the state. Children and adults have similar rights to identity and name. 26 of the Constitution provides for the right of every person to inviolability of his or her private and family life, which may only be restricted in cases provided by law. Although the Constitution of the Republic of Estonia does not explicitly refer to the protection of name, name as part of identity is associated with the protection of private and family life. Therefore, it is up to the legislator to decide in which cases the right to change one's name is to be restricted, and establish the procedural rules for changing one's name.

### **4.2.1. Name**

215. A minor cannot independently change his or her personal name. A parent who has the right of custody is the legal representative of a child. Parents who have joint custody have a joint right of representation (subsection 120(1) of the Family Law Act). Consequently, the consent of both parents have to be provided when changing the child's first name or surname. If it is not possible to obtain the consent of the other parent, the parent can turn to the court for applying for sole custody or for obtaining powers of decision to change the name (section 119 of the Family Law Act). If making a joint declaration of intention of the parents would cause a delay in conflict with the interests of the child, one parent has the right to enter into necessary transactions and perform necessary acts in the interests of the child also alone. In this case the other parent shall be immediately informed of the acts (subsection 120(3) of the Family Law Act).

216. A child older than 10 years of age shall consent to a new person name. The wish of a child younger than 10 years of age shall also be considered if the development level of the child so permits (subsection 4 (5) of the Names Act).

217. A child less than 18 years of age also cannot contest in person an entry of his or her parent in his or her birth registration (subsection 92 (2) of the Family Law Act); however, he or she can do so through a legal representative. A person less than 18 years of age is also not issued his or her birth document.

### **4.2.2. Citizenship**

218. A person ceases to be an Estonian citizen when he or she is released from Estonian citizenship, when he or she is deprived of Estonian citizenship, or when he or she accepts the citizenship of another state. On behalf of a child under 15 years of age, the documents necessary for being released from citizenship are submitted by his or her parent, adoptive parent or guardian or by the guardianship authority. Release from Estonian citizenship may be refused if the release will render the applicant stateless, the applicant has outstanding obligations before the Estonian government, or the person is in active service in the Estonian Defence Forces. According to § 8 of the Constitution of the Republic of Estonia and § 16 of the Citizenship Act, anyone who has lost his or her Estonian citizenship as a minor is entitled to its restoration. The procedure for the restoration of citizenship is significantly simpler than the procedure for the acquisition of Estonian citizenship by naturalisation.

219. No one may be deprived of an Estonian citizenship acquired by birth. A person who has acquired citizenship on other grounds shall be deprived of Estonian citizenship by an

order of the Government of the Republic if the person, as an Estonian citizen, enters the public service or military service of a foreign state without the permission of the Government of the Republic; joins the intelligence or security service of a foreign state or an armed organisation of such a state, which is set up in accordance with military principles or which engages in military exercises; has attempted to change the constitutional order of Estonia by force; when acquiring Estonian citizenship by naturalisation or in relation to the restoration to him or her of Estonian citizenship, submits false information to conceal facts which would have precluded the grant or restoration of Estonian citizenship to him or her; is a citizen of another state but has not been released from Estonian citizenship. No one may be deprived of Estonian citizenship because of his or her beliefs. In practice, no one has been deprived of Estonian citizenship.

220. If a child acquires by birth the citizenship of another state in addition to Estonian citizenship, he or she must renounce either his or her Estonian citizenship or his or her citizenship of the other state within three years after attaining the age of 18 years (section 3 of the Citizens Act).

### **4.3. Freedom of expression and access to appropriate information (Articles 13 and 17)**

221. Pursuant to § 44 of the Constitution, everyone is entitled to free access to information disseminated for public use. The same section of the Constitution provides for restrictions on freedom of information. The right to information may be circumscribed to protect the rights and freedoms of others, to protect the confidentiality of a child's filiation, and in the interests of preventing a criminal offence, apprehending the offender, or of ascertaining the truth in a criminal case. The confidentiality of a child's filiation is maintained in the case of adoption. Section 45 of the Constitution guarantees every person's freedom of speech and only allows restrictions by law and on grounds not in conflict with the Convention. According to the Constitution, everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. This right may be circumscribed by law to protect public order, public morality, and the rights and freedoms, health, honour and good name of others.

222. According to subsection 25 (4) of the Social Welfare Act, a child who is separated from his or her home and family has the right to receive information about his or her origin, the reasons for separation, and issues pertaining to his or her future. Since the Constitution does not provide for a restriction concerning persons in closed institutions, they are guaranteed access to information equally to persons at liberty.

223. Children have the right to information, which they can understand, about what is happening in society. One of the possibilities to participate in the social life and express their opinion is through media channels. The Estonian Public Broadcasting pays attention to making the opinions of the children and young people heard. Radio channel Vikerraadio has children's programmes that with educational content that allow also children to participate. The Development Plan of the Estonian Public Broadcasting has a goal to widen the selection of programmes aimed at children and young people both in the radio and television. The tradition of school newspapers and school radio is quite strong in Estonia; newspapers are issued more or less frequently in nearly every upper secondary school and in many basic schools. To what extent these publications can be deemed as a forum for students to express their opinions must be decided case by case because the influence of the school management and teachers may vary from guidance and support to censorship. A remarkable work is being done by the Youth Media Club, which organises regular media camps in support of school media.

224. A study conducted in 2010 by a research network EU Kids Online among persons of 9–16 years of age from 25 European countries<sup>2</sup> showed that Estonian children are one of the youngest in Europe who start using the Internet, and they are one of the most skilled in respect to digital literacy. At the same time, Estonian children are also the ones who see sexual photographs the most, and sending messages with sexual contents is more common than average. Estonian children also stand out for being the ones who have most frequently met face to face with their Internet-acquaintances.

#### **4.4. Freedom of thought, conscience and religion (Article 14)**

225. Section 40 of the Constitution provides that everyone is entitled to freedom of conscience, freedom of religion and freedom of thought. Everyone is free to belong to any church or any religious society. There is no state church. Everyone is free to practise his or her religion, alone or in community with others, in public or in private, unless this is detrimental to public order, public health or public morality. § 41 of the Constitution provides that everyone has the right to abide by his or her opinions and beliefs. No one may be compelled to change his or her opinions or beliefs. Beliefs are no defence for violating the law. No one may be held legally liable for his or her beliefs. Both sections protect religious and non-religious views as well as individual and collective freedom of religion and belief. Furthermore, the rights enshrined in Article 14 of the Convention on the Rights of the Child are protected by § 12 of the Constitution of the Republic, the first subsection of which prohibits discrimination, inter alia, on the basis of religion and views. Discrimination on said grounds is also prohibited by the Equal Treatment Act.

226. Religious education in schools is non-confessional. Schools are required to provide religious education if at least 15 students in the corresponding stage of study so wish. Religious studies are voluntary and it is possible to select it as an optional subject (subsection 15 (4) of the Basic Schools and Upper Secondary Schools Act). Both state and private schools offer comparative religion as an elective course. In Estonia there are two private church schools which offer a religion-oriented study programme. One of the schools is evangelic and the other is catholic.

227. Performance of religious rites in medical institutions, educational institutions, social welfare institutions, custodial institutions and structural units of the Defence Forces is governed by the Churches and Congregations Act, according to § 9 of which persons staying in medical institutions, educational institutions, social welfare institutions and custodial institutions and members of the Defence Forces have the right to perform religious rites according to their religion unless this violates public order, health, morals, the rules established in these institutions or the rights of others staying or serving in these institutions. A religious association shall conduct religious services and religious rites in a medical institution, educational institution or social welfare institution with the permission of the owner or the head of the institution, in a custodial institution with the permission of the director of the prison, in the Defence Forces with the permission of the commander of the structural unit and in the National Defence League with the permission of the chief of the unit.

228. Every person of at least 15 years of age may independently become a member of a congregation or leave a congregation pursuant to the procedure prescribed by the statutes. A child who is less than 15 years of age may be a member of a congregation with the permission of his or her parents or guardian (§ 10 of the Churches and Congregations Act).

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<sup>2</sup> Livingstone, S., Haddon, L. Görzig, A., and Ólafsson, K. (2011). *Risks and safety on the internet. The perspective of European children. Full findings*. LSE, London: EU Kids Online.

## 4.5. Freedom of association and peaceful assembly (Article 15)

### 4.5.1. Peaceful assemblies

229. According to § 47 of the Constitution, everyone has the right to assemble peacefully and to conduct meetings without prior permission. This right may be circumscribed in the cases and pursuant to a procedure provided by law to safeguard national security, maintain public order, uphold public morality, ensure the safety of traffic and the safety of participants of the meeting, or to prevent the spread of an infectious disease. The right protects activities oriented at expressing interests of a private nature as well as interests of a political nature. The protection covers mass demonstrations and parades as well as spontaneous meetings which have no specific organiser. The area of protection does not cover meetings and assemblies which only have a social purpose (for example, assembly of a gang in the street), or which are random and have no joint purpose (for example, people who have assembled at the scene of an accident).<sup>3</sup>

230. Public assemblies are governed in more detail by the Public Meeting Act. Freedom to assemble extends to children equally to adults, but an organiser of a meeting may not be a minor. A public meeting may be organised by a natural person, a legal person, or an association which is not a legal person. An organiser of a public meeting and a public meeting steward shall be an adult with active legal capacity who is an Estonian citizen, or who holds a long-term resident's residence permit, or who is an alien staying in Estonia on the basis of a permanent right of residence. Organisation of a public meeting shall be notified at least four working days in advance if holding the meeting requires re-arrangement of traffic, setting up a tent, stage, stand or other large-scale structure, or use of sound or lighting devices. In other cases the organiser shall present an appropriate notice to the police through a means of communication or directly at least two hours before the beginning of the meeting.

### 4.5.2. Freedom of association

231. Section 48 of the Constitution provides that everyone has the right to form non-profit associations and federations. Only citizens of Estonia may belong to political parties.

232. According to subsection 12 (1) of the Non-profit Associations Act, every natural person or legal person who complies with the requirements of the articles of association of a non-profit association may be a member of the non-profit association. A non-profit association shall comprise at least two members unless the law or the articles of association prescribe a greater number of members. Therefore, also minors may found non-profit associations and be members of such associations, but pursuant to § 26 members of the management board must be natural persons with active legal capacity (more than 18 years of age).

233. In 2011 the following amendments were made to the Non-profit Associations Act: § 12 was amended by subsections (5) and (6) as follows: (5) If a minor is the founder or becomes a member of a non-profit association, clause 188 (1) 5) of the Family Law Act shall not be applied; (6) If a minor of at least 15 years of age becomes a member of such youth association which complies with the provisions of the Youth Work Act, the consent of the guardian need not be submitted to the non-profit association unless otherwise provided by the articles of association. See clause 3.3.1 and clause 7.3 for youth associations.

<sup>3</sup> Oliver Kask, *Eesti Vabariigi põhiseadus. Kommenteeritud väljaanne*. (The Constitution of the Republic of Estonia. Commented issue.) Juura, 2008, p. 381.

#### **4.6. Protection of privacy (Article 16)**

234. According to § 26 of the Constitution, everyone is entitled to inviolability of his or her private and family life. This extends to citizens of Estonia as well as to citizens of a foreign country and persons with undetermined citizenship staying in Estonia. § 42 of the Constitution provides that government agencies, local authorities, and their officials may not gather or store information about the beliefs of a citizen of Estonia against the citizen's free will. This provision only protects the citizens of Estonia, but it does not protect aliens or legal persons.

235. Pursuant to § 43 of the Constitution, everyone has the right to confidentiality of messages sent or received by him or her by post, telegraph, telephone or other commonly used means. Derogations from this right may be made in the cases and pursuant to a procedure provided by law if they are authorised by a court and if they are necessary to prevent a criminal offence, or to ascertain the truth in a criminal case.

#### **4.7. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Article 37(a))**

236. This subsection gives an overview of the prohibition on the physical punishment of children, and of the protection of the rights of a minor victim and witness in the course of proceedings. See clause 7.2.2 for school bullying, clause 5.10 for prevention, recognition and informing of violence, and clause 8.9 for sexual abuse.

##### **4.7.1. Prohibition on physical punishment of children**

###### **Information on the issues raised in paragraph 31 (b) of the Committee's previous concluding observations**

237. Section 121 of the Penal Code prohibits causing damage to the health of another person, and beating, battery or other physical abuse which causes pain.

238. Physical punishment is going to be explicitly prohibited in the new Child Protection Act which is being prepared. The Ministry of Social Affairs, the Ombudsman for Children and non-governmental organisations continue with their explanatory work to stress the upbringing of children with positive and proactive methods without resorting to violence against children, and to ensure the safety and development of children. The subject of physical punishment has been repeatedly addressed in the media, for example, in spring 2010 discussions on the subject were held in very different media channels. In 2010 the Union for Child Welfare started its project "With or without a rod", within the framework of which lectures were held in kindergartens and schools for teachers and parents. Hospitals have started to diagnose the shaken baby syndrome, and hold information seminars on the subject.

239. See clause 5.2 for supporting parenthood.

##### **4.7.2. Protection of rights of minor victim and witness in the course of proceedings**

###### **Information on the issues raised in paragraph 31 (d) and (e) of the Committee's previous concluding observations**

240. The prefectures of the Police and Border Guard Board employ officials specialised in minors — juvenile police officers in the Regional Police Work Service of the Law Enforcement Office, and bodies conducting proceedings and bodies conducting



proceedings in crimes committed by minors in the Child Protection Services of the Criminal Investigation Office.

241. According to § 70 of the Code of Criminal Procedure, if a police officer lacks relevant education and training for conducting interviews with a child, involvement of a child protection official, social worker, teacher or psychologist in the hearing of a minor is mandatory if one or more of the following circumstances appear: 1) the witness is up to ten years of age and repeated hearings may have a harmful effect on the mind of a minor; 2) the witness is up to fourteen years of age and the hearing is related to domestic violence or sexual abuse; 3) the witness has speech impairments, sensory or learning disabilities or mental disorders. Social workers, child protection officials and psychologists are also involved in training police officers dealing with children for the purpose of providing them with knowledge on the special requirements of dealing with abused children.

242. Cases of sexually abused children are dealt with by the officials of the Child Protection Services of the prefectures. Child Protection Services were established in every prefecture in 2010. In general, a minor witness and victim are questioned in an interrogation room intended for minors, which is furnished considering the age of the child and with appropriate recording equipment to prevent subsequent questionings, above all, in the case of offences against the person and sexual offences.

243. In the hearing of a witness under 14 years of age, he or she shall not be cross-examined in court (subsection 290 (1) of the Code of Criminal Procedure), and a child protection official, social worker or psychologist may question the witness with the permission of the court (subsection 290 (2) of the Code of Criminal Procedure). At the request of a party or on its own initiative, the court may allow a telehearing of the victim (subsection 287 (5) of the Code of Criminal Procedure) (also to use a partition to hide the witness from the accused).

244. Together with a child protection official, social worker or psychologist, the prosecutor arranges for the preparation of a minor less than 14 years of age (if necessary, an older minor) for trial. It is recommended to involve in the preparation process a specialist, who will also participate in the court proceedings. A minor shall have thoroughly explained to them, in a manner he or she understands, all procedures to be conducted, including the rights of a victim and the right to refuse to give testimony (§ 71 of the Code of Criminal Procedure), so that the minor could decide whether to give a testimony and to avoid later refusal to give testimony. The police officers usually video record the explanation of procedures to be conducted to avoid work of poor quality. The body conducting proceedings must take into account that procedural acts must be carried out based on the age and abilities of the child.

245. If possible, a witness less than 10 years of age is not questioned in court because the environment of a court hearing does not allow a minor to give an objective testimony. According to the Court of Justice of the European Union decision of 16.06.2005 in the case of Maria Pupino, small children, who are victims of abuse in cases similar to the main court case, are allowed to give a statement outside and before a public hearing in a way which enables the necessary protection of these children. In the case of small children it is possible to apply telehearing or, in certain cases, to disclose their testimony given in pre-trial proceedings to avoid harmful consequences for a minor which, in the opinion of specialists, may arise in connection with questioning in court.

246. The legal representative of a minor victim in criminal proceedings (§ 41 of the Code of Criminal Procedure) is his or her parent or guardian, who is required to protect the rights and interests of the child (§§ 113 and 116 of the Family Law Act). If by the same crime the parent or guardian has also been caused damage (including moral damage, which may be presumed, above all, in the case of crimes committed against a minor), they are to be

involved in the proceedings as victims (subsection 37 (1) of the Code of Criminal Procedure). As an exception, if the suspect or accused is a legal representative of the minor or other person close to the minor, and there is a conflict of interest, another representative of the minor is involved in the proceedings as a safeguard for the minor.

247. In disclosing information concerning pre-trial proceedings (§ 214 of the Code of Criminal Procedure), the body conducting the proceedings is required to consider the interests of the minor and, where possible, ensure his or her anonymity. If necessary, a journalist's attention is drawn to the journalists' code of ethics, according to which children are to be interviewed, in general, with the consent or in the presence of their parent or an adult responsible for them. It is also pointed out that in disclosing materials concerning offences, court cases and accidents, the journalist is required to consider whether identifying the parties involved is absolutely necessary and what kind of suffering this may result in for the parties involved. As a rule, victims and minor criminals are not identified for the public.

248. The purpose of restrictions on public access to court sessions (clauses 12 (1) 2) and 3) of the Code of Criminal Procedure) is to prevent information concerning a minor suspect, accused or victim from reaching persons who might take advantage of it, and to prevent public attention from excessively influencing the minor's future in a negative way. In general, it is necessary to apply for a court session to be held *in camera* if the minor is a victim of a crime against sexual self-determination or against family and minors. In other criminal matters the need to file an application for declaring a court session to be held *in camera* must be assessed based on the interests of the minor.

## **5. Family environment and alternative care**

### **5.1. Parental responsibilities (Article 5 and Article 18 (1), (2))**

249. No major legislative changes have taken place compared to the previous reporting period, but the new Family Law Act, which is applicable as of 1 July 2010, significantly specifies parental responsibilities.

250. § 113 of the Family Law Act provides for the obligation to support and respect each other: a parent and a child are required to support and respect each other and take each other's interests and rights into account.

251. § 116 of the Family Law Act provides for the principles of a parent's right of custody. Parents have equal rights and obligations with respect to their children. Parents have the obligation and right to care for their minor child (parent's right of custody). The parent's right of custody includes the right to care for the person of the child (custody over person) and for the property of the child (custody over property) and decide on matters related to the child.

252. § 169 of the Penal Code prescribes a punishment (pecuniary punishment or up to one year of imprisonment) for a parent who intentionally evades payment of monthly support ordered by a court to his or her child of less than 18 years of age or to his or her child who has attained the age of majority but is incapacitated for work and needs assistance.

253. § 124 of the Family Law Act provides for the content of the right of custody over person. Custody over a person is the obligation and right of a caregiver to raise a child, exercise supervision over him or her, ascertain the whereabouts of the child and take care of the all-round well-being of the child in any other manner. Physical, mental and emotional

abuse and application of other degrading educational measures with respect to a child is prohibited.

254. § 127 of the Family Law Act provides for the content of the right of custody over property. Custody over property includes the right and obligation to administer the property of the child and, inter alia, represent the child. This does not preclude the right of the child to administer his or her property independently in the cases provided by law.

255. § 133 of the Family Law Act provides for the parents' obligation of care. Upon exercising the right of custody over property of a child, parents shall exercise such care as they would usually exercise in their own affairs. If both parents cause damage to a child, they shall be liable as solidary obligors.

256. § 143 of the Family Law Act provides for the right of access to a child. A child has the right to maintain personal contact with both parents. Both parents have the obligation and right to maintain personal contact with their child. A parent shall refrain from any action which is harmful to the relationship between the child and the other parent or which hinders raising of the child. The same provision applies if a child is cared for and raised by another person.

257. § 125 of the Family Law Act provides that in matters concerning the provision of education, parents shall first take into account the abilities and leanings of the child. If necessary, parents shall ask the advice of a teacher or any other competent person.

258. § 55 of the Basic Schools and Upper Secondary Schools Act provides for the conditions of notification of students and parents. Students and their parents have the right to receive information and explanations from the school regarding the organisation of studies and the rights and duties of students. The school is required to grant the parents of a student studying in the stationary form of study access to the information that is in the possession of the school regarding the student.

## **5.2 Parental guidance and support (Article 5)**

259. According to subsection 24 (1) of the Social Welfare Act, for the administration of child welfare and the creation of an environment favourable for child development, rural municipality and city governments shall support and advise children and persons raising children by co-operating with family members, other persons and authorities concerned; develop and implement specific programmes and projects for the development and protection of children; if necessary, appoint support persons or support families for children or persons raising children; arrange for guardianship; assist in organisation of adoptions; and organise foster care of a child in a family of which he or she is not a member.

### **5.2.1. Family policy**

260. In 2002 a new State Family Benefits Act entered into force, providing for a uniform framework for the system of state family benefits. In 2003 the Government of the Republic approved the state concept of children's and family policy. In 2004 the Parental Benefits Act entered into force, according to which a parent taking parental leave is paid a benefit (100% of his or her wages, for a total of 575 days), which helps him or her to maintain an income while absent from work. In 2009 the Government of the Republic approved the bases for population policy by which it was established that the state's responsibility is to decrease social and economic hindrances which force people not to have children or to postpone having children, and to support family policy decisions favourable for society. From 2003 to 2007 the shaping of the family policy in Estonia was coordinated by the Office of the Minister of Population and Ethnic Affairs. The main courses of action and projects were aimed at developing the children's daycare system (project "Children taken

care of, mothers at work” in cooperation with the European Social Fund, 2005–2007) and balancing work and family life (project “Choices and Balance” in cooperation with the European Social Fund and the Estonian Employers’ Confederation, 2005–2007).

261. As of June 2007 the state family policy is coordinated by the Ministry of Social Affairs. In establishing family policy, priority is given to balancing work and private life, promoting parental education, and supporting the subsistence of families. An analysis “The effect of steps of state family policy on birthrate and upbringing of children” was completed in 2008. The analysis deals with state measures, including the rights of families and provision of services and benefits for families and the effect of current measures, considering a person’s entire course of life. The conclusion of the analysis states that the following characterises Estonian family policy as a whole: 1) measures are aimed at the birth of a child and the early years of life of the child; 2) financial benefits and compensations are dominant; 3) the mother and child are at the centre. Several family policy measures are included in the development plan for children and families for 2012–2020 approved by the Government of the Republic. Sub-goal No. 4 of the development plan is aimed at supporting the independent economic subsistence of families, and goal No. 5 reflects measures aimed at supporting a balance between work, family and private life.

#### **5.2.2. Family benefits and services concept**

262. Development of the family benefits and services concept as an action concerning family policy is included in the Government of the Republic action programme for 2011–2015. Within the framework of preparing the family benefits and services concept, benefits and services offered to families are analysed to develop and establish, if necessary, measures to foster the subsistence of families. In developing a general family benefits system, the objective is to support more those people who actually need the help most (for example, single parents and families with many children). Whereas, it is important to note that the principles of general benefits were not revised in Estonia even during the budget cuts arising from the economic crisis.

#### **5.2.3. Parenthood**

263. With the leadership of the Ministry of Social Affairs, round tables with providers of parental education were launched in 2008. Approximately 25 organisations have joined the round tables. The largest organisations in Estonia who provide parental education are the Union for Child Welfare, the Estonian Parents’ Association, the Estonian Sexual Health Association, the Estonian Midwives Association, the Estonian Non-formal Adult Education Association, the Family Centre You and Me, the Family Education Institute and the Healthy Estonia Foundation. The aim of the round tables is to support the spread of parental education in Estonia. A publication introducing the providers of parental education was issued in 2008. Mechanisms promoting the spread of parental education in Estonia were developed within the framework of the development plan for children and families for 2012–2020. Also several conferences, seminars and campaigns, which have dealt with, inter alia, the role of fathers in the upbringing of children, have taken place during the reporting period.

264. The development plan for children and families for 2012–2020 has set supporting of parenthood as an important strategic goal of the state. The implementation plan of the development plan for 2012–2015 prescribes several actions for improving the supporting of parenthood, and the implementation of an evidence-based parenthood programme is planned as one of the most important actions. The adaptation and implementation of the parenthood programme is planned to be carried out with the support of Norwegian and EEA Financial Mechanisms and in cooperation with Norwegian partners. The programme

is selected within the framework of a preliminary analysis; the state has expressed interest, above all, in two programmes — Incredible Years and Triple P.

### 5.3. Separation from parents (Article 9)

265. For the regulatory framework of separation from parents, see the first report of Estonia.

266. Separation of a child from his or her family and deprivation of custody over person in full is additionally governed by the Family Law Act, which was passed on 18.11.2009 and which entered into force on 01.07.2010.

267. § 135 of the Family Law Act provides for the conditions for the separation of a child from his or her family and deprivation of custody over person in full. A court may separate a child from the parents only if damage to the interests of the child cannot be prevented by other supporting measures applied in the relationship between the parents and the child. Other supporting measures may be, for example, the measures provided by subsection 134 (3) of the same Act: making of decisions arising from the right of custody in lieu of a parent, issue of warnings and precepts, imposition of prohibitions, and requiring the parents to observe the instructions of the agency specified by the court. A court may deprive a parent of the right of custody over person in full only if other measures have not yielded any results or if there is reason to presume that the application of the measures is not sufficient to prevent danger. Upon hearing a matter concerning substantial restriction or deprivation of the right of custody over person in full, a court shall include a rural municipality or city government in the proceedings for the purpose of hearing its opinion. If leaving a child in his or her family endangers the health or life of the child, a rural municipality government or city government may separate the child from the family before a court ruling is made. In such cases the rural municipality government or city government shall promptly submit an application to a court for restriction of parental rights with respect to the child. See the Annex, table 10: children registered and separated from their family (per year) and placement of children separated from their family, 2006–2011.<sup>4</sup>

268. The principles of the new development plan for children and families for 2012–2020 and its implementation plan for 2012–2015 as well as the preparation of the new Child Protection Act have set the course to improving prevention work and implementing preventive and evidence-based interventions, inter alia, upon separation of children from their family.

### 5.4. Family reunification (Article 10)

#### **Information on the issues raised in paragraph 35 (a) of the Committee's previous concluding observations**

269. Subsection 113 (2) of the Aliens Act provides that the annual immigration quota shall not exceed 0.1 per cent of the permanent population of Estonia annually. However, there are persons who are entitled to settle in Estonia outside the immigration quota.

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<sup>4</sup> In the case of children separated from their family and placed within a year, the statistics reflect the last placement of the child. This means that if a child has been placed several times in a year (for example, to a shelter and then a foster home), the statistics only reflect the last placement. Placing a child to a shelter is generally a temporary solution which takes place before the child is placed to a substitute home or back to his or her family.

270. On 01.01.2002 the Act amending the Aliens Act entered into force, as a result of which the circle of persons who are not considered in the immigration quota was extended. The amendment arose from the Supreme Court judgments Nos. 3-3-1-11-00 (RT III 2000, 14, 149) and 3-3-1-15-00 (RT III 2000, 17, 180), according to which refusal to grant a residence permit to an alien who has a family life in Estonia within the meaning of the Constitution of the Republic cannot be justified with merely the fulfilment of the immigration quota. This would not be in compliance with the nature of the fundamental right without legal reservation. Due to the aforesaid, the Aliens Act excludes from the immigration quota the spouse, a minor and adult child, parent and grandparent and a ward of an Estonian citizen and of an alien who resides in Estonia on the basis of a residence permit. Therefore, the provisions of the Aliens Act reflect the corresponding Supreme Court judgments, and the said regulatory framework of the Aliens Act is applied today.

**Information on the issues raised in paragraph 35 (b) of the Committee's previous concluding observations**

271. The recommendation has been taken into account. By the Act amending the Refugees Act, which entered into force on 1 May 2003, it was prescribed that a residence permit is granted also to a family member of a refugee and a person enjoying subsidiary protection, i.e. a minor child and spouse (§ 16). The applicable Act on Granting International Protection to Aliens prescribes a residence permit for a family member of a person enjoying international protection (refugee, person enjoying subsidiary protection or temporary protection) and the right to family reunification (§§ 7, 46 and 65). The Act on Granting International Protection to Aliens (subsection 15 (2), § 17, subsections 18 (5) and (10)) also prescribes specifications of processing applications for asylum submitted by children (see also clause 8.1.1).

**5.5. Illicit transfer abroad (Article 11)**

272. On 01.07.2001, the Convention on the Civil Aspects of International Child Abduction entered into force in relation to Estonia. The central authority according to the said convention is the Ministry of Justice. The number of applications has been slowly growing from year to year. From 2009 to 2011 Estonia submitted the most applications to Finland (10), Germany (6) and the United Kingdom (6). Estonia has received the most applications from the United Kingdom (7), Sweden (7) and Germany (6). See the Annex, table 11: Illicit stay of a child abroad: number of applications, 2009–2011.

**5.6. Recovery of maintenance for the child (Article 27 (4))**

273. In the recovery of maintenance for the child the state considers it important to counsel parents to motivate separated or separating parents to cooperate in the interests of the child. To this end, the Estonian Association of Mediators was established. Family mediation training started in autumn 2008 and it was funded by the state. The first mediators started their work in spring 2009. A total of 20 family mediators from all the counties were trained. Every person himself or herself may have recourse to a family mediator; in such case the service is paid for by the person. Family mediation services may also be ordered by a court. As of 2010 the Union for Child Welfare together with the Estonian Bar Association offers counselling services to parents free of charge for better safeguarding the rights of the child (15 counselling sessions per month).

274. The state is presented with a challenge in facilitating the performance of the obligation of a parent to provide maintenance in the case of a parent separated from the child. The Maintenance Allowance Act has been passed, according to which maintenance

allowance shall be paid for 90 days if a parent does not comply with the maintenance obligation and the other parent has had recourse to the court in a claim for maintenance support. The daily rate is 1/3 of the child allowance rate, and the maximum maintenance allowance is 288 euros. Maintenance support paid by the state is subsequently collected from the person required to pay the maintenance allowance. An effect analysis of the Maintenance Allowance Act conducted by the Ministry of Social Affairs in 2010 revealed that receiving maintenance support is an important factor in decreasing the poverty risk of families. In order to ensure maintenance of the child if the person proprietarily liable for the child does not reside in the same country with the child, Estonia has acceded to the Convention on the Recovery Abroad of Maintenance done in New York on 26.06.1956 and to the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations done in The Hague on 02.10.1973. In relations with the Russian Federation, the maintenance obligation is governed, inter alia, by the Republic of Estonia and the Russian Federation Agreement on legal assistance and legal relationship in civil, family and criminal matters, and in relations with Ukraine by the Republic of Estonia and the Ukraine Agreement on legal assistance and legal relationship in civil, family and criminal matters. Recognition and enforcement in an EU member state of another member state's judgments concerning maintenance obligation is enabled by Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, and by Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims.

## **5.7. Children deprived of a family environment (Article 20)**

### **5.7.1. Foster care**

275. In 2005 the conditions in the Social Welfare Act for placing a child in foster care were amended, and requirements for a person providing foster care and his or her family members and rights of a caregiver were established. Pursuant to the new regulatory framework, a child is subjected to foster care on the basis of a court ruling, a requirement to prepare a development plan for a child in foster care has been established, and there is now an obligation to consider the opinion of a child at least 10 years of age in subjecting the child to foster care and in preparing a development plan for him or her. Furthermore, a child subject to foster care now has the right to visit the home of the caregiver, meet the family members of the caregiver and receive information about them before giving his or her consent. It was also established that a child subject to foster care has the right to take his or her personal effects with him or her.

276. The following requirements have been set for a caregiver: 1) the person has full active legal capacity, copes independently and resides permanently in Estonia; 2) the person has the necessary personal characteristics to raise a child; 3) the person has not been deprived of parental rights or a child has not been removed from him or her without deprivation of parental rights; 4) the person has not been removed from performance of the obligations of a guardian or caregiver; 5) criminal proceedings have not been commenced in respect of the person to accuse him or her of a criminal offence for which imprisonment is prescribed as punishment and the person has not been convicted of an intentionally committed criminal offence; 6) the person is not dependent on alcohol, narcotic drugs or psychotropic substances; 7) the person has undergone training recognised by the Ministry of Social Affairs or has registered for the training.

277. Also the adult family members of a caregiver with whom he or she has common dwellings and household shall comply with the requirements provided by law. The caregiver and the adult members of his or her family shall confirm their compliance with

the requirements by signature. The rural municipality government or city government of the residence of the child may demand that the caregiver and the adult members of his or her family submit documents in proof of their compliance with the requirements. A foster care contract shall be terminated if the caregiver or his or her adult family members no longer comply with the requirements and extension of the contract is contrary to the interests of the child. A caregiver has the right to receive information on a child which is necessary to care for the child from the rural municipality or city government of the residence of the child and to participate in preparation of a development plan for the child. Caregivers receive state funded PRIDE training, which is a prerequisite for providing the service.

278. See the Annex, table 12: Children in substitute care by types of substitute care (2006–2010).

### **5.7.2. Substitute home services**

279. An amendment to the Social Welfare Act in 2007 concerned the substitute home services and requirements set for the services. In addition to the definition of the services also requirements for the organisation of the services and for the staff were provided. In the interests of the safety of the child, requirements for the person of the educators were established and also the procedure for subjecting children to a substitute home was renewed. Based on the rights and needs of children and for the purpose of creating conditions resembling those in a family, providing the services in a substitute home where there is a family parent who lives with the children 24 hours a day has been specified.

280. Staying in a substitute home is related to the child attaining 18 years of age and to the child finishing education which he or she started to acquire in daytime study before he or she attained the age of 18 years. When a child attains the age of 18 years and is not studying, he or she no longer has the right to the substitute home services funded by the state. To encourage children to continue their education, the state supports children and allows them to continue to receive the services until the beginning of the following school year after acquiring basic or secondary education if they take entrance examinations to get into a vocational educational institution, institution of professional higher education or Bachelor's study at an institution of higher education, and they can study at that institution until they have acquired primary vocational or higher education (at a vocational educational institution, institution of professional higher education or in Bachelor's study at an institution of higher education). Support and after-care on the basis of the needs of young people leaving a substitute home and starting their independent life needs development. Reuniting children subjected to substitute home services and their biological families and cooperation with biological parents are problematic.

281. Providers of substitute home services are required to apply for a state activity licence which ensures the quality of the services funded by the state. The Act established the conditions for applying for a licence and the bases for revocation of an activity licence.

282. In subjecting a child to a substitute home, the most important role is played by the local government (guardianship authority) of the place of residence of the child who has been separated from his or her family. The guardianship authority decides which form of substitute care is the best choice in every specific case. If it is not possible to appoint a guardian for a child or to subject a child to foster care, the guardianship authority chooses an appropriate provider of substitute home services, considering the wishes of the child and the fact that siblings should not be separated from each other. If possible, a service provider who is located as closely as possible to the child's former place of residence or close relatives must be chosen. Since the local government of the place of residence of the child is the child's guardianship authority, it is necessary for the local government to monitor the child also during the child's stay in a substitute home. Therefore, the competent official of



the local government is required to visit the child staying in a substitute home at least twice a year.

283. The local government is also required to retain documents concerning a child subjected to a substitute home and to give the necessary documents to the provider of the substitute home service. A list of the corresponding documents shall be established by a regulation of the Minister of Social Affairs. The size of a substitute home family is also specified, which will be six children after progressive decrease. Considering that prior to the requirement for the number of children in a substitute home the number was high, a transition period has been set for decreasing the number of children. From the entry into force of the Act until 1 January 2010 there may be up to ten children in a family, and from 1 January 2010 to 1 January 2015 there may be up to eight children in a family.

284. Each family shall have at least one education employee or a family parent complying with the requirements provided for an educator. If more than one-half of the children of a substitute home family are under three years of age or with severe or profound disabilities, at least two education employees or a family parent and an education employee shall stay in the substitute home family during daytime and in the evening. The requirements set for education employees are based on the recommendations of the Council of Europe. The highest requirements for qualification have been set for senior educators and the lowest for assistant educators. An educator may have completed education in education (including social educational specialist) or social work. According to the educator's speciality he or she is required to complete in-service training and take subjects that received little attention during his or her studies or that were not taken at all (for example, social workers acquire knowledge about education). Whether or not a person qualifies as an educator or senior educator is also based on his or her previous work experience in the field of children's welfare. In the case of a senior educator, providing guidance to student teachers and other employees, professional research papers prepared by him or her, and participation in the development activity of the welfare sector (for example, has or is actively participating in the planning of the activities of the welfare institution) are also considered. The Minister of Social Affairs shall establish the procedure for and curricula of the in-service training of education employees and family parents. A family parent may be a person at least 25 years of age who meets the requirements for an educator and who lives with the children in the substitute home on a permanent basis. A family parent together with an assistant may care for up to six children.

285. There is also a requirement that if all the children of a substitute home family are outside the territory where substitute home services are provided (premises and area where services are provided), the service provider is required to ensure that the children have the possibility to contact an education employee, by assigning a contact person for a child whom the child can contact if necessary and when the child is away from the institution and who is responsible for solving problems encountered by the child.

286. Within the framework of the Council of the Baltic Sea States Expert Group for Cooperation on Children at Risk, Estonia participated in a project "AudTrain" from 2011 to 2012. The project aimed to ensure systematic supervision over the rights of children living in institutions of the member states, and supervisory officials of the states participating in the experimental project, including Estonia, received training.

287. A scholarship in the amount of 160 euros per month (paid for 10 months per academic year) has been established for supporting the studies of substitute home children in institutions of higher education. The purpose of the scholarship is to support the full-time studies of young people, who come from a substitute home, at a university, institution of professional higher education or trade schools offering professional higher education. In 2012 the budget of the scholarship fund for children in a children's home was 31,956 euros.

288. Regarding substitute homes we see a greater need to focus on supporting children who have specific needs, on developing specialised services, and on improving the quality of the essence of the services. It is also important to note that the action programme of the Government of the Republic and the development plan for children and families for 2012–2020 have set out to prepare a substitute care concept, based on which foster care services are developed and the quality of substitute home services is improved. The objective is to focus, inter alia, on supporting children who have specific needs, on developing specialised services, and on improving the quality of the essence of the services.

## **5.8. Adoption (Article 21)**

289. Adoption and adoption proceedings are governed in Estonia, above all, by the Family Law Act and the Code of Civil Procedure. In addition to the aforesaid, the Minister of Social Affairs regulation of 1 July 2010 “Acts required to be carried out in the course of preparation of adoption and the content thereof, the list of information to be submitted in a petition for adoption and the list of documents to be collected by county governments” is applicable. Furthermore, the Government of the Republic regulation for the establishment of a committee for international adoptions and its rules of procedure is applicable as of the same date.

290. Adoption is permitted if it is necessary in the interests of the child and there is reason to believe that a parent-child relationship will be created between the adoptive parent and the child. As a result of adoption, a legal relationship is formed between the child and the parents. Requirements set for adoptive parents have not changed in essence with the new Act, but issues which were addressed in instructions before have now found a place in the Family Law Act.

291. Adoptive parents have the opportunity to receive a single adoption allowance as a state family benefit, which amounts to 320 euros per every adopted child. Allowance is paid to an adoptive parent who resides in Estonia on a permanent basis or on the basis of a temporary residence permit, and from whom the adopted child does not descend and who is not the child’s step-parent, provided birth allowance has not been paid to the family for the same child. The adopted child and his or her family has the right to other types of monthly family benefits. The Health Insurance Act prescribes an adoption benefit: one person adopting a child under 10 years of age has the right to receive the adoption benefit for 70 calendar days.

292. A non-profit association A Family of My Own is engaged in the adoption field, and adoptive parents can find useful information on its homepage [www.omapere.ee](http://www.omapere.ee). A Family of My Own is a considerable partner for the state, representing, above all, adoptive parents and uniting adoptive families all over Estonia. The activity of the non-profit association is aimed at training, counselling and supporting adoptive parents, and at promoting adoption and informing the public about adoption. In 2011 the Ministry of Social Affairs ordered from A Family of My Own a concept of pre- and post-adoption services, and in 2012 the testing of the services will begin according to the Government of the Republic action programme for 2011–2015 and the implementation plan of the development plan for children and families for 2012–2020.

293. In cooperation with A Family of My Own, the Ministry of Social Affairs has developed a concept of pre- and post-adoption services and the services are planned to be tested from 2013 to 2015 with the support of budgetary funds, so as to offer adoptive parents support during the adoption process.

294. See the Annex, table 13: Children adopted per year, 2003–2011.

### **5.8.1. International adoption**

295. According to the principles of the Convention on the Rights of the Child, international adoption is possible only if a family to adopt the child (including adoptive parent, foster or guardian family) has not been found. Pursuant to subsection 165 (6) of the Family Law Act, adoption from Estonia to a foreign state may occur primarily if it is not possible to care for the child to the necessary extent in the Republic of Estonia. There have been cases where a child had already been offered for international adoption but then a family in Estonia was found and the child was placed in the family living in Estonia.

296. Estonia has ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, which entered into force in relation to Estonia on 01.06.2002. As of 2002 Estonia has been cooperating with three other countries who have acceded to the Convention: Finland, Sweden and the United States of America.

297. The function of central authority is being performed by the Ministry of Social Affairs (Department of Children and Families), who is responsible for implementing national and international provisions. The Ministry of Social Affairs has also assumed the liability for intervening in the process of preparation of the Family Law Act regarding adoption.

298. Estonia has waived referring adoption-related activities to private organisations. To ensure the safety of adoption, international adoption is organised by the Ministry of Social Affairs and the International Adoption Committee established therein.

## **5.9. Right of child placed in care to periodic review of placement (Article 25)**

299. On the basis of the Social Welfare Act, a child may be referred to the substitute home service or foster care only with a case plan prepared by the local government (child protection official or social worker) of the place of residence of the child. The latter is required to review the case plan at least once a year. Work with the biological family whose child has been placed in substitute care needs to be strengthened to enable the return of the child to his or her family.

## **5.10. Abused and neglected child (Article 19) and psychological and physical recovery of the child and social reintegration (Article 39)**

### **5.10.1. Child helpline**

300. The child helpline service was launched on 01.01.2009 via free 24-hour national short number 116111. The purpose of the service is to allow everybody to report instances of a child in need, ensure that the received information is communicated to specialists, and offer children and persons related to children initial social counselling and, if necessary, crisis counselling. The child helpline service can be used via Skype and MSN, and it is also possible to send an e-mail. The child helpline has received a total of 16,788 calls in the period of 2009-2012, of which 4,929 in 2009, 3,008 in 2010, 3,945 in 2011, and 4,906 in 2012.

301. The phone number 116000 for the reporting of missing children was launched in 2011. This number can be used to report instances of missing children. Counsellors provide initial instructions on how to behave in the situation and they conduct initial crisis counselling. The said number is operated in close cooperation with the Police and Border Guard Board. Calls are answered on both numbers 24 hours a day in English, Estonian and Russian, and are free of charge. The child helpline and the phone number for the reporting

of missing children are operated by OÜ Arstlik Perenõuandla, and they are funded by the Ministry of Social Affairs on the basis of public procurements and agreement on the provision of service. A total of 50 calls were made to that number in 2012.

#### **5.10.2. Counselling via phone and the Internet**

302. Various phone counselling services are also offered by other service providers and non-profit associations. The Tallinn Family Centre owned by the city of Tallinn provides internet counselling services on its website <http://pk.ee/abipshholognustamine>. Counselling is offered in Estonian, Russian and English.

303. There are also various phone counselling services which provide help, inter alia, to children and young people: trustline 126, AIDS trustline 6455555, NGO Lifeline's trustline for those who are tired of living 6558088, drug information and counselling hotline 1707, youth talkline 6461111. The Estonian Mental Health Association offers anonymous internet counselling and phone services to children and young people: [www.lapsemure.ee](http://www.lapsemure.ee), tel 6556088. Professional psychologists offer counselling also by way of a psychological crisis hotline offered by NGO Lifeline.

304. As of 2006 there are on-call child protection services available in Tallinn. The police can call a child protection official or a psychologist, who is on call at home, to be present at the questioning of a minor or a crisis situation involving a child outside working hours. It is also possible to obtain child protection-related advice.

#### **Information on the issues raised in paragraph 31 (h) of the Committee's previous concluding observations**

#### **5.10.3. Actions of the police in identifying child abuse, and corresponding training**

305. In recent years, a lot of attention has been paid to the training of police officers, prosecutors and judges. Trainings are organised on a variety of subjects related to juvenile delinquency: crime prevention, handling of cases of violence, victim support, trafficking in human beings and prostitution, carrying out procedural acts, including use of video recordings, communication with abused children and their families, etc. Joint trainings for the police and victim support providers, where recognising victims, providing them with support, preventing and resolving cases of violence, and also cooperation with different network partners are addressed, take place on a regular basis. There are separate trainings for police officers regarding close relationship violence and sexual violence, where also the clinical symptoms of child abuse are dealt with, so that in resolving a domestic dispute police officers would notice the warning signs indicating child abuse. Prevention work regarding sexual abuse of children has been significantly improved. The basic training of police officers now includes a corresponding subject, and there have been several in-service trainings and seminars to improve the cooperation between different specialists — it has been based on the example of a so-called multidisciplinary teamwork between the police, the prosecutor's offices and specialists from Tartu Child Support Centre, which has been functioning very well for years.

306. In 2008, the Union for Child Welfare organised seminars for teachers, social workers and police officers on the subject "The nature of paedophilia and its effect on children". Also a collection of corresponding presentations was published.

307. After cases of close relationship and domestic violence the police do a follow-up check, making a note of the situation and passing on relevant information to the social worker of the local government. Special attention is paid to cases of domestic violence involving children. In resolving cases of close relationship or domestic violence involving a

child, the police involve the social worker or child protection official of the local government.

308. The police have made available on their website advice on how to recognise an abused child, advice for parents, and also a link which abused children and their family members can use to get help regarding their problems.

#### **5.10.4. Child abuse diagnostics**

309. The Ministry of Social Affairs has started to develop a child abuse diagnostics system. As of 01.11.2010 there have been basic trainings for specialists from all over Estonia, who come into contact with children. At the same time there have been special trainings for medics, psychologists, police officers and child protection officials as well as possible members of abuse diagnostics teams. There are were a total of 460 specialists trained as of 2012. NGO TK & Partners, which coordinates abuse diagnostics trainings, has involved in the trainings, in addition to Estonian specialists, also prof. Randell Alexander from the abuse diagnostics team in Florida, the United States of America, and Philip L. Wheeler from the United Kingdom Metropolitan police. At the same time as the trainings, a concept of child abuse diagnostics system was developed.

310. From the second half of 2012 the development of the abuse diagnostics system belongs to the mental health programme of the Norwegian and EEA Financial Mechanisms, and it has been planned to be funded until the end of 2015. It has also been planned to initiate the work of diagnostics teams.

311. The Union for Child Welfare, together with the Institute of Social Work of Tallinn University, organised eight early recognition seminars in 2011. A total of 309 specialists working with children and young people attended the seminars. At the same time, an early recognition study was conducted in cooperation between the Union for Child Welfare and Tallinn University, in the framework of which eight post-graduate students from the Institute of Social Work of Tallinn University gathered information from corresponding specialists all over Estonia by way of questionnaires, telephone surveys and focus interviews.

#### **5.10.5. Reintegration of victims and perpetrators**

##### **Information on the issues raised in paragraph 31 (g) of the Committee's previous concluding observations**

312. Within the framework of police force crime prevention work great attention is paid to preventing child abuse and providing victims with support in cooperation with support networks. To this end, annual action plans set out projects and programmes with the necessary budget. On 26.10.2004 the Social Insurance Board and the Police Board entered into a cooperation agreement, which governs cooperation between the police and victim support and sets out rapid exchange of victim support-related information between the partners in order to provide victims of maltreatment, or physical, mental or sexual abuse with quality victim support services.

313. To re-socialise juvenile delinquents, information concerning children who have committed an offence is sent to a social worker or child protection official. Child victims and their families are provided with victim support services, in the framework of which they receive counselling and assistance in communicating with state and local government authorities and other legal persons, and if necessary and possible, the victim and his or her family members are offered compensation for the costs of psychological help. When a victim support provider sees that a child victim needs further services, he or she shall notify a child protection official.

## **6. Protection of health and social welfare**

### **6.1. Disabled children (Article 23)**

314. Guaranteeing to disabled persons, including disabled children, opportunities equal to those of other people, enabling them to have an active social life, and supporting their ability to cope independently lies within the competence of rural municipalities or city governments. According to the Social Welfare Act, to achieve the above goals a rural municipality or city government is required to: 1) establish opportunities to reduce or remove restrictions caused by the disability to treatment, education and translation services; 2) establish, in co-operation with competent state bodies, opportunities for vocational training which would increase the competitiveness of disabled persons; 3) organise transportation for the disabled; 4) guarantee access to public buildings for disabled persons; 5) appoint a support person or personal assistant, if necessary.

315. If a person, in order to improve the ability to cope independently, needs long-term and diverse assistance which includes also the need to grant social services or benefits, the principle of case management shall be used upon the provision of assistance. The provision of assistance based on the principle of case management includes evaluation of a person's case, formulation of objectives and planning of activities, preparation of the case plan and the activity plan belonging thereto, counselling and guidance of a person upon implementation of an activity plan, performance of activities by different persons or institutions, and evaluation of results and, if necessary, amendment of the case plan and the activity plan belonging thereto.

316. On 25.09.2007 Estonia signed the Convention on the Rights of Persons with Disabilities. On 21.03.2012 the Riigikogu ratified the Convention on the Rights of Persons with Disabilities and at the same time also the Optional Protocol to the Convention was acceded to.

#### **6.1.1. Childcare service for disabled children**

317. On 01.01.2007 an amendment which included child care services in the list of social services entered into force. Childcare service means a service supporting the ability of the caregiver to cope or work during the provision of which the care, development and safety of a child is guaranteed by a provider of childcare service instead of the persons specified above. The legal representative of a child with a severe or profound disability or the caregiver is entitled to state-funded childcare services until the end of the calendar year during which the child attains 18 years of age, provided that: 1) the need for care services for the child with a severe or profound disability is set out in the child's rehabilitation plan; 2) caring for the child is not guaranteed with other social services at the same time; 3) the child is not staying at an educational institution at the same time. There has been a great need for the service and it was developed in cooperation with the parents of disabled children.

318. In 2012, the limit for state-funded childcare services was 371 euros per child with a severe or profound disability per calendar year; the Ministry of Social Affairs allocated a total of 1,116,303 euros for the provision of childcare services for children with a severe or profound disability in 2012. If parents wish to be provided with the service above the maximum cost established by the state, the cost shall be covered by the parents under an agreement with the local government. The childcare service does not aim to replace kindergarten or school because disabled children have a right equal to that of other children to attend an educational institution. In Estonia there are 350 providers of childcare services who hold an activity licence, some of them have specialised in providing for only disabled

children. Childcare services are offered at the home of the childcarer or of the child or on other appropriate premises. All parents raising a child with a severe or profound disability may contact the local government for state childcare services. In 2011, state funding was provided for the childcare services for 587 children with a severe or profound disability.

#### **6.1.2. Support person services**

319. The support person services for disabled children and their families have received funding from the European Social Fund. A description of the services has been prepared and 52 support persons for disabled children and their families have been trained.

#### **6.1.3. Personal assistant services**

320. The objective of the personal assistant services is to support the participation of disabled persons in all areas of life. The duty of a personal assistant is to help a disabled person in those everyday activities which the person himself or herself cannot handle.

#### **6.1.4. Applying for technical aids and allocation thereof under favourable conditions**

321. As of 2004, diabetics have the possibility to apply for a glucometer under favourable conditions. In 2006 and 2008 several provisions increasing the availability of technical aids were enacted, including; simplification of many aspects in the procedure for applying for technical aids, the minimum own contribution rate was lowered, and the list of technical aids was extended. In 2013 amendments prepared in cooperation with the Astangu Centre of Disability Related Information and Assistive Technology entered into force, changing the maximum fee chargeable for incontinence products from a producer-based fee to a function-based fee. After the said amendment, the price for incontinence products having the same function but offered by different producers is the same. The aim of the amendment is to make incontinence products more available.

#### **6.1.5. Computers for supporting the studies of students with special needs**

322. The objective of a joint project of the Estonian Information Technology College and the Ministry of Education and Research was to adapt, with the help of the students from the College, computers donated by various institutions to suit the needs of students with special needs, to fit additional equipment to them (for example, a speech synthesiser, Braille display, or printer, etc.), and to deliver them to the students. The students were given instructions on how to use the computer.

#### **6.1.6. Rehabilitation services**

323. In 2005, the definition of rehabilitation services was incorporated into the Social Welfare Act and it extends to adults as well as children. The volume and funding of rehabilitation services was provided. The services also extend to juvenile delinquents referred to the juvenile committee.

324. As of 2005, the list of and prices for rehabilitation services have been established by a regulation of the Government of the Republic. The maximum limit for the services provided for disabled children has been approved, ensuring all disabled children an equal opportunity to be provided with the services. A contract under public law is concluded with providers of rehabilitation services. Specific funds from the state budget are guaranteed for the provision of the services, and they are allocated on the basis of applications of service providers and the regional location of the disabled children. As of 2007, the state budget includes a separate budget line for the provision of rehabilitation services for children. In 2007 the prices for and the annual maximum volume of the services were increased. The volume per calendar year set for the provision of rehabilitation services for juvenile

delinquents was increased almost three times, making juvenile delinquents equal to disabled children.

325. Since the volume of the services has increased, the need for new specialists working with children with special educational needs and for training current specialists has also increased. Also the availability of the services in different local governments should be more unified.

326. See the Annex, table 14: Users of rehabilitation services, 2006–2011.

#### **6.1.7. Surveys**

327. In 2008 a survey was conducted on the practices of providers of rehabilitation services, which also mapped the provision of rehabilitation services for children. The Estonian Chamber of Disabled People in cooperation with the Ministry of Education and Research and the Ministry of Social Affairs conducted from 2004 to 2005 a survey on the availability of the services to families with children with special needs and on their satisfaction. A similar survey was conducted in 2008. In 2006 the Ministry of Social Affairs organised a survey on the ability to cope and the needs of disabled persons, looking at the availability of services and benefits as well as satisfaction with the aforesaid, describing the main problems hindering their ability to cope, and analysing their additional need for assistance. From 2009 to 2010 the Ministry of Social Affairs ordered, with the support of the European Social Fund, a survey on the ability to cope and the needs of families with disabled children, in the framework of which the efficiency of various measures in improving the children's ability to cope was ascertained. The survey dealt with the availability and sufficiency of services supporting the development of children, and the needs of both parents and children in respect of various services and benefits. Furthermore, the survey mapped the situation and possibilities of families raising one or more disabled children and the assessment of the families on their situation and possibilities.

#### **6.1.8. Trainings for persons working with disabled children, and international cooperation**

##### **Information on the issues raised in paragraph 39 (f) of the Committee's previous concluding observations**

328. Several projects have been carried out to comply with the recommendation. From 2003 to 2006 an in-service training project "A student with special needs in a foreign language school" was carried out for teachers in basic schools where the language of instruction is Russian and for teachers in vocational schools. As a cooperation project between Denmark and the Võru County Government, students with special needs were provided with counselling services, and counsellors, school teachers, speech therapists and other support specialists were provided with training from 2004 to 2005. From 2002 to 2006 there were several projects of the European Agency for Special Needs and Inclusive Education, inter alia, concerning support to the transition of students with special educational needs from school to a working-life, concerning their early recognition, and assessment. In 2006 a steering committee for the Nordic countries and the Baltic states cooperation programme "Disabled children and their families" was established, and in the framework of the programme there have been conferences and events for providing information as well as smaller seminars and round tables. From 2005 to 2008, a project funded from the European Social Fund was carried out; the project was called PITRA — disabled persons onto the labour market with the development of the rehabilitation system, I and II.



## **6.2. Health and health care services (Article 24)**

### **6.2.1. Health insurance**

329. According to § 5 of the Health Insurance Act, an insured person is a permanent resident of Estonia or a person living in Estonia on the basis of a temporary residence permit or right of residence, for whom a payer of social tax must pay social tax or who pays social tax for themselves in accordance with the procedure, in the amounts and within the terms provided for in the Social Tax Act, or a person considered equal to such persons on the basis of a contract. The following persons for whom social tax is not paid are considered to be equal to insured persons: 1) pregnant women as of the 12<sup>th</sup> week of pregnancy; 2) persons under 19 years of age; 3) persons who receive a state pension granted in Estonia; 4) persons with up to five years left until attaining the retirement age who are maintained by their spouses who are insured persons; 5) students of up to 21 years of age acquiring basic education, students of up to 24 years of age acquiring general secondary education, students acquiring vocational education without the requirement of basic education, and higher education students who are permanent residents of Estonia and study in an educational institution in Estonia founded and operating on the basis of legislation or in an equivalent educational institution abroad.

### **6.2.2. Medical assistance**

330. According to § 5 of the Health Services Organisation Act, emergency care means health services which are provided by health care professionals in situations where postponement of care or failure to provide care may cause the death or permanent damage to the health of the person requiring care. Insured persons are guaranteed general medical care and special medical care funded by the Estonian Health Insurance Fund.

### **6.2.3. Health counselling and treatment without parental consent**

331. Provision of health care services is governed by the Law of Obligations Act, which entered into force in 2002, and according to its subsection 766 (3), a patient may be examined and health care services may be provided to him or her only with his or her consent. Pursuant to subsection (4) of the same section, in the case of a patient with restricted active legal capacity, the legal representative of the patient (parent, guardian or caregiver) has the above rights in so far as the patient is unable to consider the pros and cons responsibly. However, if the decision of the legal representative appears to damage the interests of the patient, the provider of health care services shall not comply with the decision. The patient shall be informed to a reasonable extent of his or her state of health, possible illnesses, dangers and decisions made. The legislator has left providers of health care services with extensive rights of discretion and the obligation to take into account, above all, the patient's own wishes based on his or her level of majority, and thereafter the wishes of the patient's legal representative provided they are not in conflict with the interests of the child. Subsection 766 (6) of the Law of Obligations Act provides that in the cases and to the extent provided by law, the consent of a patient or his or her legal representative is not required for the provision of health care services. Consent is not necessary if due to the patient's condition he or she poses a threat to himself or herself or others, and on the basis thereof the patient is provided with psychiatric help or treatment for communicable diseases pursuant to the procedure provided by law irrespective of the patient's wishes.

332. For the purposes of health counselling, children have the right to independently contact a provider of health care services to get general medical care. According to subsection 8 (3) of the Health Services Organisation Act, every citizen of the Republic of Estonia and alien staying in Estonia on the basis of a residence permit, who has health

insurance, has the right to register in the practice list of a family physician. The availability of health counselling is also guaranteed to children in schools.

#### **6.2.4. Development plan for the health of the population**

333. In July 2008, the Government of the Republic approved the development plan for the health of the population for 2009–2020, a strategic area of which is the safe and healthy development of children and young people. To prepare the development plan, working groups consisting of representatives of the target groups, ministries and the voluntary sector were established. The principles and courses of action of the development plan were introduced to the interest groups in the course of several information days. In a manner clearer than before, the development plan sets as a priority, *inter alia*, the prevention of injuries and mental health disorders of children and young people. The action plan to carry out the objectives set out in the development plan is prepared and implemented under the guidance of a working group. A report on the results of the development plan is submitted to the Government after every two years.

#### **6.2.5. Disease prevention and health promotion**

334. To discover children's health disorders early, all newborns are guaranteed phenylketonuria and hypothyreosis analyses in maternity hospitals; pregnant women who are at risk due to their age or whose screening test results are positive are offered an opportunity for prenatal diagnostics of congenital disorders and counselling. As of 2004 newborns undergo a hearing screening, the purpose of which is to prevent slow mental development caused by a late discovery of hearing disorders, and by which the threshold of hearing is determined by no later than the 3<sup>rd</sup> month of life and rehabilitation is started by no later than within the 6<sup>th</sup> month of life. By 2011 an inner ear implant had been given to 14 children whose hearing loss had been discovered by screening.

335. In 2010, the phenylketonuria and hypothyreosis analyses covered 99% of newborns and the hearing screening covered 99.7% of newborns. No tests are done on newborns whose parents are objecting it.

336. To assist in the prevention of dental diseases, training for dentists' nurses has been started, enabling them to provide practical guidance for children and parents concerning dental care.

#### **6.2.6. School health care**

337. 99% of all basic and general education schools were covered by the school health care services in 2010, and the services have also been guaranteed to students acquiring vocational education without basic education or on the basis of basic education. School health care services are funded by the Estonian Health Insurance Fund. The purpose of the provision of school health care services is to monitor the state of health of students, promote a healthy way of life among students, prevent risky health behaviour and falling ill, and facilitate the establishment of a healthy school environment in cooperation with the school staff.

#### **6.2.7. Health-promoting kindergarten, health-promoting school**

338. The programme of health-promoting schools and kindergartens is funded by the state. By the end of 2011, 33.6% of general education schools and 30.6% of kindergartens from every county had joined the network. The aim of the programme is to increase the capability of child care institutions in promoting good health. To this end, the staff of child care institutions which belong to the network, as well as of those which do not, are offered

trainings, and methodical materials are prepared and published. The body in charge of the programme is the National Institute for Health Development.

#### **6.2.8. Increasing health promotion awareness**

339. New basic school and upper secondary school state curricula were approved, and their main goal is to integrate discussing health-related issues in lessons of various subjects. The subject syllabus of personal education taught in basic school was renewed, and it now includes health promotion-related issues as well as prevention of risky behaviour. Health teams of kindergartens and schools are trained to carry out health promotion-related activities. School nurses are prepared to teach first aid in school, and a website introducing the provision of first aid is being prepared.

340. In 2011 the National Institute for Health Development organised the fifth cross-national research study Health Behaviour in School-aged Children, HBSC<sup>5</sup>, with a representative sample. On the basis of the data gathered, a collection of standard tables was prepared, reflecting the health behaviour of children 11, 13 and 15 years of age by different social and economic groups.

#### **6.2.9. Immunisation**

341. At the beginning of 2008 a new immunisation plan established by a directive of the Minister of Social Affairs entered into force, and pursuant to the plan, the state continues to fund the immunisation of children and young people against ten communicable diseases which can be avoided by vaccination: tuberculosis, hepatitis B, diphtheria, tetanus, pertussis, poliomyelitis, measles, rubella, mumps, and haemophilia B. Significant changes in the new immunisation plan consist of using contemporary complex vaccines. So the new immunisation plan includes an inactivated polio vaccine (IPV) to be injected instead of an oral polio vaccine (OPV) which contains so-called live viruses. The new immunisation plan also includes an acellular pertussis vaccine (Pa) instead of complex vaccines containing a whole-cell pertussis vaccine (Pw).

#### **6.2.10. Counselling of young people concerning reproductive health and the prevention of sexually transmitted diseases**

342. Youth-friendly counselling on sexual health, funded by the Estonian Health Insurance Fund, is offered to young people under 24 years of age by youth counselling centres of the Estonian Sexual Health Association which are active in every county. The Association also offers youth counselling services on the Internet at [www.amor.ee](http://www.amor.ee). HIV prevention has been constantly dealt with in schools for children with special needs. The Ministry of Education and Research supports HIV prevention projects based on the training method “from young people to young people” carried out in every county. As of 2006, HIV prevention work is carried out in Estonia according to the national HIV and AIDS prevention inter-sectoral strategy for 2006–2015. The national HIV and AIDS strategy is carried out under the leadership of the Government of the Republic. The general aim of the strategy is to achieve a steady decrease in the spread of HIV. The strategy includes the following areas of activity: prevention work among various target groups; HIV testing and counselling; prevention, treatment and welfare aimed at people who have HIV or AIDS; monitoring and evaluation; and development of human and organisational resources. Prevention work is targeted, inter alia, at young people and at preventing the spread of HIV from mother to child and at preventing sexually transmitted infections. Media campaigns

<sup>5</sup> Available at the address  
[http://www2.tai.ee/uuringud/Rahva\\_tervis/Eesti\\_kooliopilaste\\_tervisekaitumise\\_uuring\\_2007.pdf](http://www2.tai.ee/uuringud/Rahva_tervis/Eesti_kooliopilaste_tervisekaitumise_uuring_2007.pdf).

aimed at the public for preventing HIV and sexually transmitted diseases are organised on a regular basis.

#### **6.2.11. Prevention of tobacco consumption**

343. A nationwide competition “Smoke-free class” has been organised in schools as of 2002 with the aim of preventing or postponing smoking among children and young people, motivating students who smoke to give up the habit, and supporting non-smoking behaviour in other students.

#### **6.2.12. Healthy nutrition**

344. Activities aimed at children and young people are carried out in the framework of the national strategy for the prevention of cardiovascular diseases for 2005–2020. Within the framework of the strategy, nutrition recommendations and additional nutrition recommendations for pregnant and breastfeeding women were prepared from 2005 to 2007. A healthy nutrition campaign aimed at children was carried out from 2006 to 2010. The purpose of the campaign was to impart the wisdom to children that they should eat fruits and/or vegetables between breakfast, lunch and dinner. A poster and information materials introducing the principles of healthy nutrition through characters appealing to children were prepared within the framework of the campaign and they were used in larger grocery stores as well as disseminated to child care institutions; also a children’s book “Eat, don’t eat” (“Sööärasöö”) was issued. A website for the campaign was created at [www.toitumine.ee](http://www.toitumine.ee). Caterers servicing kindergartens and school dining halls are constantly trained. In 2006 a competition “The best school dining hall”, which has now become a tradition, took place for the first time and it is aimed at motivating and recognising caterers who offer children healthy and delicious food. New requirements established by a regulation of the Ministry of Social Affairs for catering in preschool child care institutions and in schools entered into force in September 2008. Their purpose is to provide children with balanced and healthy food. There are annual milk and bread days to introduce healthy nutrition, and children are guaranteed free milk at school.

345. In 2010 the Ministry of Social Affairs established an Estonian Committee for the Promotion of Breastfeeding, which comprises experts engaged in the health of infants.

#### **6.2.13. Promotion of mental health**

346. In 2010 several mental health promotion projects were carried out, for example a SEYLE project targeting children — a programme promoting the health of teen-aged school children in Europe, the general purpose of which is to improve the health of teenagers by decreasing risk and suicidal behaviour, to assess the efficiency of various prevention programmes, and to develop culture-wise adapted recommendations for applying programmes promoting the health of teenagers in European countries.

347. Within the framework of the Public Health programme carried out with the support of the Norwegian Financial Mechanisms from 2013 to 2016 it is planned to establish a Mental Health Centre within the Tallinn Children’s Hospital Foundation and to develop regional mental health centres.

#### **6.2.14. Prevention of injuries and poisonings**

348. In connection with the renewal of the health promotion requirements for preschool child care institutions in 2010, all preschool child care institutions are required to conduct a risk assessment and on the basis thereof to prepare an action plan for decreasing risks. The Government of the Republic regulations “Health Protection Requirements for the Land,

Buildings, Premises, Furnishings, Indoor Climate and Maintenance of Preschool Child Care Institutions” and “Health Protection Requirements for Schools” are being prepared.

349. To prevent poisonings and provide advice in case of poisonings people can call the number 16662. In the course of county-wide projects for the prevention of injuries, children and young people as well as teachers are provided with knowledge on safe behaviour in traffic and near bodies of water, fire safety and first aid. The number of cases of injuries and poisonings has fallen in 2010 compared to 2009.

350. At the time of the submission of the report, a task force for coordinating the policy on the prevention of deaths through injury is being established within the Government Office. The duty of the task force is to determine the existing goals of prevention of injuries and deaths through injury, to analyse how much has been covered by preventive activities regarding injuries and deaths through injury, and on the basis of the aforesaid, to propose additional goals and preventive activities. The task force also analyses the causes of injuries and proposes preventive activities and cooperation mechanisms between various authorities, and agrees on the exact duties and responsibility of ministries and authorities.

### 6.3 Standard of living (Article 27 (1)–(3))

351. To assess how well people on lower incomes are coping economically, two main indicators are applied in Estonia: the absolute and the relative poverty indicators. The absolute poverty threshold<sup>6</sup> determines the lower income level which enables people to cope in a specific environment. The relative poverty threshold<sup>7</sup> shows the uneven distribution of income among residents with lower income.

352. According to Statistics Estonia, in 2011<sup>8</sup> a person living in relative poverty was a person whose equalised monthly disposable income was less than 299 euros, and a person living in absolute poverty was a person whose equalised monthly disposable income was less than 186 euros. Unlike 2009 and 2010, the income of the residents increased in 2011.

353. Unlike 2010, the relative poverty rate of children decreased to 17% in 2011. Similarly to the years before the economic crisis the relative poverty rate of children was somewhat lower than the population indicator.

354. The absolute poverty rate of children 0–17 years of age increased from 7% in 2008 to 11.4% in 2010. In 2011 the absolute poverty rate of children decreased to 9.4%. Unlike the relative poverty indicator, the absolute poverty rate of children was higher than the corresponding population indicator both before and after the economic crisis. See the Annex, table 16: Relative and absolute poverty rate of children and the population, 2004–2011.

<sup>6</sup> The absolute poverty threshold, i.e. the minimum means of subsistence are calculated in Estonia on the basis of expenses, and the absolute poverty rate expresses the percentage of those households whose income per household member per month falls under the absolute poverty threshold in the case of equivalence scales 1:0.7:0.5. In calculating the absolute poverty threshold, three expense items are considered: food expenses, housing expenses and individual non-food expenses. The cost of food expenses is calculated based on the minimum food basket.

<sup>7</sup> In Estonia, like in the rest of the European Union Member States, the relative poverty threshold is 60% of the population income median in the case of equivalence scales 1:0.5:0.3.

<sup>8</sup> Statistics Estonia publishes relative poverty data based on the year of income, Eurostat based on the year of the survey.

355. Based on the absolute poverty threshold, absolute poverty strata<sup>9</sup> are also determined in Estonia. This shows the distribution of the percentage of children in the case of different poverty thresholds. 7.8% of children lived above the absolute poverty threshold but in so-called poverty risk in 2011. In 2011, 5.9% lived below the absolute poverty threshold, that is in direct poverty, and 3.5% in the so-called poverty endangering subsistence. See the Annex, table 17: Absolute poverty rate of children and the population by poverty thresholds, 2004–2011.

356. The relative poverty rate of all households with children was 16.2% in 2011, and the absolute poverty rate was 9%. As in many other European Union countries, households with children at the greatest poverty risk in Estonia are households with one parent, whose relative poverty rate was 33% in 2011, and households with three or more children, whose relative poverty rate decreased to 19.8% in 2011.

357. Similarly to relative poverty, the absolute poverty rate is also highest among households with one parent — 18.6% in 2011. The absolute poverty rate of households with three or more children is lower and was 13.6% in 2011.

358. There is comparable data about the European Union countries in respect of relative poverty indicators. Compared to other European Union countries, the relative poverty rate of children in Estonia in 2011 (17%) was lower than the European Union average (EU 27, 20.8%), according to Eurostat. Unlike Estonia, the relative poverty rate of children in most European Union countries was higher than that of the entire population. Whereas, in the European Union as a whole as well as in Estonia the relative poverty rate in various age groups of children differs somewhat and, as a whole, is lower in younger age groups.

359. According to an analysis of the European Commission regarding the poverty of children, the most important factor in the economic subsistence of families is the status of the parents on the labour market. Also in Estonia poverty endangers mostly those families where no members work or where work intensity is low. Out of those households with children where no one within the working age range was employed or where the workload was very low, 71.1% lived in relative poverty and 55.6% in absolute poverty in 2011. At the same time, the richest households in Estonia were the households with no children where work intensity was very high (all members within the working age range worked full time or nearly full time). Only 4.1% of such households lived in relative poverty in 2011. In connection with the increase in unemployment, the percentage of children in unemployed households increased from 6.8% in 2008 to 13.2% in 2010. In 2011 the percentage of children in non-working households decreased to 9%.

360. An important part in alleviating poverty is played by social transitions, including family benefits. If one looks at the relative poverty rate before and after social transitions (except for pensions), it can be said that social transitions decreased the relative poverty of children by 11.6 percentage points, i.e. 40.6% in 2011.

361. Social transitions, including family benefits, also decrease absolute poverty. In 2011, social transitions (except for pensions) decreased the absolute poverty of children by 11 percentage points, i.e. 53.9%.

### **6.3.1. State measures for decreasing poverty risk**

362. Since the main means for alleviating and preventing the poverty risk of families are employment and a steady income, it is important to offer services which support

<sup>9</sup> Poverty strata: direct poverty (up to 80% of the absolute poverty threshold); poverty endangering subsistence (81–100% of the absolute poverty threshold); poverty risk (101–125% of the absolute poverty threshold); outside poverty risk (above 125% of the absolute poverty threshold).

participation in the employment rate. Within the framework of the Estonian competitiveness plan “Estonia 2020”, there are plans to implement measures for the return to the labour market of mothers who have been staying at home with children. The purpose of the employment programme for 2012–2013 has been to prevent unemployment, shorten the duration of unemployment and help those people get a job who are having difficulties in this regard due to long-term unemployment or other special hindrances.

363. As of 2009, with the support of the European Social Fund (ESF), counselling services (debt, psychological, family and social counselling) are offered to people with special needs and their families, and as of 2011 there are also debt counselling centres operating with the support of the ESF. With the support of the ESF, four regional consultants are providing local government social workers with help in solving more complicated cases as of 2012. Through the case-by-case network cooperation of local governments, combined needs-based quality welfare services are offered with the purpose of increasing the ability to cope of people in difficulties and their families, alleviating various problems, and supporting the transfer of people within the working age range to active labour market services and maintaining their work or commencement of work.

364. In 2011 the Ministry of Social Affairs prepared recommended instructions regarding social services provided by local governments. A total of 12 instructions (including childcare services, social counselling services, debt counselling services, and support person services for children and adults) were prepared. The recommended instructions concerning social services aim to describe the minimum requirements for the provision of services.

365. Good education guarantees better possibilities for participation in the labour market. In developing preschool child care institutions and general education schools, the objective has been set to shape the all-round development of students and to establish a learning environment which ensures the uniform quality of education. To this end, modern curricula are prepared, acquisition of quality means of instruction is supported, and e-study possibilities are developed. A place in boarding school facilities is provided for families who are having difficulties in coping and whose domestic situation does not allow for their children to acquire an education. Students with special needs are provided with counselling to find them better employment and further education opportunities. For the acquisition of a vocational education, a modern learning environment which considers the needs of students and society is established, and the in-service training system of teachers is developed. A system for supporting students acquiring a vocational education is developed for students who come from backgrounds of economic hardship.

366. In 2014 the subsistence level rate is 90 euros per month for persons living alone or for the first member of the family, and 72 euros for the second and subsequent members of the family. A recipient of a subsistence benefit whose every family member is a minor has the right to additional social benefit of 15 euros in addition to the subsistence benefit.

367. Within the family benefits and services concept being prepared by the Ministry of Social Affairs, benefits and services offered to families are analysed for the purpose of increasing the cost efficiency of the measures and offering additional support to families at a greater poverty risk (families with one parent, families with many children, etc.). Actions are also based on the principle that the development of services must be centred around preventive activities which, on one hand, favour the employment of parents, and on the other hand, the welfare of children.

## **6.4. Social security, childcare services, and childcare institutions (Articles 26 and 18 (3))**

### **6.4.1. Social security**

368. As of 1 May 2004, when Estonia joined the European Union, the EU coordination rules are applicable to the Estonian social security scheme. Regulation (EEC) No 1408/71 of the Council of the European Communities on the application of social security schemes to employed persons and their families moving within the Community is applicable in the entire European Union, and it ensures that people maintain their earned rights of pension, recognition and aggregation of insurance periods, and export of benefits. The scope of application of the regulation covers pension for incapacity for work, old age pension, and survivor's pension, health insurance benefits, death grant, unemployment insurance benefits and family benefits. As of 1 May 2010, Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems is applicable instead of the above regulation and it includes the amended and updated rules of the previous regulation. Those coordination rules are applied to citizens, stateless persons and refugees moving within the EU.

### **6.4.2. Family benefits**

369. The family benefits scheme is governed by the State Family Benefits Act, which entered into force on 1 January 2002. The principles of grant and payment of family benefits have remained the same as described in the previous report. The amount of certain family benefits has been increased compared to the previous reporting period. Also, the list of family benefits specified in the previous report has been somewhat amended — parent's allowance for families with seven or more children and adoption allowance have been added. Furthermore, a person who is paid child care allowance has the right to receive additional child care allowance of 6.40 euros per month for each child of up to one year of age. The child allowance and child care allowance rate is established by the state budget for each budgetary year, and a new rate shall not be less than the rate in force. In the conditions of economic crisis, the universal family benefits scheme was retained with small cuts for 2008–2011, and the parental benefits scheme supporting having a work life and family life at the same time was also maintained. The child allowance rate was 9.59 euros in 2013. The child care allowance rate was 76.70 euros in 2013. The amount of the child allowance has increased, and it is paid for a first and second child at twice the child allowance rate (19.18 euros in 2013) and for a third and each subsequent child at eight times the child allowance rate (76.72 euros).

370. Childbirth allowance is a single state benefit paid in the case of the birth of a child. The childbirth allowance amounts to 320 euros and it is the same for every child born.

371. As of 1 September 2007, all children 16–19 years of age who are acquiring secondary education have the right to child allowance irrespective of their form of study or study load. In addition to children who are studying at a basic or upper secondary school or at a vocational educational institution on the basis of basic education, also those children who have no basic education but are studying at a vocational educational institution have the right to child allowance until they attain the age of 19 years. When a child attains the age of 19 years, allowance is paid until the end of the current academic year.

372. Child care allowance is paid to one parent raising a child up to 3 years of age or to a person using parental leave instead of the parent in the amount of one-half of the child care allowance rate for each child up to 3 years of age (38.35 euros in 2013). In a family raising a child up to 3 years of age and other children 3–8 years of age, one parent is paid monthly child care allowance in the rate of one-fourth of the child care allowance (19.18 euros in



2013) for every child 3–8 years of age. In a family raising three or more children where there are three or more children at least 3 years of age who receive child allowance, one parent is paid child care allowance in the rate of one-fourth of the child care allowance (19.18 euros in 2013) for every child 3–8 years of age. As of 2009, child care allowance is no longer paid for any child to a parent who is paid parental benefit on the basis of the Parental Benefits Act. The amount of child care allowance is 38.35 euros for a child up to 3 years of age and 19.18 euros for a child 3–8 years of age.

373. The amounts of single parent's child allowance, conscript's child allowance, and school allowance have remained the same compared to the previous reporting period. The amount of the single parent's child allowance is twice the child allowance rate (300 kroons in 2008, and 19.18 euros as of 2011), and the allowance is paid to a child whose birth registration or vital statistics data entered in the population register contains no entry concerning the father or an entry has been made on the basis of a statement by the mother or whose parent has been declared to be a fugitive pursuant to the procedure established by law and who meets the requirements provided for in subsection 5 (1) or (2) of this Act. The conscript's child allowance is paid at five times the child allowance rate (750 kroons in 2008, and 47.94 euros as of 2011).

374. During the reporting period, the foster care allowance has been increased, amounting to ten times the child allowance rate (3000 kroons as of 1 January 2008, and 191.80 euros as at 01.01.2014). The amount of the start in independent life allowance is forty times the child allowance rate (6000 kroons in 2008, and 383.60 euros as at 01.01.2014). As of 2007, start in independent life allowance is also paid to children in foster care.

375. During the reporting period, allowance was paid to families raising three or more children and to families raising triplets. The said allowance was paid in the last month of a quarter to a parent, guardian or caregiver who was raising at least three children receiving child allowance or triplets receiving child allowance. For a family with three children the allowance was twice the child allowance rate for every child (300 kroons a quarter for every child until 30 June 2007), for a family with four or more children, three times the child allowance rate for every child (450 kroons a quarter for every child until 30 June 2007), and for a family raising triplets nine times the child allowance rate per family (1350 kroons a quarter until 30 June 2007). The quarterly allowance was no longer paid as of 1 July 2007 and the child allowance was increased to 900 kroons per month from the third child in the family.

376. New types of allowance are parent's allowance for families with seven or more children and adoption allowance. The parent's allowance for families with seven or more children is a monthly state benefit paid to a parent, guardian or caregiver raising at least seven or more children who receive child allowance. The amount of the allowance has been 168.74 euros as of 2011.

377. The adoption allowance is a single benefit paid to an adoptive parent from whom the adopted child does not descend and who is not the child's step-parent, provided birth allowance has not been paid to the family for the same child. The amount of the adoption allowance is 320 euros.

378. As of 2009, school allowance is no longer paid under the State Family Benefits Act. The school allowance was an allowance in the amount of 450 kroons paid once a year at the beginning of the academic year.

379. Under the Maintenance Allowance Act, maintenance allowance is paid for a child whose parent does not comply with his or her maintenance obligation or does not comply to the extent required. Maintenance allowance is paid to a parent who has filed a maintenance claim with the court, and maintenance allowance is paid for 90 days during the court proceedings concerning the maintenance claim. Paid maintenance allowance is later

collected from the parent obligated to pay the allowance. The daily rate of maintenance allowance is one third of the child allowance rate (9.59 euros); therefore, maintenance allowance was paid in the amount of 3.20 euros per day as of 2011. Furthermore, several allowances are paid and services to children and families are offered by local governments.

#### **6.4.3. Parental benefit**

380. Family benefits also include a parental benefit, which is governed by the Parental Benefits Act which entered into force on 1 January 2004 and the purpose of which is to facilitate having a work life and family life at the same time. The parental benefit compensates for a parent's loss of income because the parent stops working on a temporary basis due to having to take care of a child. The persons entitled to the parental benefit are a parent, adoptive parent, step-parent, guardian or caregiver raising a child who are permanent residents of Estonia or who are aliens residing in Estonia on the basis of a temporary residence permit. As of 1 September 2007 the age limit according to which a child must be six months old for the father to receive the benefit no longer applies, making the rights of men and women equal in receiving the parental benefit. Fathers have the right to the parental benefit when the child is 70 days old. The age limit of 70 days is based on the fact that the pregnancy and maternity leave of working mothers lasts for 70 days before and 70 days after the birth and during such time only the mother is entitled to the birth maternity benefit. The parental benefit is paid after the end of the pregnancy and maternity leave.

381. If the mother is not working and she is not entitled to the birth maternity benefit, the parental benefit is paid as of the birth of a child. This guarantees the equal treatment of families where the mother was working before getting pregnant and where the future mother was not working. The payment of the parental benefit starts from the day following the last day of the period for which the birth maternity benefit was paid (pregnancy and maternity leave), and continues until the time when, together with the days for which the birth maternity benefit was paid, 435 days have passed.

382. The amount of the parental benefit is calculated on the basis of the average income of the applicant per calendar month of the previous calendar year. In general, the amount of the benefit per month is 100% of the recipient's average income subject to social tax per month of the previous calendar year. Income is considered to be income which is received from work in Estonia and which is subject to social tax. If social tax has been paid for the person by the state, it is not considered to be income received from work. In the case of the father, the parental benefit is calculated on the basis of income during the same period of time as in the case of the mother. During the time when the parental benefit is paid, a parent is not paid child care allowance for a child for whom the parental benefit is paid. Child allowance and other family benefits are paid at the same time with the parental benefit.

383. If a parent was not working during the year preceding the year when the right to the benefit arises, the parental benefit is paid to the extent of the minimum benefit, which was 278.02 euros in 2011 and 2012. The maximum parental benefit is three times the average wages of the year before the previous year; in 2011 the maximum benefit was 2156 euros and in 2012 it was 2143.41 euros. If a parent was working during the said year but his or her average income was lower than the minimum wage, the parental benefit is paid at the minimum wage rate.

384. In addition to valuing children, benefits aimed at families help to alleviate the poverty of children. An analysis "The effect of financial benefits aimed at families on the alleviation of poverty in Estonia" conducted by the Political Research Centre PRAXIS in 2007 showed that state family benefits, the parental benefit and income tax incentives (greater income tax return based on the number of children) together enabled the decrease from 2000 to 2007 of the percentage of children living below the relative poverty threshold

by almost a third (nearly 20,000 children), i.e. 8–10 percentage points. The benefits have reduced the poverty of families with multiple children the most, the effect has been somewhat lesser on families with a single parent. The benefit which is aimed at poor households the most is the allowance for families with three or more children, and it is followed by the single parent's child allowance, the child care allowance and the parental benefit.

#### **6.4.4. Benefits for disabled persons**

385. The amount of social benefits for disabled persons has changed compared to the previous reporting period. Disabled child allowance is paid monthly to a child with a moderate, severe or profound disability until the child attains 16 years of age. The allowance is intended for compensation for the additional expenses caused by the disability and for the activities prescribed in the rehabilitation plan: to a child with a moderate disability 270% of the social benefit rate (69.04 euros in 2012), and to a child with a severe or profound disability 315% of the social benefit rate (80.55 euros in 2012).

386. Disabled parent's allowance is paid monthly to a disabled person who is raising a child alone and with whom a written foster care contract has been entered into pursuant to the Social Welfare Act or to a disabled single parent or to a disabled step-parent who is raising a child alone or to a disabled guardian who is raising a child alone or to one of two disabled spouses raising a child of up to 16 years of age or a child of up to 19 years of age who is enrolled in a basic school or upper secondary school, or in formal vocational education at a vocational educational school or institution of professional higher education. The disabled parent's allowance amounts to 75% of the social benefit rate (19.18 euros in 2012).

387. Education allowance is paid monthly to a non-working disabled student who attends upper secondary school in years 10 to 12 or who attends a vocational school or institution or an institution of higher education, and who has additional expenses in relation to his or her studies as a result of the disability. Education allowance is not paid for July and August. Education allowance amounts to 25–100% of the social benefit rate and it is paid according to the actual additional expenses of the person (6.39–25.57 euros in 2012).

388. Rehabilitation allowance is paid to a disabled person between the ages of 16–65 years for the receipt of rehabilitation services from a provider of rehabilitation services registered in the register of economic activities. Rehabilitation allowance is paid to compensate partially for actual rehabilitation expenditure in an amount of up to 200% of the social benefit rate during a calendar year (51.14 euros in 2012).

389. Disabled students enrolled in university, whose physical or psychosocial condition prevents them from participating in the study process equally to others, are supported in receiving services necessary to decrease the hindrances caused by the disability. Allowance is paid based on the type and degree of the disability and the study load. Students have the possibility to apply twice an academic year, for a total of 10 months, allowance for support services which support the acquisition of higher education: use of a sign language interpreter in the studies (up to 510 euros per month), personal assistant services (up to 95 euros per month), making copies of study materials (up to 30 euros per month), and transport services (including social transport and taxi services for disabled persons) (up to 95 euros per month). In addition it is possible to apply for services which are compensated for on a one-time basis: involvement of an assistant teacher in classroom work, speech therapist services, purchase of special clothes and footwear, psychological counselling, and psychotherapy services. The annual budget of the support fund is approximately 150,000 euros.

#### 6.4.5. Childcare service

390. As of 01.01.2007, the Social Welfare Act includes child care services as a new type of social service. The new type of service was established on the basis of a project “Children taken care of, mothers at work” of the European Communities initiative EQUAL from 2005 to 2007, and with the help of the project the first 30 professional childcarers were trained and provided with work. At the same time as the project, a professional qualification system was also established. In 2005 the professional standard for a childcarer (childcarer II and III) was approved, a study programme based on the professional standard was prepared, and relevant trainings are organised.

391. Childcare service means a service supporting the ability of the legal representative or caregiver of a child to cope or work during the provision of which the care, development and safety of a child is guaranteed by a provider of childcare service instead of the persons specified above. The purpose of providing a regulatory framework for the childcare services is to increase the safety of children while they are being cared for by strangers. The Act provides for the requirements for the number of children that one childcarer is allowed to care for at the same time, for the premises where the services are provided, for the preparation of the childcarer, etc. Providers of childcare services must comply with the established requirements and hold an activity licence if the services are financed by the state or local government. If a parent buys the services from a service provider who does not hold an activity licence, the parent is required to assess for himself or herself whether the conditions of the services are suitable for his or her child. Childcare services are paid for mainly by the parent.

392. In 2007, the minimum requirements for childcare services were established in the Social Welfare Act in the interests of the safety of children, and the state started to gather statistics regarding childcare services. In 2007 the state paid a benefit of 165 euros per child per year for childcare services for a child with a severe or profound disability. As of 2008 the benefit is 371 euros per year. An application for a benefit for state-funded childcare services may be submitted to the local government where a trilateral contract between the parent, local government and service provider is concluded for the use of the services. The parents can choose a service provider and service format to their liking (in an institution or home of the child, daycare or 24-hour care, etc.). With the help of the European Social Fund, five projects were supported from 2010 to 2011, in the framework of which childcare services are offered to parents who wish to work. The childcare services are used more and more each year.

393. The development plan for children and families for 2012–2020 prescribes several activities which are aimed at the development of childcare services. There are plans to carry out activities to establish children’s (including children with special needs and disabilities) daycare providers and to improve the availability of the service, to improve the quality of daycare, and to gather and systematise information to get an overview of offers for and needs of children’s daycare.

394. See the Annex, table 15: Children who have received childcare services (2008–2011).

## **7. Education, leisure and cultural activities (Articles 28, 29 and 31)**

### **7.1. Education, including vocational training (Article 28)**

#### **7.1.1. Pre-school education**

395. The education of children in Estonia starts with pre-school education, the purpose of which is to support the individuality and creativity of children, to allow them to study through playing, and to create the preconditions for success in everyday life and school. The welfare and development of children prior to starting school is the responsibility of their family who, if necessary, may apply for a place in a pre-school child care institution, either municipal or private, for the provision of a pre-school education or childcare services. A rural municipality or city government shall provide all children from eighteen months to seven years of age whose residence is in the administrative territory of the given rural municipality or city and whose parents so wish with the opportunity to attend a pre-school institution in the catchment area (subsection 10 (1) of the Pre-school Child Care Institutions Act). Pre-school children are guaranteed health insurance and thereby general and special medical care. Preventive medical examination of children on a regular basis, in the course of which the physical and mental development of children is assessed, lies within the responsibility of family physicians, family nurses and health care professionals. Early discovery and supporting of special needs of children within the framework of pre-school education is important for the prevention of further educational, social and health problems and for decreasing the number of students dropping out of school. The number of positions of support specialists (speech therapists and special educators) has increased in pre-school child care institutions by 9% from 2008 to 2012; such positions have been created in 64% of pre-school child care institutions. Furthermore, regional counselling centres provide counselling to parents, teachers and local government specialists in special educational, psychological and social education issues.

396. According to the framework documents of the Commission of Europe, the quality and availability of pre-school education and child care services are important for achieving the EU 2020 goals in respect of decreasing the number of students dropping out of school as well as decreasing poverty. Based on the Lisbon strategy, Estonia has a goal according to which 95% of all children between 4 years of age and the age when they have to start school would participate in pre-school education by 2020. From 2008 to 2012 the possibilities for children to acquire a pre-school education in kindergarten have improved. The participation in pre-school education of children between 4 years of age and the age when they have to start school (98%) is above the EU average (92%), and compared to 2008 it has increased by 2% and the number of children has increased by nearly 5000 children. During the last five years, Estonia has supported local governments in creating new places in kindergartens and in renovating kindergartens to the extent of 49 million euros out of the funds of the EU Structural Funds. Pre-school education expenses in Estonia amount to 1.03% of the GDP, which is very close to its equivalent in the Nordic countries.

397. There are 644 pre-school child care institutions and 295 child care institutions in Estonia (2012/2013 data from the Estonian Education Information System and the Ministry of Social Affairs). 85% of children 18 months to 3 years of age participate in pre-school education and childcare, and 98% of children 4–6 years of age participate in pre-school education, a total of 69,605 children. The national curriculum for pre-school child care institutions (2009) favours the application of methods of active study based on the child: Step by Step, Montessori, Waldorf, Reggio Emilia, language immersion, discovery learning, and outdoor learning. Children whose home language is other than Estonian have

the possibility for state-funded Estonian language study as of the age of 3 years, and also methods for teaching a foreign language to Estonian children before starting school are being developed.

398. Great attention in Estonian kindergartens is paid to education in social values, including supporting the welfare and safety of children and preventing bullying, thereby favouring tolerance, consideration, respect and courage in children and families. From 2010 to 2014 the Ministry of Education and Research will support a cooperation project “Kindergarten without bullying” promoted by the Danish Save the Children and the Estonian Union for Child Welfare, which half of the Estonian kindergartens have joined as of today. Health behaviour and the health education of children are important issues in the educational activities of kindergartens; one-third of Estonian kindergartens belong to the network of Health-promoting Kindergartens. On the basis of the OECD overview “Starting Strong III: A Quality Toolbox for Early Childhood Education and Care” published in 2012 it can be said that compared to the OECD countries’ average, there are less children per adults in Estonian kindergarten groups; the indicator 1:8 is based on the number of employees working in a child care institution group (3 employees in a group in Estonia) and on the maximum number of children in a group (24 children at most in a group in Estonia).

399. In cooperation with stakeholder groups, the Ministry of Education and Research is preparing a pre-school education development concept for 2014–2020 to improve the availability and quality of pre-school education. It is important to develop the legislation concerning pre-school education to specify the funding of pre-school education, the liability of local governments, and the establishment of flexible formats for pre-school education and child care based on the needs of children and families. To improve the quality it is important to develop over the coming years teacher education, means of study (including digital), early language studies for children, and the system for early discovery and supporting of special needs of children.

#### **Information on the issues raised in paragraph 43 (c) of the Committee’s previous concluding observations**

##### **7.1.2. Compulsory school attendance**

400. A child shall attend school if he or she will have attained 7 years of age by 1 October of the year in question. A student shall attend school until such time as he or she has acquired basic education or attained 17 years of age. The procedure for the performance of the obligation to attend school and for keeping records of children of school age shall be regulated by legislation. Children of citizens of foreign states and of persons with undetermined citizenship who reside in Estonia, except children of representatives of foreign states, are subject to the obligation to attend school (§ 8 of the Education Act). The duty to attend school is not deemed as fulfilled if a person subject to the duty to attend school has not been enrolled in any school or is absent from studies without a good reason.

401. A new Basic Schools and Upper Secondary Schools Act entered into force on 01.09.2010, setting out several provisions which specify the duties of various parties (parent, school, and local government) for securing the fulfilment of the duty to attend school. According to the Act, a parent must enable and facilitate the performance of the duty to attend school, create conditions facilitating learning at home and the prerequisites for participation in studies for a student subject to the duty to attend school, and cooperate with the school. In the case of problems which prevent the performance of the duty to attend school, a parent is required to take measures offered by the school or local government, and where necessary, request that the school or local government take measures of ensuring the performance of the duty to attend school.

402. If a parent fails to perform the above duties, the local government will take the required measures to protect the rights of the child. A parent will be punished by a fine of up to 200 fine units (approx. 800 euros) if their child who is subject to the duty to attend school has not been enrolled in any school or has been absent for more than 20 per cent of the lessons during a quarter of the academic year without a reason. A parent will not be punished if they have applied to the school or local government for measures ensuring the performance of the duty to attend school, consent to the application of the measures to be taken and actively participate in their application. Reasoned, relevant and proportional support measures may be taken and sanctions may be imposed with regard to a student with the aim of influencing students to abide by the internal rules of the school, respect others and perform the duty to attend school.

### **7.1.3. Alternative options for acquiring education**

403. By a recommendation of the counselling committee and with the approval of a parent, one-to-one teaching is applied to the student who due to their health status requires constant supervision or assistance at school. Due to the health status, the duty to attend school may also be performed by way of home educating. Hospitalised children are subject to in-hospital teaching. The school may consider studies or activities falling outside the school's curriculum, including studies in another general education school, as part of the teaching carried out by the school, provided that it allows the student to achieve the learning outcomes specified in the school curriculum or in the student's individual curriculum.

404. Persons 17 years of age and older (in exceptional cases also younger persons by a recommendation of the counselling committee) may acquire basic and secondary education by way of non-stationary studies. Weekly workload is 24 hours. Single subjects can also be studied in the non-stationary studies. The workload of a student studying single subjects is laid down for each academic year in an individual curriculum. Students also have the possibility to graduate from basic or upper secondary school as external students.

405. Problems related to the drop-out rate are addressed on the basis of the Estonian Education Information System, which includes information concerning every student. Information contained in the Estonian Education Information System is analysed case-by-case, and indicators related to dropping out and terminating studies are gathered by the level of studies and age.

406. The number of students who discontinue their studies at the age of compulsory school attendance has been constantly decreasing in Estonia in recent years. If during the academic year 2005/2006 over 900 children under the obligation to attend school (0.7% of students) terminated their studies in basic school, then during the academic year 2011/2012 the corresponding indicator was 0.2%, i.e. 279 students. 192 of them were enrolled in stationary studies and 69 in non-stationary studies. In the third level of studies the highest percentage of drop-outs is among the boys, amounting to 0.8%. The percentage of drop-outs in the stationary studies in upper secondary school has remained around 1% in recent years; during the academic year 2011/2012, 359 students (1.4%) dropped out from upper secondary school. To obtain information regarding how much does each termination of studies cost the Estonian state and society and what is the difference between costs related to termination of studies and costs related to measures taken to prevent termination of studies, a study "Costs of failed studies in Estonia" was conducted from 2010 to 2011.

#### **7.1.4. Repetition of grade and dropping out of school**

##### **Information on the issues raised in paragraph 43 (a) of the Committee's previous concluding observations**

407. Qualitative information concerning the non-performance of the obligation to attend school and repetition of grade has been gathered and analysed in the course of state supervision. Measures related to the performance of the obligation to attend school have been a priority of state supervision for several years. In 2003 the Department of Supervision of the Ministry of Education and Research organised state supervision to get an overview of absences from school with and without a reason. It has served as a basis for developing further measures and for implementing them upon ensuring the performance of the obligation to attend school. In the course of supervision from 2004 to 2005 also the performance of the obligation to attend school and keeping track of absences from school were dealt with. Within the academic year 2005/2006, the priority of state supervision over general education was the provision of support to students who had got insufficient marks within a quarter of the academic year and the implementation of support systems and the application of home educating.

408. As of 2005 a grade is allowed to be repeated only in exceptional cases; no repetition is allowed for students studying according to the simplified national curriculum (students with mild learning difficulties) and students with moderate learning difficulties and students studying in upper secondary school. Furthermore, students must have the opportunity to retake a test if their oral, written or practical test has been marked as "fail" or "weak". If an individual curriculum has been prepared for a student, the specifications provided by the individual curriculum are taken into account when giving a mark. The students and their parents must be informed of the assessment procedure and the bases for assessment, and the aforesaid must also be made available on the school's website.

409. In Estonia several studies have been conducted in connection with the problems related to the performance of the obligation to attend school, and also the National Audit Office conducted corresponding audits in 2002 and 2006. A study conducted from 2009 to 2012 as part of the project "Prevention of dropping out of school through increasing the students' ability to cope socially" pointed out as a problem that children at risk often come from families with a single parent, their domestic situation is not balanced, they experience frequent domestic disputes, and at the home of nearly half of the children at risk there were drinking binges from time to time, and the parents have little time for their children.

##### **Information on the issues raised in paragraph 43 (b) of the Committee's previous concluding observations**

410. Pursuant to law, when teaching a student, a school may change or adjust the time, contents, process and environment of study. If the changes or adjustments substantially increase or decrease the weekly workload or intensity of studies in comparison with the school curriculum or reduce or replace the learning outcomes provided for in the national curricula, an individual curriculum will be drawn up for the student. If the individual curriculum drawn up for a student with special educational needs lays down reduction or replacement of the learning outcomes provided for in the national curriculum or the release from learning a compulsory subject, the individual curriculum may be implemented on the basis of a recommendation of the counselling committee. All students with moderate or severe learning difficulties study according to an individual curriculum. The student or their parent and, where necessary, teachers and support specialists will be involved in drawing up an individual curriculum.

411. On the basis of the Basic Schools and Upper Secondary Schools Act, teachers observe the development and ability to cope of students at school and, where necessary,



adjust studies according to the needs of students. For the purpose of developing the abilities and talents of students, their individual study needs will be identified, suitable teaching methods will be chosen and, where necessary, differentiated teaching will be carried out. Schools will provide students who temporarily fall behind in attaining the presumable learning outcomes with additional pedagogical guidance outside lessons. Students will be provided with the services of support specialists — a special education teacher, psychologist and social educator. The owners of the schools will create and the heads of school will organise the opportunities for implementation of the services of support specialists. Within the framework of the strategy for using state structural funds for 2007–2013, 18 support centres (study counselling centres) servicing the educational institutions in the corresponding region have been established in every county and also in larger cities, and for the purposes of discovering early the special needs of children regarding their development and supporting their individual development, the centres provide psychological, special educational and social counselling services as well as the services of a speech therapist for children, young people, parents, teachers in educational institutions, specialists and local government officials, and they also provide remedial instruction.

412. Every general education school is required to inform the students of their possibilities for further education and of the general tendencies on the labour market as well as ensure the availability of career services (career study, career information, or career counselling). In providing career services, schools are supported by youth information centres, which usually work in cooperation with study counselling centres.

#### **7.1.5. PISA test results in 2012**

413. The focus of PISA 2012 was on mathematics, and also reading and natural science. The Estonian basic school students are some of the best in the world and at the absolute top in Europe. The results have improved compared to 2006 as well as 2009. For example, in the natural science section Estonia shares 1<sup>st</sup> and 2<sup>nd</sup> place with Finland in Europe. The level of the Estonian basic education is very high, and the development of less capable students is well-supported. Out of the European countries, the number of young people 15 years of age who have low capabilities is the lowest in Estonia. There is no educational stratification in Estonia, the educational system is uniform and egalitarian. See the Annex, table 20: Ranking of Estonia in PISA tests by average results.

#### **7.1.6. Boarding school programme**

414. The national boarding school programme was initiated in 2002 and it includes boarding schools established within municipal and private schools as well as state-funded places in the boarding schools, which are intended for children from families who have difficulties in coping, mostly for children whose family is not able to support them in the performance of the obligation to attend school and who lack the necessary conditions for studying at home. More than 40 boarding schools have been set up within the framework of the programme. As of 2011, the maintenance of nearly 700 students in boarding schools is supported with 2000 euros per year from the state budget within the framework of the boarding school programme. The money is allocated to the owner of the school for each student and the total amount covers, to the extent proportional to the number of children, the costs of managing the boarding school, meal expenses of students, personnel costs of the boarding school, and according to the school's capabilities, also the expenses related to activities which support the development of the students (for example, hobby groups). Every year the boarding school programme receives from the state budget approximately 1.34 million euros.

### **7.1.7. Free school meal and learning materials**

415. As of 2002 free school lunch was guaranteed to students in grades 1–4, but as of January 2006 basic schools receive allocations from the state budget to pay for school meals until the end of the basic school, thanks to which every student in basic school gets a free hot meal within the school meal programme. Free school milk and school fruit programmes have been implemented in pre-school child care institutions and general education schools. As of 1 September 2007, the owners of schools receive from the state budget allocations which enable them to guarantee to students acquiring basic education free textbooks, exercise-books, workbooks, worksheets and other learning materials necessary for completing the curriculum (previously it was all financed by the parents), and students in upper secondary schools are guaranteed textbooks free of charge. In 2010 local governments were allocated over 5 million euros for purchasing learning materials, and over 8 million euros in 2011.

## **7.2. Objectives of education (Article 29)**

### **7.2.1. Development plan for the general education system for 2007–2013**

416. According to the development plan for the general education system developed by the Ministry of Education and Research, the general education system is open and flexible, it is able to react to the changing demands of society and individuals, and it is open for international cooperation. Access to studies and performance of educational obligations is guaranteed through the existence of available places in schools and through individualising support systems and studies; the availability of quality studies is not dependent on age, ethnic origin, place of residence, socio-economic background, health or special educational needs. The development plan prescribes a high quality of studies thanks to competent teachers, a modern curriculum and study environment, professional leadership and an appropriate quality assessment system. Teacher training (including in-service training) ensures the professional development of teachers throughout their career; the wage system supports the high reputation of the profession of teacher. According to the development plan, educational institutions are centred around the child/student. To support the education of every student, the varied needs and capabilities of students are taken into account in the organisation of studies and in the development of the content of studies. There are operational information and counselling systems, and necessary support systems have been established for students who have special educational needs. For those who have dropped out of school there are possibilities for continuing their studies. Transitions from kindergarten to school and from one level of education to the next are smooth, the organisation of studies enables a flexible transition from upper secondary school to vocational school and vice versa, and it is possible to take into account non-formal education.

417. The lifelong studies strategy 2020, where the strategic goals of general education in coordination with vocational and higher education are specified for 2014–2020, is being prepared.

### **7.2.2. Reduction of school violence**

#### **Information on the issues raised in paragraph 43 (e) of the Committee's previous concluding observations**

418. From 2008 to 2013 a new Basic Schools and Upper Secondary Schools Act was passed and new national curricula were approved. According to the Act, in every school it is agreed upon how situations intervening with the welfare and safety of the school family are prevented, which formats of cooperation have been established for ensuring safety, how

is the liability divided in resolving situations, and how is information communicated. An emergency response plan is also prepared in every school. In the course of the preparation a review is undertaken of the kind of actions required in various emergencies and in less important cases which hinder the everyday work of the school. For such a purpose, a handbook and other materials for teachers have been prepared and various trainings have been carried out under the leadership of the Rocca al Mare school and Veskimõldre kindergarten and in cooperation with the Ministry of Education and Research, the Rescue Board, the Explosive Ordnance Disposal Centre, the Police and Border Guard Board, the Association of Estonian Cities and the Association of Municipalities of Estonia.

419. The Act now provides for the right of educators to apply measures for guiding students. The Act provides that the measures must be relevant and proportional, and sets out a sample list which every school can adapt according to its needs. Methodical materials “It’s good together” and “Little benefactor — together we will learn to do good” have been prepared for teachers under the leadership of the Children’s Fund of the Tartu University Hospital to help students become more aware of their behaviour, to guide them to knowingly monitor their behaviour, and to pay attention to the values expressed through behaviour.

420. More attention is being paid to inappropriate upbringing. Within the framework of a programme “Values development of Estonian society 2009–2013” headed by the Centre for Ethics of the University of Tartu, a value game has been developed that provides methods to help in the analyses of everyday situations encountered in schools and several collections of reference materials have been prepared. The cooperation project “School without bullying” of the Danish Save the Children and the Estonian Union for Child Welfare, which is supported by the Ministry of Education and Research from 2010 to 2013, has been adapted to suit the first level of school. In 2013 it will also be implemented in every county at the school level. The emphasis of the new national curricula on formative assessment and the development of general competence, and the increased use of problem-based, exploratory, outdoor learning and language immersion methods and other methods activating students facilitate the establishment of a calm and friendly communication environment.

#### 7.2.2.1. *Projects*

421. In 2001 the Union for Child Welfare commenced prevention and information work against school violence and bullying through a project “No to violence”. Basic school students were involved in the activities by forming project teams with the help of an adult instructor which started anti-violence activities in schools. The project has turned into a programme, the purpose of which is to inform the public of the nature and spread of school violence and bullying directed against children, and of the possibilities to prevent it and intervene in it. The programme “No to violence” includes sub-projects, sub-programmes and other activities aimed at different target groups, for example, a project “Combat against school bullying” and “School peace programme”. Various prevention and intervention methods regarding school violence and school bullying are being promoted, for example, the joint problem method, or social theatre methods. Seminars, trainings and conferences are being organised and various information materials are being published. There are also campaigns, competitions and other events aimed at the public. Developing a good relationship between students and teachers and improving communication skills are being focused on. Learning personal skills that open up possibilities for coping is also important.

422. In 1999 under the leadership of the Estonian Youth Work Centre the following programmes were initiated: *Tugiõpilaste Oma Ring Eestis* (TORE) (Support Students’ Own Circle in Estonia) in cooperation with NGO Youth Association, Eesti 4H in cooperation with NGO Youth Association, and “School peace programme” in cooperation with the

Estonian School Student Councils' Union. During the subsequent years, the following bodies joined the programme through various activities: Estonian Police, Union for Child Welfare, Estonian Guides Association, Young Eagles, European Young People, UNICEF, Estonian Neighbourhood Watch, and Estonian National Youth Council. As of 2008 the school peace programme is being led by the Union for Child Welfare. The number of cooperation partners as well as the number of schools which have joined the programme has increased, a total of 60 general education schools have joined the programme already. The school peace programme supports the school's own initiative in solving problems arising from the school environment, promoting a jovial and safe school environment where everybody likes to be. The programme is aimed at students, teachers and the rest of the school staff, but also at parents and various stakeholders related to the school environment. The website of the programme can be found at [www.koolirahu.eu](http://www.koolirahu.eu). The programme "Kindergarten free of bullying" initiated by the Union for Child Welfare started out as a test project in ten Estonian kindergartens in 2010. Now there are 43 kindergartens which have joined the programme, involving 84 kindergarten groups with 2016 children. By the end of 2012 there was one kindergarten in every county and 8 kindergartens in Tallinn which served as methodology centres in order to be prepared for the general spread of the "Kindergarten free of bullying" project all over Estonia during 2013–2014. The establishment of a behavioural culture free of bullying among kindergarten children is also important for preventing subsequent school violence. In 2013 the programme methodology was adapted to suit the first level of school, and during the academic year 2013/2014 the pilot project "School free of bullying" is launched in every county, in a total of 23 schools within the first school level.

423. Under the leadership of the No Bullying Foundation, the KiVa programme developed by the scientists of the University of Turku (Finland) was launched in 20 Estonian schools in 2013.

#### 7.2.2.2. *Amendments to the Basic Schools and Upper Secondary Schools Act*

424. For the purpose of establishing a safe study environment in general education schools and for preventing and decreasing school violence, the following amendments have been made to the Basic Schools and Upper Secondary Schools Act: 1) as of the second level school, special classes may be formed for students with educational problems acquiring basic education; 2) the upper limit of the size of the class has been set — up to 24 students (but this limit may be increased by a decision of the board of trustees of the school which comprises representatives of the parents and community); 3) the obligations of the school in ensuring the mental and physical safety have been specified; 4) developmental conversations have been made compulsory; 5) internal evaluation of the school has been made compulsory. The following regulations of the Minister of Education and Research have been amended or drawn up: 1) the conditions of and procedure for the formation of classes for students with educational problems; 2) the conditions of and procedure for conducting a developmental conversation; 3) the bases for, conditions of and procedure for assessment of students, transfer of students to the next class and requirement to repeat the grade; 4) the procedure for drawing up and carrying out individual curricula. Also financing has been increased to implement necessary support systems in schools.

#### 7.2.3. **Small schools**

##### **Information on the issues raised in paragraph 43 (g) of the Committee's previous concluding observations**

425. The new general education financing model, which was implemented in January 2008, supports the preservation of an elementary school near home, and in financing small

schools, schools on islands and basic schools, it considers the costs necessary to carry out a curriculum, and thereby the new financing model ensures an education of equal level.

### **7.3. Leisure, recreation and cultural activities (Article 31)**

426. See clause 3.3.1 for the participation of children in decision-making processes.

427. The planning of youth work and youth policy at the national level is headed by the Ministry of Education and Research, and the implementation thereof is headed by the Estonian Youth Work Centre. The achievement of goals is based on the youth work strategy for 2006–2013. The programmes which have been implemented for achieving the goals of the youth work strategy and which are constantly being carried out are the following: 1) provision of support to youth associations; 2) provision of support to youth participation councils; 3) open youth centres programme; 4) provision of information to young people and development of counselling centres; 5) healing and developmental holiday programme for young people (provision of support to youth and project camps); 6) provision of support to juvenile committees; 7) project competition “Varaait” (“Storehouse”) for the acquisition of means necessary for the activities of youth centres and hobby schools; 8) programme for young people’s groups.

428. The state supports youth associations with at least 500 members, two-thirds of whom are young people aged 7–26 years, which are active in at least one-third of the counties.

429. In addition to national programmes and projects, Estonia also participates in the EU youth programme “Youth in action” and uses the resources of the European Social Fund (ESF) and the European Regional Development Fund (ERDF) for developing the quality of youth work (trainings, quality assessment, and monitoring system) and for improving the availability thereof (renovation of youth centres and hobby schools). To describe the vocation of a youth worker and to grant a person the said vocation, the professional standard for a youth worker has been prepared.

430. Information concerning participation in hobby education is based on the Estonian Education Information System. Over 400 hobby schools have registered their curricula in the Estonian Education Information System. The system gathers information only on those hobby schools where recreation activities correspond to the hobby education standard and where studies are conducted according to a curriculum. On the basis of the information contained in the Estonian Education Information System, participation in hobby education has increased in every age group over the last three years, and during the academic year 2011/2012, 57 534 young people aged 7–26 years participated in hobby education, that is 17.9% of young people in that age group. The participation rate is higher in larger cities (Tallinn, Tartu, Narva, Pärnu) probably due to there being more hobby schools. The number of persons interested in hobby education has increased the most in sports, while numbers have decreased in the areas of technology, nature and general culture.

431. Based on the results of a survey carried out concerning participation in youth work it may be presumed that about 11% of young people aged 7–26 years participate in youth associations (remains within the confidence limits 5.4% (lower) and 25.6% (upper) which reflect the extent of a possible error). The calculation is based on the percentage of the answers of those young people who had participated in the activities, events and meetings of youth associations during the last three years — a few times a month, once or twice a week, over 3 times a week. The number of youth work agencies has increased, mostly due to the increased number of youth centres and hobby schools.

432. The recreation activities of young people in the field of culture and sports as well as the stimulation of all-round creativity of young people is one of the main priorities of the

Ministry of Culture. Domestic cooperation in this field is generally good and the main problems in carrying out ideas are often related to funding. At present, the main focus is on continuing with the programmes which have already been initiated. As of 2003 several programmes have been carried out for developing and supporting the culture-related activities of young people. Publication of children's books by Estonian authors and magazines aimed at children is also supported. The programme "Let the child read" aims to unite children and books from birth. The state gives every new child a book which is suitable for children of every age up to the time when they start school; the book contains the most valuable stories of Estonian children's literature. The purpose of the "National programme for schools operating in manors" is to develop schools and child care institutions operating in former manors into local education and culture centres. In 2012 the Ministry of Culture supported from its sports budget the basic swimming programme (to continue to support the mandatory basic swimming lessons established in the physical education curriculum for the first level of school) and the youth sports support programme (to support sports clubs, sports schools and sports unions for efficient work done with young people). For statistics concerning sporting habits of children see the Annex, table 18.

433. Estonia has a wide network of national libraries which includes 552 libraries, and in addition there are school libraries which also serve young readers. Libraries can be used free of charge. There is also the Estonian Children's Literature Information Centre in Tallinn, which organises events to introduce children's literature to children, their parents and teachers.

434. The State Concert Institute, Eesti Kontsert, leads a series of school concerts which includes classical music, jazz, folk music and pop music and which has been received very well. Choral song is also very important in the musical education of children. 776 children's and youth choirs participated in the XI Youth Song and Dance Festival in 2011, there were 23,820 singers, 430 dance groups and 6749 dancers. A total of 33,834 young singers, dancers, musicians and gymnasts took part in that festival. In the field of theatre there applies a good practice guideline that state-funded performance establishments have in their repertory at least two children's plays which are performed on a regular basis and also as guest performances in other cities and county centres. The state is supporting this through the programme "Theatre in the country", compensating for the travel expenses incurred by theatres in connection with giving performances. In 2012 Estonian theatres gave 1610 performances for children and young people, and 335,646 people went to see them.

### **7.3.1. Open youth centres programme**

435. Open youth centres continue to be important establishments in Estonia for the organisation of regional youth work, and they operate on the basis of the open youth work method and are open to every young person who wishes to go there. On the basis of reports from a project competition organised by the national support programme for open youth centres, a total of 210 open youth centres were operating in Estonia in 2010 and 2011 and 227 open youth centres in 2012. Funds from the state budget were allocated to the activities of open youth centres to the extent of 4,008,247 kroons in 2010. 225,225 euros of the entire amount of money for the programme were given to projects carried out by youth centres in 2011 and 229,598 euros in 2012. To improve the competitiveness of young people on the labour market and to decrease social exclusion, the activities of youth centres are supported within the framework of the ESF programme "Development of the quality of youth work" for three years (2010–2013) for carrying out and coordinating activities, and the support amounts to 1,020,490 euros, which means 340,163 euros per year on average.

### **7.3.2. Youth and project camps programme**

436. The number of young people who participate in camps has remained steady at around 30,000 over recent years irrespective of the fact that the number of young people is decreasing in Estonia. The monetary support provided by the Ministry of Education and Research has somewhat increased over the years: if in 2010 a total of 733,194 euros were given for the project “Healing and developmental holidays for young people”, then in 2012 the project received 827,874 euros. Within the framework of the project, young people who come from families with lesser means and young people who live in social welfare institutions have the possibility to participate in camps free of charge. Interest in social vouchers has decreased over recent years, and the main reasons are that the economic capabilities of families have somewhat improved after the economic crisis and that the number of children has decreased. If in 2010 a total of 2287 social vouchers were funded, then in 2012 a total of 2185 vouchers were issued. The number of camps has remained steady over the years. In 2010 there were 26 and in 2012 there were 25 permanent youth camps which held an activity licence issued by the Ministry of Education and Research, and there were 77 and 62 project camps, respectively. Every year service satisfaction surveys are conducted to consider proposals made by young people to diversify the activities carried out in camps.

### **7.3.3. Long day schools project**

437. In 2007 a state-funded long day schools project was initiated (nearly 646,830 euros per year), providing children with even greater options for recreation activities and prolonging the time when children are supervised and carry out supervised activities until the end of their parents working day (6–7 p.m.). Also various recreation activities are offered and outings as well as visits to cultural institutions are organised. If necessary, students are provided with remedial instruction and also meals. In 2007, 54 schools received support, as a result of which the number of children participating in the long day work in those schools increased by 65%. In 2008 resources were allocated to 59 schools. Unfortunately, under the conditions of the economic depression it has not been possible to continue with the project. At present, long day groups are funded from the budget of local governments and some of the expenses are covered by the parents (meals). In 2013/2014, long day groups were operating within 61% of general education schools which include the basic school level (289 schools).

## **8. Special protection measures**

### **8.1. Children in refugee status (Article 22)**

438. A total of nine unaccompanied minors applied for asylum in Estonia from 2009 to 2013. A total of 28 children with parents applied for asylum during the same period of time.

#### **8.1.1. Act on Granting International Protection to Aliens**

439. The Act on Granting International Protection to Aliens (AGIPA) entered into force on 01.07.2006. The AGIPA regulates the bases for granting international protection to an alien, the legal status of an alien who is applying for international protection and of an alien who has been granted international protection and the legal bases for his or her temporary stay, residence and employment in Estonia on the basis of treaties and the legislation of the European Union. International protection includes refugee status, supplementary protection status as well as temporary protection.

440. The AGIPA includes separate provisions for the processing and receipt of applications for asylum submitted by unaccompanied minors. Pursuant to the currently applicable regulatory framework, an unaccompanied minor alien is an alien less than 18 years of age who arrives or has arrived in Estonia without a parent, guardian or other responsible adult person or who loses a parent, guardian or other responsible person while staying in Estonia. § 17 of the AGIPA provides for specifications of asylum application proceedings involving unaccompanied minor applicants and adult applicants with restricted active legal capacity. In performing procedural acts, the rights and interests of the minor shall be taken into consideration above all. Where necessary, a person with relevant professional expertise (for example, educator, psychologist, or social worker, etc.) shall be involved in the performance of procedural acts involving minors. An unaccompanied minor may perform the acts provided by law independently, if he or she is likely to become of age before the Police and Border Guard Board makes a decision on the application for asylum.

441. To guarantee to minors higher protection against expulsion and to provide them with necessary social safeguards, the law has extended the regulatory framework of establishing the age of minors to those aliens, who have no basis for stay, regarding whose age the Police and Border Guard Board has reasonable doubts.

442. According to § 18 of the AGIPA, the Police and Border Guard Board may give priority to reviewing the applications of applicants who are unaccompanied minors.

443. For the time of the asylum proceedings, unaccompanied asylum seekers less than 18 years of age are placed in a reception centre (in the accommodation centre for asylum seekers as of 01.10.2013) or referred to a substitute home service or foster care. The following services shall be provided by the Ministry of Social Affairs or an agency within the area of government thereof for an applicant for or a person enjoying international protection who is an unaccompanied minor during his or her stay in Estonia: accommodation, supply of foodstuffs or provision of food, supply of essential clothing and other necessities and toiletries, and supply of money for urgent small expenses, emergency care and access to medical examinations, essential translation services and Estonian language instruction, information regarding their rights and duties, transportation necessary for the performance of acts pursuant to law, and other essential services.

444. Pursuant to an amendment of 24.12.2010 to the AGIPA<sup>10</sup>, the administrative authority carrying out expulsion shall, before removing an unaccompanied minor from the territory of the Member State, be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the country of origin. An unaccompanied minor alien who has no legal basis for staying in the country is ensured, through the Social Insurance Board, services intended for asylum seekers throughout his or her stay in the country.

### **8.1.2. Family members according to the AGIPA**

445. Pursuant to § 7 of the AGIPA, family members of an asylum seeker are his or her spouse; his or her unmarried minor child, including an adopted child; his or her and his or her spouse's unmarried minor child, including an adopted child.

446. Family members of a refugee and of a person enjoying subsidiary protection are his or her spouse; his or her and his or her spouse's unmarried minor child, including an adopted child; unmarried and minor child under his or her or his or her spouse's custody

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<sup>10</sup> The amendment was necessary due to Estonia's obligation to harmonise Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.



and maintained by him or her or his or her spouse, including an adopted child. In case of shared custody the agreement of the party sharing custody is required. Other family members of a refugee and of a person enjoying subsidiary protection are his or her or his or her spouse's unmarried adult child if the child is unable to cope independently due to his or her state of health or disability; and a parent or grandparent maintained by him or her or his or her spouse if the country of origin does not provide support resulting from other family ties.

447. Family members of an unaccompanied minor refugee and unaccompanied minor enjoying subsidiary protection are his or her parent; his or her guardian or other family member if he or she has no parents or if the parents cannot be traced unless this is contrary to the rights and interests of the minor. The family members specified in the AGIPA shall be considered a family if the family existed in the country of origin, including the marriage that was contracted before entry into Estonia.

### 8.1.3. Projects

448. Several projects, which have also benefited children, have been funded through the European Refugee Fund (the implementing authority of which in Estonia is the Ministry of the Interior) and the Ministry of the Interior (own participation in projects) as of 2005. From 30.06.2006 to 31.12.2007 in cooperation with the Ministry of Education and Research, the Non-Estonians Integration Foundation (currently the Integration and Migration Foundation Our People) carried out a project "Supporting locally the integration of children of refugees and of persons enjoying international protection into the Estonian education system", in the framework of which a survey was conducted among county governments, local governments and educational institutions concerning the preparedness to accept the children of new immigrants in Estonian educational institutions and concerning their need for corresponding training. Also a test training programme was initiated within the framework of the project, and its purpose was to deepen the knowledge of education officials and heads of school and to increase their preparedness to accept in Estonian educational institutions children from foreign countries and children whose home language is other than the language of instruction in the school. 30 education officials and heads of school from the local governments of Tallinn, Tartu, Viimsi and Illuka participated in the test training programme. Also a report "New immigrants in Estonian educational institutions" and a collection of articles "Hand-in-hand. Integration of children of refugees and asylum seekers into the Estonian education system" were published in the course of the project.

449. From 01.04.2005 to 31.12.2005, the Citizenship and Migration Board carried out a project "Registration centre for asylum seekers", in the course of which a regional office of the Citizenship and Migration Board was partially reconstructed to establish a registration centre for asylum seekers. A waiting room, two interview rooms and the offices of the Department of Refugees of the Citizenship and Migration Board were built in the course of the project. Also accommodation rooms for asylum seekers were built for accommodating asylum seekers on a temporary basis, up to 48 hours — a common room, a wash room and three furnished rooms for an overnight stay. One of the three rooms intended for an overnight stay has been furnished to accommodate a family, meaning that the needs of children have been taken into account.

450. Issues related to children were also addressed in a project "Development of the bases for and trial launch of the cooperation model for officials dealing with asylum seekers and persons who have been granted international protection" carried out by the European Refugee Fund and the Jaan Tõnisson Institute from 31.12.2007 to 31.12.2008.

451. The non-profit association Johannes Mikhelson Centre has set up and provided support person services to asylum seekers and persons who have been granted international

protection. Also, psychotherapy has been provided and leisure activities have been organised for asylum seekers within the framework of the projects carried out by the association.

452. The Estonian Human Rights Centre started a project in 2011 for giving asylum seekers legal aid, and the project is to continue until 2015. Legal aid is provided, inter alia, to minors through their representatives. The project is co-funded by the EU European Refugee Fund and the Ministry of the Interior.

453. Within the MINAS-4 project and with the involvement of experts, the Tallinn representation of the International Organisation for Migration prepared for the Police and Border Guard Board a handbook on interviewing unaccompanied minors in 2010. Within the MINAS-5 project, an expert group prepared in 2011 an analysis “Admission of unaccompanied children and asylum seekers separated from their parents to Estonia. Mapping the existing system and proposals”. The analysis is also available in English on the website of the Ministry of Social Affairs at [www.sm.ee](http://www.sm.ee).

454. From 2011 to 2013 several projects were carried out, in the framework of which the admission of unaccompanied minors was promoted and reinforced, ensuring the necessary practice and knowledge for representatives, guardians and social workers as well as other related officials/employees. Furthermore, workshops were organised for sharing best practices for the admission of unaccompanied minor asylum seekers and for processing their applications.

## **8.2. Children in armed conflicts (Articles 38 and 39)**

455. On 18.12.2013 the Riigikogu of the Republic of Estonia passed the Act on the Ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Optional Protocol entered into force in relation to Estonia on 12.03.2104.

### **8.2.1. The Defence Forces**

456. According to subsection 2 (1) of the Estonian Defence Forces Organisation Act, the Defence Forces are a militarily organised governmental authority within the area of government of the Ministry of Defence. The functions of the Defence Forces are the military defence of the state and preparation therefor, participation in collective self-defence and preparation therefor, participation in international military co-operation pursuant to the procedure provided for in the International Military Co-operation Act, and performance of other functions imposed on the Defence Forces.

457. Male Estonian citizens are required to serve in the Defence Forces, that is to perform the duty to serve in the Defence Forces. During the time when a citizen is required to perform the duty to serve in the Defence Forces he is a person liable to national defence obligation. An Estonian citizen is a person liable to national defence obligation starting from the age of 17 years, unless he has been deleted from the national defence obligation register on the bases of and pursuant to the procedure provided by the Military Service Act. Persons liable to national defence obligation are a call-up selectee, a person in the military service and a person in reserve. Persons in the military service are a conscript, an active serviceman and a reservist. A call-up selectee is a person liable to national defence obligation who attains 17 years of age during the current year until the call-up for conscript service or until the release from the call-up for conscript service. Call-up selectees are called up for conscript service at the age of 18–27 years. Although while being a call-up selectee a person is required to perform the duties provided for call-up selectees by law, the said duties are not related to participation in the Defence Forces and/or in direct act of war.

The duties of call-up selectees are merely administrative, for example, providing information on their place of residence or appearing in the Defence Resources Agency or in a location specified by the Defence Resources Agency for the performance of required acts. The law does not allow to include a person younger than 18 years of age in the reserve to call him up into service as a reservist. Active service, that is professional military service is a special type of public service and Estonian citizens 18–60 years of age are accepted into the service on a voluntary basis. Only servicemen in active service may be deployed on an international military operation. In the case of mobilisation, persons at least 18 years of age may be called up for service. Therefore, although Estonian legislation specifies as a call-up selectee a male person at least 17 years of age, only a person at least 18 years of age may sign up for conscript service or active service and be deployed on an international military operation.

### 8.2.2. The Defence League

458. The Defence League is a voluntary national defence organisation operating in the area of government of the Estonian Ministry of Defence which is organised in accordance with military principles, possesses weapons and holds exercises of a military nature. The Defence League is a traditional and voluntary organisation which, on one hand, gives people a chance to exercise their freedom of association as a constitutional right and at the same time contribute to wide national defence, but which, on the other hand, is sufficiently controlled by the state to ensure the lawful operation of an association which possesses weapons. To integrate citizens who have joined the Defence League on their own free will into the uniform system of national defence, the legal definition of the Defence League provides the Defence League as a national defence organisation. Unlike the Defence Forces, it is not a state authority and its members are not in public service, although in certain cases the Defence League does perform a public function.<sup>11</sup> Unlike the Defence Forces, the functions of the Defence League do not include the military defence of the state or participation in collective self-defence. These functions lie within the competence of the Defence Forces. In keeping with the aforesaid, the Defence League does not represent the state of Estonia in its international activity.

459. According to the Estonian Defence League Act, an Estonian citizen of at least 18 years of age may be an active member of the Defence League. A junior member of the Defence League may be an Estonian citizen 7–18 years of age.

460. Youth organisations the *Noored Kotkad* (the Young Eagles) and the *Kodutütred* (the Home Daughters) were established in 1930 and 1932, respectively, and by nature they are associations following the principles of international scouting. According to clause 1 of the statutes of the *Noored Kotkad*, the *Noored Kotkad* is a boys' organisation whose activity aims to raise young boys into mentally and physically sound Estonian citizens in the patriotic spirit. According to clause 2 of the statutes of the *Kodutütred*, the main purpose of the *Kodutütred* is to increase the patriotic mentality of young girls and to increase their preparedness to protect the independence of Estonia, deepen their love for their home and homeland, and to teach them to respect and love the Estonian language and Estonian mentality. To achieve the objectives, the *Noored Kotkad* and the *Kodutütred* organise, inter alia, lectures, courses, practical work, exhibitions, meetings, competitions, tours, hikes, games and other cultural and economic activities. In addition, they may issue their own magazines, newspapers, textbooks, handbooks and other publications. Pursuant to the Estonian Defence League Act, which entered into force on 01.04.2013, the youth

<sup>11</sup> For example, participation in the resolving of an emergency or a state of emergency or in conducting a national defence training.

organisations of the Defence League are the structural units of the Defence League. In the course of the preparation of the Act it was found that due to administrative and historic reasons it is necessary to define the youth organisations as part of the structure of the Defence League.

461. Compared to adult members of the Defence League, the Defence League Act provides for significant restrictions on the activity of junior members. Junior members are not involved in the performance of the following functions of the Defence League: preparation of the national defence capability of the state, provision of military training to members, guarding of the Estonian Ministry of Defence and the national defence objects and property in the area of government thereof and the guarding of foreign missions of Estonia, performance of rescue work, and resolving of an emergency or a state of emergency. To become a junior member of the Defence League it is necessary to obtain a written consent of the applicant's parent or guardian, and when attaining 18 years of age, the person is required to submit a written application for becoming an active member of the Defence League. Otherwise the person will no longer be a member of the Defence League after attaining 19 years of age.

462. The activity of members of the Defence League less than 18 years of age has been explicitly distinguished from the functions of the Defence League related to military training, for which reason the youth organisations should be regarded as independent from the rest of the Defence League. The Republic of Estonia is of the opinion that considering the objectives of the activity of the above youth organisations, their traditions, the international practices of scouting and their distance from actual military activity, the age limits provided by Article 38 of the Convention on the Rights of the Child cannot be applied to the youth organisations the *Noored Kotkad* and the *Kodutütred*. By providing for the minimum age limit for being accepted into conscript service and becoming an active member of the Defence League to be 18 years of age, Estonia fully complies with the requirements set forth in Article 38(1)–(3) of the Convention on the Rights of the Child. On the basis of legal restrictions and international traditions, the activity of the youth organisations of the Defence League can be regarded as an exception to which Article 38(3) of the Convention on the Rights of the Child is not applied.

463. In the military planning process (for example, the planning of mobilisation), the Ministry of Defence and the Defence Forces take fully into account the provisions and principles of the international humanitarian law. It is also taken into account that according to Article 77 of the Additional Protocol I to the Geneva Conventions of 1949 children shall be the object of special respect under the international humanitarian law, and in using civil targets their influence on the development and possibilities of children shall be taken into account. Whereas, it must be considered that certain targets, such as stadiums, gyms, and sports facilities, have a greater impact on the development of children. The members of the Estonian Defence Forces also receive training in the humanitarian law. The Estonian National Defence College includes the Faculty of the Humanities and Social Science, an objective of which is to provide the officers with clear knowledge of the legal framework which they may come into contact with in military operations. Members of the Defence Forces who participate in international military operations have attended several trainings and seminars which focus on the implementation of the rules on the use of force in a situation of conflict pursuant to the humanitarian law and political goals. Such trainings and seminars have been carried out in cooperation with our international partners.

### 8.3. Criminal liability and administration of justice over children (Article 40)

464. In 2012 a total of 1486 persons who were minors, that is 14–17 years of age at the time they committed a criminal offence were established. In 2008 the same indicator was 2289 and in 2011 it was 1610. In 2008, over 4012 children all over Estonia were referred to juvenile committees, and in 2010 the same indicator was 2727, that is 32% less. In 2008 minors committed 4521 violations of law and in 2010 they committed 30% less violations, that is 3173 violations of law. On average, 2% of the young people in the corresponding age group were referred to juvenile committees in Estonia in 2010.

465. On the basis of the general statistics of the police, the most common misdemeanour committed by minors is a violation of the Alcohol Act, that is consumption of alcohol. In the second place is a violation of the Tobacco Act, that is consumption or possession of tobacco by a minor. The most common criminal offences committed by minors are thefts and other offences against property, which amounted to 48% of all criminal offences committed by minors in 2010, followed by criminal offences against the person (28%), against public peace (12%) and against public trust (7%) and other types of criminal offences (5%).

## 9. General strategic changes in criminal policy

### 9.1. Criminal policy

466. In 2005, the Laulasmaa Declaration<sup>12</sup> was adopted, which declared, inter alia, crimes committed by and against minors and related to human trafficking to be a joint priority of law enforcement authorities. The priorities related to the Laulasmaa Declaration are specified in annual meetings between the Minister of Justice and the Minister of the Interior. In 2008 criminal offences related to human trafficking and committed in the cyber environment were set as an additional priority. In 2006 the Government of the Republic approved development plans for combating human trafficking and juvenile crime. In 2010 the Riigikogu approved the development trends of criminal policy up to the year 2018.<sup>13</sup> The said document pays even more attention than before to the prevention of juvenile crime. At a national level, priorities concerning minors set out, inter alia, the establishment of a system for the early identification of children at risk at the local government level, which helps to prevent minors from taking a criminal path; 2) the taking of various measures to prevent school bullying and other problems encountered in the school environment, and the reduction of failure to perform the obligation to attend school; 3) the development of the work of juvenile committees, including ensuring the uniform level of quality of the juvenile committees and of the sanctions applied by them all over Estonia, the facilitation of the establishment of juvenile committees by local governments, and the conduct of proceedings concerning violations of law in juvenile committees within 14 days as of the receipt of a corresponding application by the juvenile committee; 4) the reorganisation of the system of special schools, including the development of special schools into functioning educational institutions, the reorganisation of the infrastructure of special schools, the individualisation of educational work, the ensuring of the necessary support services, and in cooperation with local governments the ensuring of after-care for

<sup>12</sup> The Laulasmaa Declaration concerning the priorities of the combat against crime. Electronically available at <http://www.just.ee/15087>.

<sup>13</sup> Approved by the Riigikogu on 9 June 2010 (RT III 2010, 26, 51).

persons who have graduated from a special school; 5) the ensuring of fast-track proceedings in criminal matters involving minors, including fast-tracking the hearings of offences in juvenile committees (the prosecutor's office and the police must guarantee that the pre-trial proceedings in criminal matters involving minors do not last more than one month in general).

467. Under the coordination of the Ministry of Justice and in cooperation with the Ministry of Education and Research, the Ministry of the Interior, the Ministry of Social Affairs, and the Ministry of Foreign Affairs, a development plan for reducing violence for 2010–2014 has been prepared and in respect of minors it focuses, above all, on reducing violence against children and on reducing violations of law and violence committed by minors.

468. The objective of the main trends of the Estonian security policy up to 2015 is to lower the number of criminal offences committed against minors, and special attention is also paid to the prevention of offences against property committed by minors.

### **9.1.1. Proceedings concerning juvenile crime**

469. On 1 September 2011 amendments to the Code of Criminal Procedure (CCP) entered into force, which expedite judicial proceedings, offer better protection to minors and make the protection of the fundamental rights more efficient. Hearing of witnesses who are minors was specified (involvement of specialists and specifications concerning hearing in judicial proceedings) by providing that if a body conducting proceedings has acquired an appropriate education (social or educational higher education or in-service training), he or she may choose whether or not to involve a child protection official in the hearing.

470. If a minor is required to reimburse the expenses relating to a criminal proceeding, the body conducting the proceedings may impose the reimbursement of expenses on his or her parent, guardian or child care institution (§ 188 of the CCP).

471. Every district prosecutor's office now has specialised prosecutors. As of March 2009, specialisation in minors is also mandatory among criminal police officers of the police forces. Separate child protection services have been established within every police prefecture. Furthermore, every prefecture has special bodies conducting proceedings who have received special training for working with minors, involving different types of criminal offences (for example, criminal offences against property or against the person). Proceedings concerning criminal offences committed by minors may not exceed 4 months.

#### *9.1.1.1. Legal aid and right of appeal of children*

#### **Information on the issues raised in paragraph 51 (b) of the Committee's previous concluding observations**

472. Clause 45 (2) 1) of the Code of Criminal Procedure provides that the participation of a counsel throughout a criminal proceeding concerning a minor suspect or accused is mandatory, and according to subsection 19 (3) of the Code of Misdemeanour Procedure, the participation of a counsel in a court proceeding is mandatory if the person subject to proceedings is 14 to 18 years of age. These requirements must be adhered to without exceptions. A violation of the right of defence is deemed to be a fundamental violation of the criminal procedural law.

473. In its judgment No. 3-1-1-45-07 of 15.10.2007, the Supreme Court has stated that a legal representative of a minor victim cannot forbid the minor to give testimony in criminal proceedings. Therefore, also a minor victim is required to appear when summoned by the body conducting proceedings, participate in procedural acts, and obey orders given by the body conducting proceedings as well as give a true testimony irrespective of the will of his

or her legal representative. However, if a legal representative of a minor victim finds that the rights of the person he or she is representing are being violated in the proceedings, he or she has the opportunity to perform his or her function as a representative and file applications and complaints.

474. No minimum age limit or the obligation to obtain a parental consent has been established in Estonia for receiving legal counselling. The purpose of the State Legal Aid Act, which entered into force in 2005, is to ensure the timely and sufficient availability of competent and reliable legal services to all persons. A natural person may receive state legal aid if the person is unable to pay for competent legal services due to the person's financial situation at the time the person needs legal aid or if the person is able to pay for legal services only partially or in instalments or if the person's financial situation does not allow for meeting basic subsistence needs after paying for legal services.

475. An amendment which entered into force on 01.01.2006 provides for the right of a child to independently file appeals, which means that a child of at least 14 years of age with sufficient capacity to exercise discretion and will has the right, in a family matter on petition pertaining to his or her person, to file an appeal against a ruling without the assistance of his or her legal representative. The same also applies to other matters where a child must be heard before adjudication of the matter.

#### 9.1.1.2. *Influencing juvenile delinquents*

476. If a court finds as a result of the hearing of a criminal matter that a minor can be influenced without imposing a punishment, the court may, upon the making of the court judgment, release the convicted offender from punishment and apply the sanctions provided for in § 87 of the Penal Code with regard to him or her (§ 308 of the CCP). Considering the level of the moral and mental development of a person 14–18 years of age and his or her ability to understand the unlawfulness of his or her act or to act according to such understanding, the court may release such a person from punishment and apply as a sanction a warning, subjection to supervision of conduct, placement in a youth home, or sending to schools for students with special needs.

477. A court may subject a person less than 18 years of age to supervision of conduct for up to one year. On the basis of a report of the probation officer, a court may extend the deadline for subjection to supervision of conduct by up to one year, or as an exception, until the convicted offender attains the age of 18 years. A person less than 18 years of age is placed in a school for students with special needs or in a youth home for up to two years, taking into account the end of the academic year. A court may extend the deadline for the stay in a youth home or in a school for students with special needs by up to one year, taking into account the end of the academic year.

#### 9.1.1.3. *Juvenile committees*

478. If commencement of criminal proceedings is refused or a criminal proceeding is terminated for the reason that the unlawful act was committed by a minor who was incapable of guilt on the grounds of his or her age, the investigative body or Prosecutor's Office shall refer the materials of the criminal matter on the basis of § 201 of the Code of Criminal Procedure to the juvenile committee of the place of residence of the minor. If a Prosecutor's Office finds that a minor who has committed a criminal offence in the age of 14 to 18 can be influenced without imposition of a punishment or a sanction prescribed in § 87 of the Penal Code, the Prosecutor's Office shall terminate the criminal proceeding by a ruling and refer the criminal file to the juvenile committee of the place of residence of the minor.

479. In 2012 there were 67 juvenile committees in Estonia, 15 of which were county committees, 44 were established by local governments and 8 by Tallinn city district governments. Out of the 44 committees established by local governments, 15 were in Harju County, 4 in Ida-Viru County, 1 in Jõgeva County, 2 in Järva County, 3 in Rapla County, 9 in Pärnu County, 3 in Tartu County, 1 in Valga County and 6 in Viljandi County. The local governments in six counties (Hiiumaa County, Lääne County, Lääne-Viru County, Põlva County, Saare County and Võru County) have not established any committees.

480. Juvenile committees hear the violations of law committed by those children in respect of whom a standard format application for commencing a hearing has been filed. The following persons may file with a juvenile committee an application concerning a violation of law committed by a minor: a legal representative of the minor, a police officer, an authorised person of the rural municipality or city government of the place of residence of the minor, a child protection official, a social worker, a judge, a prosecutor, and officials of authorities engaged in environmental supervision. Juvenile committees receive the most applications from the police, prosecutor's offices and representatives according to the place of residence of the minor. In 2012, the police initiated 70% of all corresponding hearings, prosecutor's offices initiated 16% and representatives according to the place of residence of the minor initiated 7%.

481. Prior to referral of materials to a juvenile committee, the nature of the act with the elements of a criminal offence and the grounds for termination of the criminal proceeding shall be explained to the minor and his or her legal representative. The juvenile committees have received the most applications due to misdemeanours (38% in 2012) and criminal offences (21% in 2012) committed by children not capable of guilt. 16% of the applications were filed on the basis of a criminal offence committed by a minor of 14–18 years of age. Failure to perform the obligation to attend school amounted to 11% of all the grounds for filing an application.

482. Children not capable of guilt formed 53% of all persons referred to the committees in 2012. Within the last four years, the number of children referred to juvenile committees has been constantly decreasing. According to the Estonian Education Information System, 2029 children were referred to juvenile committees in 2012, that is 1.5% of children in the age group of 7–17 years. Compared to 2008, the number of children referred to the committees has decreased by 29%. Over the years, most materials referred to juvenile committees have pertained to young men. This tendency could also be noticed in 2012 when 70% of all persons referred to juvenile committees were boys and 30% were girls. If to categorise young people referred to juvenile committees by their native language, then the corresponding indicators have remained steady over the years — approximately 70% of all persons referred to the committees are children who speak in Estonian.

483. Juvenile committees work on the principle of networking, and their primary duty is to find a solution to the problem of the young person who has ended up before the committee. A solution is found in the course of conversations held with the young person summoned before the committee and his or her family. On the basis of § 3 of the Juvenile Sanctions Act, a juvenile committee may impose on a minor the following sanctions: a warning, sanctions concerning organisation of study (long day group within the school or studying in a class for students with educational problems); referral to a psychologist, addiction specialist, social worker or other specialist for consultation; conciliation; an obligation to live with a parent, foster-parent, guardian or in a family with a caregiver or in a substitute home; community service; assignment of a support person; participation in youth or social programs or rehabilitation service or medical treatment programmes; and sending to schools for students with special needs. A child is referred to a special school for up to two academic years by a court ruling on the basis of an application by a juvenile committee. A minor who has not committed a misdemeanour or a criminal offence is not



referred to a special school. When choosing a sanction, a juvenile committee shall consider the person of the minor and the nature of the act committed. The purpose of the sanction to be imposed is to influence the minor in such a way as to keep him or her from committing further violations of law in the future. The sanctions imposed the most by the juvenile committees over the years are a warning (36% in 2012), referral of a child to a specialist for consultation (24% in 2012) and community service (22% in 2012); whereas, the relative importance of community service and referral to a specialist has increased in relation to all the sanctions imposed. The percentage of sanctions concerning organisation of study and referral to a special school has decreased considerably.

484. Acts and resolutions of juvenile committees (except for referral to a special school which is decided by a court) may be challenged within 30 days after the making of the resolution. Hearings of juvenile committees are closed. Based on the need to protect the interests of minors, the minor's legal representative must participate in the hearing together with the minor. Participation of the person who filed the application or of a representative of the institution which filed the application is also required. If the legal representative of the young person cannot participate in the hearing of the committee for some reason, the young person is assigned a person who will look out for his or her best interests; if possible, the person will be someone close to the young person who has an important part in the young person's everyday life.

#### 9.1.1.4. *Monitoring the length of proceedings involving minors*

485. An objective has been set according to which the pre-trial proceedings of criminal offences committed by minors must be completed within 4 months. The Ministry of Justice conducts analyses of time-limits of proceedings twice a year. The length of pre-trial proceedings in matters involving minors has decreased in recent years. An analysis of the second half of 2011 revealed that pre-trial criminal proceedings averaged 2.3 months for a minor suspect, and 84% of criminal matters involving minors were settled in pre-trial proceedings in less than 4 months. The average length of court proceedings in matters involving minors was 3.1 months in the second half of 2011. Furthermore, in 2011 the Ministry of Justice started to monitor the time-limits of proceedings of criminal offences against the person where child victims were involved. The pre-trial criminal proceedings involving minors who had suffered in crimes of violence averaged 5.7 months in the second half of 2011.

486. As of 2010, the Estonian Youth Work Centre in cooperation with the Ministry of Education and Research monitors the length of proceedings in juvenile committees once a quarter. The analysis is based on information entered in the juvenile committees module of the Estonian Education Information Centre, proceeding from the date of receipt of a corresponding application and the date of the hearing of the juvenile committee. Pursuant to the Juvenile Sanctions Act, the committees have 30 days to hold a hearing, but the development trends of the criminal policy have set an objective to hold a hearing within 14 days. It is important to monitor the speed with which juvenile committees adjudicate matters because in the case of proceedings of offences committed by minors intervention must be as immediate as possible for the minor to understand the connection between the act committed and the implications that follow. The shorter the period of time preceding the imposition of a sanction, the greater the educational effect of the sanction imposed. In recent years the speed of proceedings has significantly increased all over Estonia. If in 2011 the average length of proceedings in one-stage matters was 33 days, then in 2012 the corresponding indicator was 22 days.

9.1.1.5. *Instructions for prosecutor's offices and for the police*

487. The instructions of the Prosecutor General concerning the special treatment of minors in criminal proceedings were approved on 29.06.2007. The purpose of the instructions is to ensure the uniform special treatment of minors in criminal proceedings. The instructions set out, inter alia, the following principles and requirements provided for in criminal proceedings: principles concerning disclosure of information relating to the proceedings in the case of which the body conducting proceedings must consider the best interests of the minor and ensure his or her anonymity; requirements for the involvement of a representative of the minor, a counsel and a defendant in the criminal proceedings; special conditions concerning the questioning of a minor; and requirements for the compensation for procedure expenses in criminal matters involving minors. Arrest as a preventive measure is applied to a minor only in exceptional cases.

488. Instructions approved by a directive of the Director General of the Police and Border Guard Board (the applicable version was approved on 26.01.2010) provide, inter alia, for the principles of planning and carrying out police work and police activities in connection with the reduction and prevention of offences committed by minors. The instructions set out a requirement that 45% of the budgetary resources allocated to prevention be used by the police for activities concerning minors. Every year the Director General of the Police and Border Guard Board approves by a directive the schedule and cost plan for activities concerning prevention (of offences), on the basis of which the police carries out prevention activities in cooperation with public, private and third sector partners. The purpose of the prevention activities is to raise the awareness of the residents and to improve their skills to avoid threats and to influence the attitudes and conduct of people to avoid disturbances of public order and to avoid being at risk.

489. Instructions on the treatment of children who have caused a disturbance or need assistance have been approved by a directive of the Director General of the Police and Border Guard Board of 15.06.2010, and chapters thereof provide instructions on the treatment of children in criminal and misdemeanour proceedings as well as on arranging assistance and protection for children in order to conduct administrative proceedings. The instructions specify Estonian legislation which governs treatment of children and processing of violations committed by children. The instructions have been prepared and intended, above all, for the protection of and for ensuring the rights of those children who have committed an unlawful act or who have come to be in conditions where they can no longer live safely, for example, in their own home. Police officers who mainly come into contact with children who need assistance or who have committed a violation of law must know how to behave in one or another situation so that the rights of children would be protected as well as possible and that they would be traumatised as little as possible. On the other hand, when following the instructions the police have an overview of children who need assistance and therefore they have better chances to help those children.

9.1.1.6. *Development activities*

490. On the initiative of the Ministry of Education and Research, UNICEF Estonia developed in cooperation with the Ministry of Justice an early identification and intervention model, which was applied in 12 local governments from 2010 to 2011 (in Jõhvi, Kose, Lihula, Rapla, Tapa and Viljandi in 2010; and in Mäetaguse, Toila, Sillamäe, Rakvere, Tootsi and Harku in 2011). A handbook was prepared for the local governments for applying the model. The handbook describes the principles and application of early identification and intervention, including steps necessary to plan and carry out prevention work (for example, preparation and application of an action plan). The handbook also describes various courses of action which come in handy in organising case work.

491. The Ministry of Education and Research in cooperation with the Estonian Youth Work Centre has developed the juvenile committees module of the Estonian Education Information System in such a way that it would be more easily applicable for the secretaries of the juvenile committees in their everyday work. It is important because the information entered in the Estonian Education Information System by the secretaries of the juvenile committees allows monitoring the work done with young people in the committees, including the speed of proceedings and sanctions imposed. Information in the Estonian Education Information System is used as a basis for preparing annual overviews of the activity of the juvenile committees. For the purpose of updating the work of the juvenile committees, which began in 2010, the Ministry of Education and Research together with the Estonian Youth Work Centre and the Ministry of Justice prepared several analyses: analysis of the case-law pertaining to referral to a special school (the Ministry of Justice), overview of the speed of proceedings conducted in juvenile committees (the Estonian Youth Work Centre), and mapping and analysis of the members of juvenile committees (the Estonian Youth Work Centre). For the purpose of updating the practice related to treatment of juvenile delinquents, the Ministry of Education and Research has conducted a background analysis. All the above analyses can be freely downloaded from the website of the Ministry of Education and Research.

492. In 2011 the Ministry of Education and Research initiated a complete renewal of the system of treatment of juvenile delinquents, including the preparation of a new Act and modernisation of special schools.

## **9.2. Deprivation of liberty (Article 37)**

493. Imprisonment for a term of more than ten years or life imprisonment shall not be imposed on a person who at the time of commission of the criminal offence is less than 18 years of age (subsections 45 (1) and (2) of the penal Code).

### **Information on the issues raised in paragraph 51 (d) of the Committee's previous concluding observations**

#### **9.2.1. Alternatives to imprisonment**

494. Currently there are two schools for students who need special treatment due to behavioural problems in Estonia: Kaagvere special school for girls and Tapa special school for boys. A school for students who need special treatment due to behavioural problems is a school established on the basis of the Basic Schools and Upper Secondary Schools Act, where students are sent on application of juvenile committees on the basis of a court ruling. Teaching and educating is integrated in the schools. Teaching is organised based on the special needs of the young person, and services of support specialists are offered (special educator, psychologist, and social educator). The schools also offer versatile hobby activities, intense leisure activities and creative therapies. The schools have one school employee per child, and networking to support the child is organised also outside the schools. For influencing juvenile delinquents and for juvenile committees see clauses 8.4.2 and 8.4.3.

#### **9.2.2. Arrest of minor**

495. The constitutional restrictions on the deprivation of liberty have been provided in § 20 of the Constitution, the first sentence of which provides that everyone has the right to liberty and security of person. The second sentence of the section sets out an exhaustive list of cases when a person may be deprived of liberty. According to § 30 of the CCP, a suspect or accused may be taken into custody at the request of a Prosecutor's Office and on the

basis of an order of a preliminary investigation judge or on the basis of a court ruling if he or she is likely to abscond from the criminal proceeding or continue to commit criminal offences.

496. Instructions on the treatment of children who have caused a disturbance or need assistance have been approved by a directive of the Director General of the Police and Border Guard Board of 15.06.2010, for more details see clause 8.3.7.

497. Pursuant to § 35 of the Child Protection Act, the body conducting proceedings shall involve in the arrest of a minor an educator or a psychologist and a physician, who shall provide in the course of the arrest proceedings their written or oral opinion on the deprivation of liberty from the minor.

498. In addition to the grounds for securing criminal proceedings, the Constitution allows for the deprivation of liberty to place a minor under disciplinary supervision or to bring him or her before a competent authority to determine whether to impose such supervision. The bases of and procedure for placement under disciplinary supervision are provided by the Juvenile Sanctions Act. The Juvenile Sanctions Act allows compelled attendance in respect of all the above children. Subsection 18 (1) of the Act provides that if a minor who is ordered by a written summons to appear at a hearing of a juvenile committee fails to appear without good reason, compelled attendance may be enforced on the basis of a resolution of the juvenile committee. Compelled attendance of a minor shall be enforced by the police.

### **9.2.3. Young prisoner**

499. According to § 12 of the Imprisonment Act, minors and adults shall be segregated in prisons. In Viru Vangla, which was opened in 2008, minors and young people (up to 21 years of age) under pre-trial investigation and minor and young prisoners stay in the juvenile ward. The principle of segregation also extends to the police houses of detention. When a young prisoner is received in prison, his or her stay in the reception ward may not exceed two weeks. Young prisoners shall be segregated in juvenile prisons and juvenile wards as follows: young prisoners less than 15 years of age; 15 up to 16 years of age; 16 up to 18 years of age; 18 up to 21 years of age. A prisoner who attains 21 years of age in a juvenile prison or juvenile ward shall be transferred to an adults' closed prison or adults' ward in a closed prison pursuant to his or her treatment plan. As an exception, a prisoner of 18 up to 21 years of age may be transferred to an adults' closed prison or adults' ward in a closed prison if such transfer is necessary due to the prisoner's character or arising from his or her individual treatment plan.

500. All specifications for the work of minors arising from the law, including the specifications for working hours, shall be applied to the work of young prisoners less than 18 years of age. Young prisoners of up to 18 years of age are required to acquire basic education to the extent prescribed by law. Young prisoners shall be granted an opportunity to acquire vocational education according to their wish and aptitude. The number or duration of visits and prison leaves provided for in the Imprisonment Act may be increased with a view to achieve the objectives of execution of imprisonment in the case of a young prisoner. According to § 63 of the Imprisonment Act, disciplinary penalties may be imposed on a prisoner for the violation of the requirements of the Imprisonment Act, internal rules of the prison or other legislation by the prisoner's fault. Such penalties are a reprimand; prohibition of one short or long-term visit; removal from work for up to one month; and commission to a punishment cell for up to 45 twenty-four hour periods. Young prisoners may be committed to a punishment cell for up to 20 twenty-four hour periods.

501. At the end of 2013, there were 33 minors in prison, 22 of them were convicted offenders and 11 were in custody. 31 minors were boys and 2 were girls. At the end of 2013, there was one 14-year-old and three 15-year-old children in prison, and one of them

was a convicted offender. There were ten 16-year-old children and nineteen 17-year-old children. At the end of 2012, there were 36 minors in prison, 16 of them were convicted offenders and 20 were in custody. At the end of 2011, on the basis of the most serious crime, two-thirds of the minor convicted offenders were serving a sentence for criminal offences against property, and less than one-third was serving a sentence for crimes of violence. About one-half of the crimes of violence constituted physical abuse of persons of the same age as the offender, and about one-half constituted severe disturbances of public order.

#### **9.2.4. Restriction of liberty in connection with entry into and leaving the country**

502. For the time of the asylum proceedings, unaccompanied asylum seekers less than 18 years of age are placed in a reception centre (in the accommodation centre for asylum seekers as of 01.10.2013) or referred to a substitute home service or foster care. According to § 12 of the Obligation to Leave and Prohibition on Entry Act, a precept to leave may not be issued to an unaccompanied minor before it has been ensured that the unaccompanied minor is sent back to his or her family member or appointed guardian or to the reception centre of the receiving state. When issuing a precept to leave, the best interests of the minor alien must be taken into account and his or her representation must be ensured. Unaccompanied minor aliens are referred to the substitute home service. A minor may be placed in a detention centre only if his or her guardian is also subject to expulsion and detaining the minor is in his or her best interests in the opinion of the court. Prohibition on entry is not applied with regard to an alien less than 13 years of age.

503. If a court convicts a citizen of a foreign state of an intentional criminal offence and imposes imprisonment, the court may impose expulsion with prohibition on entry for up to ten years as supplementary punishment on the convicted offender. Expulsion shall not be imposed on a convicted citizen of a foreign state who at the time of commission of the criminal offence was less than 18 years of age (subsections 54 (1) and (2) of the Penal Code).

#### **9.2.5. Life imprisonment and the death penalty**

504. The death penalty as punishment is not foreseen in the Estonian Penal Code. Imprisonment as a criminal punishment means imprisonment of 30 days up to 20 years or life imprisonment.

### **9.3. Children as victims of exploitation**

#### **9.3.1. Economic exploitation, including work done by children (Article 32)**

505. Information concerning the content of the Article has been presented in the first report of Estonia on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

### **9.4 Abuse of narcotic drugs (Article 33)**

506. Up to the end of 2012, the basic document in the field of drug addiction was the national strategy for the prevention of drug addiction up to 2012. When the national strategy for the prevention of drug addiction up to 2012 came to its end in 2012, the planning of activities for reducing drug addiction was added as a measure to the development plan for the health of the population for 2009–2020 headed by the Ministry of Social Affairs, the general aim of which is to raise the life expectancy of people living in Estonia and to increase the number of years in which they are healthy. As of 2013, the basic

document for reduction of drug addiction is the development plan for the health of the population and its implementation plan for 2013–2016. Measure No. 5 of the implementation plan's sub-goal 4 "The physical activity of the people will have increased, their nutrition will have become more balanced, and their risky behaviour will have decreased" is the prevention and reduction of consumption of narcotic drugs and the decrease of harm to health and society.

507. The coordination of the measures for combating drug addiction in the development plan for the health of the population was transferred from the area of government of the Ministry of Social Affairs to that of the Ministry of the Interior at the end of 2012. To draw more attention to the problem of drug addiction at the highest level, a governmental drug prevention committee was established within the Ministry of the Interior. At the request of the governmental committee, a start was made on the preparation of a policy document for reducing drug consumption, or in other words a white paper, in addition to the development plan for the health of the population. The white paper of the policy for reducing drug consumption is a scientific guideline for planning the annual activities in the field of drug addiction, and the white paper should be taken into account when planning the action plan for the measure concerning reducing drug consumption (measure No. 5) specified in the development plan for the health of the population, and when planning implementation plans of other relevant development plans of the corresponding field. The policy document is based on the EU Drugs Strategy (2013–2020), the drugs strategies of other countries, scientific literature, and thorough consultations with relevant experts and service providers in Estonia.

508. Issues related to the development of social skills that open up possibilities for coping and to the consumption of narcotic drugs are integrated into national curricula (in the framework of personal education lessons for grades 2–12). Through the years, the main prevention activities have been the development of learning and information materials, dissemination of information in society, preparation of various guidelines and methodical materials, and training of specialists who come into contact with young people. There is an information portal [www.narko.ee](http://www.narko.ee) for communicating information concerning narcotic drugs, and the portal is constantly updated and it can be used by young people to find answers to questions of interest to them.

509. The following are classified as criminal offences in the Penal Code: providing of narcotic drugs or psychotropic substances to persons less than 18 years of age (§ 185), and inducing minors to illegally consume narcotic drugs or psychotropic substances or other narcotic substances (§ 187).

510. According to the police, the illegal handling of narcotic drugs and psychotropic substances by persons less than 18 years of age is a rising tendency. It should be deliberated how it would be possible for different authorities to take it into account better when planning their prevention activities and implementing methods. The prevention of consumption of narcotic drugs only by way of the activities of the police is complicated.

## **9.5. Sexual exploitation and sexual abuse (Article 34)**

511. The problem of sexual abuse, or, to be more exact, the combating of criminal offences committed against children, above all crimes of violence and sexual offences with child victims, is a joint priority of the Minister of Justice and the Minister of the Interior specified in the Laulasmaa Declaration. Information concerning sexual exploitation and sexual abuse of children during 2006–2008 is also presented in the report on the

implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.<sup>14</sup>

### **Information on the issues raised in paragraph 49 of the Committee's previous concluding observations**

#### **9.5.1. Studies and statistics**

512. A study conducted in 2010 by a research network EU Kids Online among persons of 9–16 years of age from 25 European countries<sup>15</sup> showed that Estonian children are one of the youngest in Europe who start using the Internet, and they are some of the most skilled in respect to digital literacy. At the same time, Estonian children are also the ones who see sexual photographs the most, and sending messages with sexual contents is more common than average. Estonian children also stand out for being the ones who have most frequently met face to face with someone who they met on the Internet. Within the framework of an international project ROBERT, a report<sup>16</sup> which concisely addresses the results of studies on the sexual abuse of children committed on the Internet was prepared in 2011. More precisely, the report analysed the risk factors of becoming a victim of abuse on the Internet, the patterns of behaviour of persons who sexually abuse children on the Internet, and the bottlenecks of the studies conducted so far. For example, the analysis referred to the need to find out more about sexual abuse among minors, whether and how does online sexual abuse influence the offline sexual behaviour of the criminal, and what kind of effect does becoming a victim of sexual abuse on the Internet have on the child, etc.

513. 304 sexual offences committed against children were registered in 2012, which is 31% more compared to 2011. According to victim studies, the under-representation of sexual offences is a global problem, which particularly concerns sexual offences against children. Therefore, the increase in the number of sexual offences should not be interpreted to only mean that such acts have become more frequent, but it may also indicate that the victims have become more brave and able to speak of what has happened and also more aware of the possibilities of getting help.

514. Out of all sexual offences against children in 2011, one-fourth were cases of distribution of materials depicting sexual abuse of children, and one-fourth were cases of sexual enticement of children; nearly half of the crimes were committed against persons younger than 14 years of age. Compared to 2009, the number of almost every most common sexual offence against sexual self-determination had decreased by 2011; whereas, compared to 2009, there were 37% less (-18) cases of rape of minors and 53% less (-26) cases of satisfaction of sexual desire with a child in 2011.

#### **9.5.2. Activities**

515. To decrease the number of sexual offences against children, relevant specialists have prepared guidelines for the treatment of sex offenders. In 2013, amendments to the Penal Code which pertain to the application of complex treatment of sex offenders entered into force. As of 2011 sex offenders serve imprisonment in Tartu Vangla where special prison officers and specialists of the relevant field work with them and where preparations for the application of a prison programme for sex offenders have begun. On 13.12.2011 the European Parliament and the Council adopted a Directive on combating the sexual abuse

<sup>14</sup> Electronically available at <http://www.vm.ee/?q=node/10128>.

<sup>15</sup> Livingstone, S., Haddon, L., Görzig, A., and Ólafsson, K. (2011). Risks and safety on the internet. The perspective of European children. Full findings. LSE, London: EU Kids Online.

<sup>16</sup> Ainsaar, M., Lööf, L. (2011). Online behaviour related to child sexual abuse. Literature Report.

and sexual exploitation of children and child pornography.<sup>17</sup> The Directive has been fully transposed into Estonian law. Relevant amendments to the national law entered into force in December 2013. The same draft legislation also extended the circle of people working with children in whose case it must be made sure prior to their employment that they have not been punished for any sexual offence. Such people are, for example, child protection officials and other people who come into direct contact with children in the course of their work, but also volunteers and persons undergoing practical training who work with children.

516. In 2008 the Ministry of Social Affairs convened a safer Internet working group which includes representatives of non-profit associations, providers of Internet services and state authorities as well as experts in different fields. In 2010 the Representation of the European Commission in Estonia joined a programme “Safer Internet”, the purpose of which is to support the safe use of the Internet by children and to prevent the spread of illegal materials on the network. The project is coordinated by the Union for Child Welfare and its cooperation partners are the Ministry of Social Affairs, the Tiger Leap Foundation, the NGO Estonian Advice Centre, and the Police and Border Guard Board. Within the framework of the project there are trainings and seminars for children, parents and teachers, and information events for a wider audience. A web-based hotline was established within the framework of the project in 2011, and via the hotline people can report illegal content spreading on the Internet, above all materials depicting sexual exploitation of children. The hotline administered by the Union for Child Welfare can be found at [www.vihjeliin.ee](http://www.vihjeliin.ee). To introduce the project, the following website has been created: <http://www.targaltinternetis.ee/>.

## 9.6. Abduction of, the sale of or traffic in children (Article 35)

517. The combating of human trafficking is coordinated in the state through the development plan for reducing violence for 2010–2014. The purpose of the said development plan is to reduce and prevent violence in its various forms. The development plan focuses on violence related to minors, domestic violence and human trafficking. The development plan focuses on the types of violence and situations which present the greatest threat to the most vulnerable target groups — women and children — and the risk factors of which are often related to one another (for example, the effect of violence experienced in childhood on violent behaviour later in life). Documents related to the development plan can be found at: <http://www.just.ee/49973>.

518. In 2010 an important part concerning provision of help to victims was played by translation of the guidelines for identifying and helping victims of human trafficking into Russian because many of the specialists from different authorities and non-profit associations who work with victims and criminals speak Russian as their native language.

519. In 2011 the situation at the time concerning issues of admission and guardianship of unaccompanied children and asylum seekers separated from their parents<sup>18</sup> was mapped and the development of the guardianship system for unaccompanied and trafficked children was continued. Also several changes pertaining to legislative drafting took place in Estonia as

<sup>17</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

<sup>18</sup> IOM. (2012). Admission to Estonia of unaccompanied children and asylum seekers separated from their parents. See <http://www.sm.ee/tegevus/lapsed-ja-pere/lastekaitse-korraldus.html>.



well as in the rest of Europe. Directive of the European Parliament and of the Council<sup>19</sup> on preventing and combating trafficking in human beings and protecting its victims was adopted on 05.04.2011. The Directive replaces the Council Framework Decision 2002/629/JHA, and Estonia was required to transpose the provisions of the Directive into national law by no later than in 2013. On 20.07.2011 the Act on the Amendment of the Aliens Act and of Other Acts Related Thereto entered into force on 20.07.2011, specifying the grant of a temporary residence permit to aliens (§ 203 of the Aliens Act). The amendments are related to transposing the Directive 2009/52/EC of the European Parliament and of the Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals into the national law. Amendments to the Penal Code by which new criminal offences of human trafficking committed for different purposes were added to the Penal Code were passed on 21.11.2013 and they entered into force on 23.12.2013.

520. According to the development plan for reducing violence, the main activities in 2012 and 2013 included provision of information concerning human trafficking to a wider audience and risk groups (above all, young people and girls), assessment of the efficiency of the rehabilitation programme for victims of human trafficking, development and approval of guidelines for identifying and helping unaccompanied minors and trafficked children, and in-service training of specialists who come into contact with victims of human trafficking. Pursuant to the development plan for children and families for 2012–2020, the duty of the Ministry of Social Affairs is to perform the functions of a contact point for unaccompanied and trafficked children, organise the admission, accommodation and welfare of minors, and develop and implement the guardianship system for the above children.

## **9.7. Children belonging to ethnic minorities or who are indigenous (Article 30)**

### **Information on the issues raised in paragraph 43 (d) of the Committee's previous concluding observations**

#### **9.7.1. Priorities of the organisation of education of students who belong to an ethnic minority**

521. From 2002 to 2007 the priorities were as follows: 1) improvement of the quality of Estonian language studies in schools where the language of instruction is other than Estonian and in child care institutions where the working language is other than Estonian; 2) provision of wider possibilities for students to use the Estonian language within the formal education system as well as outside the school; 3) provision of support to students whose native language is other than Estonian in Estonian-medium schools.

##### *9.7.1.1. Early language studies*

522. Considering the efficiency of early language studies, a goal has been set to improve the quality of Estonian language studies in pre-school child care institutions. To achieve the goal, a corresponding curriculum has been drawn up and trainings for teachers of the Estonian language who work in kindergartens have been carried out. Sets of learning materials, which in addition to materials intended for children also include a teacher's handbook and support materials for parents, have been prepared and disseminated to

<sup>19</sup> Directive 2011/36/EU of the European Parliament and of the Council on combating trafficking in human beings.

kindergartens free of charge. An early language immersion programme has been implemented in kindergartens, and within its framework teachers have received special training and special learning materials have been prepared and given to kindergartens.

9.7.1.2. *Basic school*

523. Basic schools are supported in partially teaching subjects in Estonian, the aim of which is to expand the situations where students can use the Estonian language (it is especially important in regions where the surrounding language environment is overwhelmingly Russian) and to prepare students for studies in Estonian in upper secondary school. To achieve the aim, additional learning materials (subject-related vocabulary) have been prepared and given to schools free of charge, and schools have received additional financial support. An early language immersion programme (starting from grade 1) and a late language immersion programme (starting from grade 6) have been implemented in Russian-medium basic schools. In this regard, teachers and heads of school have undergone manifold and extensive in-service training, additional learning materials have been prepared for students and methodical materials for teachers, and the efficiency of the programmes is monitored by conducting surveys. To improve the quality of teaching the Estonian language as a second language, teachers of the Estonian language as a second language have constantly received in-service training, additional learning materials have been prepared, and sharing of experiences between teachers has been supported.

9.7.1.3. *Upper secondary school*

524. Transition to Estonian-language instruction started in 2007 in upper secondary schools where the language of instruction is other than Estonian. One of the focus points of the integration policy in 2007 was the demand-based transition to partially teaching subjects in Estonian in upper secondary schools where the language of instruction is other than Estonian. The purpose of the transition was to ensure equal learning and working possibilities for all graduates. On 22 November 2007 the Government of the Republic approved a regulation according to which at least 60% of teaching in all Estonian municipal and state upper secondary schools was supposed to take place in Estonian by 2011. As of the academic year 2011/2012, the curriculum for municipal and state upper secondary schools where the language of instruction is other than Estonian was supposed to include at least 57 courses taught in Estonian (1 course = 35 hours). The transition has been flexible — in the selection of the order of nationally mandatory subjects every school has a choice concerning two subjects; concerning the transition time of 37 courses every school made its own decision from 2007 to 2011.

525. General attitudes and positions regarding the transition have changed, and parents are inclined to maintain a positive attitude to it. A public opinion survey revealed that 56% of people whose native language is not Estonian supported the transition, 26% were against it and 17% remained unbiased.

526. To ensure the quality of studies and to achieve the goal, that is to support students in acquiring the Estonian language and to guarantee equal opportunities for further studies and on the labour market, teachers of all five subjects specified in the regulation have received in-service training. New learning materials for teaching subjects in Estonian and additional learning materials have been prepared and given to schools, or schools have received additional support in acquiring the said materials.

527. In Estonian-medium schools, the number of students whose native language is other than the language of instruction, that is to say whose native language is mostly Russian, but also the number of children coming from abroad increased from 2002 to 2012. Based on that amendments have been made to the legislation and changes have been made in the funding of schools. For students whose native language is not the language of instruction

and who have resided in Estonia for less than 3 years, the school is required to draw up an individual curriculum, in the framework of which the students attend intense Estonian language lessons. Schools are provided with additional resources for teaching the Estonian language to the extent of 4 hours per week. If possible and if students so wish, they have the right to study their native language as a second language. Students whose native language is not Estonian may take the Estonian language as a second language examination at the end of basic school. Schools have received additional support to achieve this goal, and a corresponding curriculum for the in-service training of teachers has been prepared and trainings have been carried out (for Estonian language and class teachers).

**Information on the issues raised in paragraph 43 (f) of the Committee's previous concluding observations**

528. As regards teaching of languages of ethnic minorities, it is possible to acquire general education in Estonia also in Russian in addition to the official language. A school will organise language and cultural teaching for students acquiring basic education whose native language is not the language of instruction, provided that no fewer than ten students with the same native language or with the same language of household communication request it (subsection 21 (5) of the Basic Schools and Upper Secondary Schools Act). Organisation of language and cultural teaching is regulated by the Government of the Republic regulation No. 116 of 19.08.2010. The regulation also specifies a situation where fewer than ten applications are filed for the organisation of language and cultural teaching. In such a case the organisation of language and cultural teaching is decided by the school in cooperation with the rural municipality or city government (subsection 3 (2) of the regulation). Unfortunately, this opportunity is not widely taken advantage of. There are several reasons for it: representatives of ethnic minorities are scattered around, children of members of cultural societies do not study in the same school and it is difficult to gather a requisite number of students in one specific region to create the possibilities for taking an elective subject, and also there are not enough national culture teachers who would meet the requirements for qualification. That is why people prefer to study their native language unofficially, such as in Sunday schools of national cultural societies.

529. Sunday schools have always been a means to support national culture and native language. For this reason the Ministry of Education and Research is constantly engaged in facilitating the work of Sunday schools. Compared to the previous reporting period, the number of Sunday schools of national cultural societies has doubled. If in 2010 there were 18 Sunday schools, then now there are nearly 40. The term Sunday school has not been defined in the Estonian legislation, but it has been mentioned in the Education Act as an institution offering additional education. Although sometimes the term Sunday school is thought to refer to a school within a church, the owner of a Sunday school is actually a national cultural society and the objectives of the school prescribed in its statutes are, above all, related to the teaching of native language and culture.

530. Sunday schools of national cultural societies are required to be registered and hold an education licence because this gives the Sunday school a chance to be part of the education system and it also supports the principle of equality — if a Sunday school wishes to participate in project competitions and apply for benefits on the same grounds as schools which hold an education licence, then it must be applied for on the same grounds. At the same time, the existence of an education licence increases the opportunities of Sunday schools because a registered Sunday school can apply for the local government or the multicultural education unit of the Integration Foundation (formerly the Centre for Educational Programmes) for extra funds for developing its activities. A national cultural society which has founded a Sunday school and been issued an education licence becomes an equal partner to the state. With the increase in the number of Sunday schools the Integration Foundation deemed it necessary to conduct a study on the current situation of

Sunday schools, which was completed in 2012. The study serves as an important basis for further activities which will make the ethnic minorities' language and cultural teaching more efficient. All Sunday schools of national cultural societies which hold an education licence have had the opportunity to apply, within the framework of a project competition, for support for the in-service training of Sunday school teachers in their ethnic homeland. Also the ethnic minorities themselves have the possibility to organise language-related preparation of teachers under agreements entered into with their homeland.

531. Information concerning national schools can be found at <http://www.rahvuskool.ee/>, where information concerning Sunday schools is presented in Estonian, English and Russian. NGO Association of Teachers of Sunday Schools of Ethnic Minorities has been founded, and its objective is to found Sunday schools and organise training courses for Sunday school teachers.

## Annex

## Tables

Table 1  
**Number of persons who have used the services within a year and average cost per one recipient, 2008–2011**

<i>Year</i>	<i>Number of persons who have used the services</i>	<i>Average cost per one recipient (thousand euros)</i>
1. Taking care of orphans and children without parental care in social welfare institutions (substitute home service)		
2008	1,698	7.911
2009	1,509	8.363
2010	1,419	9.561
2011	1,367	9.028
2. Social welfare services for children with a severe or profound disability who are being cared for in social welfare institutions at the request of the parents (substitute home service)		
2008	93	7.075
2009	83	6.323
2010	77	8.974
2011	68	6.174
3. Foster care		
2008	612	1.966
2009	527	1.991
2010	519	1.970
2011	471	2.282
4. Guardianship		
2008	1,794	2.063
2009	1,640	2.260
2010	1,595	2.377
2011	1,525	2.510
5. Childcare service		
2009	926	0.908
2010	1,218	0.835
2011	1,405	0.971

Table 2  
**Child protection officials in county governments and local governments, and the number of children per one child protection official, 2005–2011**

	2005	2006	2007	2008	2009	2010	2011
Total child protection officials	153	162	155	162	176	178	177
Child protection officials who have received professional training	115	126	119	129	140	139	145
Children aged 0-17 years per one child	1,736	1,596	1,630	1,535	1,403	1,382	1,392

	2005	2006	2007	2008	2009	2010	2011
protection official							

Source: The Ministry of Social Affairs.

Table 3  
Number of children by age groups, 2003–2012 (population as at 1.01.2012)

Age	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
0–2	38,387	38,395	39,769	41,120	42,984	44,780	46,452	47,349	47,413	46,107
3–6	48,533	48,772	49,203	50,355	51,249	52,217	53,973	55,862	58,615	60,666
7–14	137,841	128,551	119,138	110,954	105,511	101,706	99,939	99,563	99,672	100,880
15–17	63,854	64,815	65,270	63,247	58,771	54,000	48,353	44,181	40,285	38,693
0–17 total	288,615	280,533	273,380	265,676	258,515	252,703	248,717	246,955	245,985	246,346
0–17 percentage of the population	21.3%	20.8%	20.3%	19.8%	19.3%	18.8%	18.6%	18.4%	18.4%	18.4%

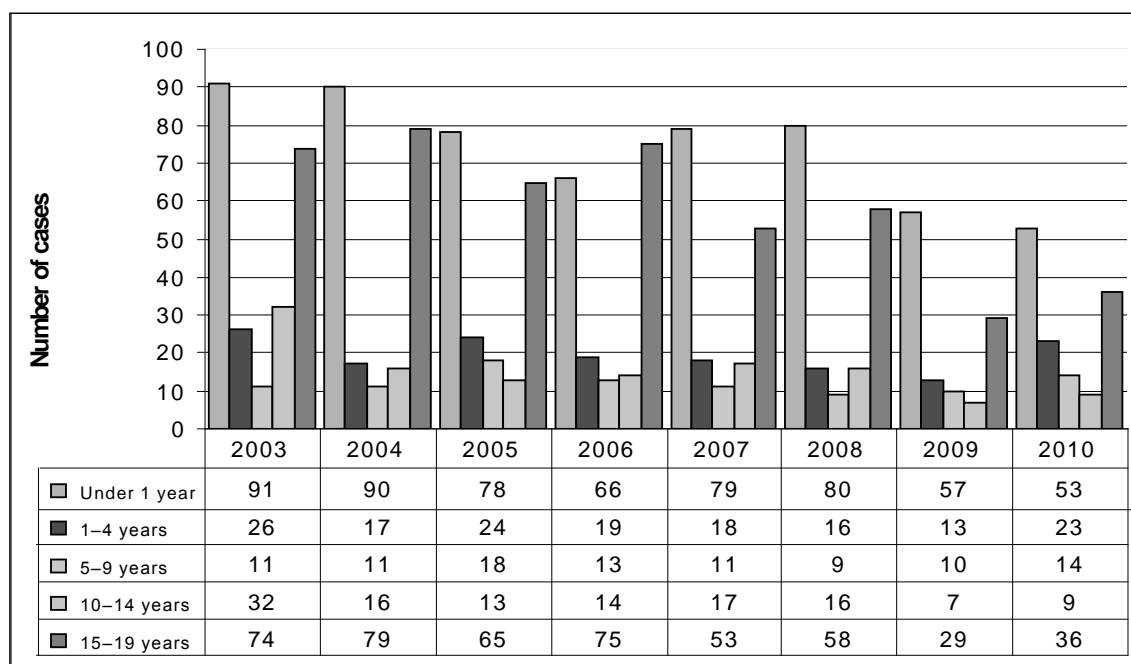
Source: Statistics Estonia.

Table 4  
Marriages among people aged up to 18 years, 2003–2009

	2003	2004	2005	2006	2007	2008	2009	2010
Boys	4	2	2	2	5	5	4	2
Girls	54	46	55	51	49	34	18	17
<b>Total</b>	<b>58</b>	<b>48</b>	<b>57</b>	<b>53</b>	<b>54</b>	<b>39</b>	<b>22</b>	<b>19</b>

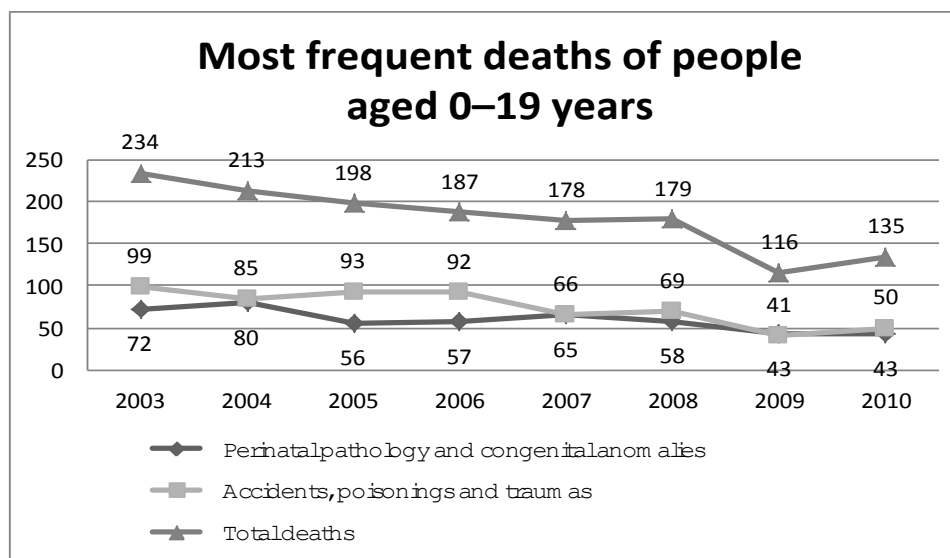
Source: Statistics Estonia.

Table 5  
Deaths of people aged 0–19 years, by age groups, 2003–2010



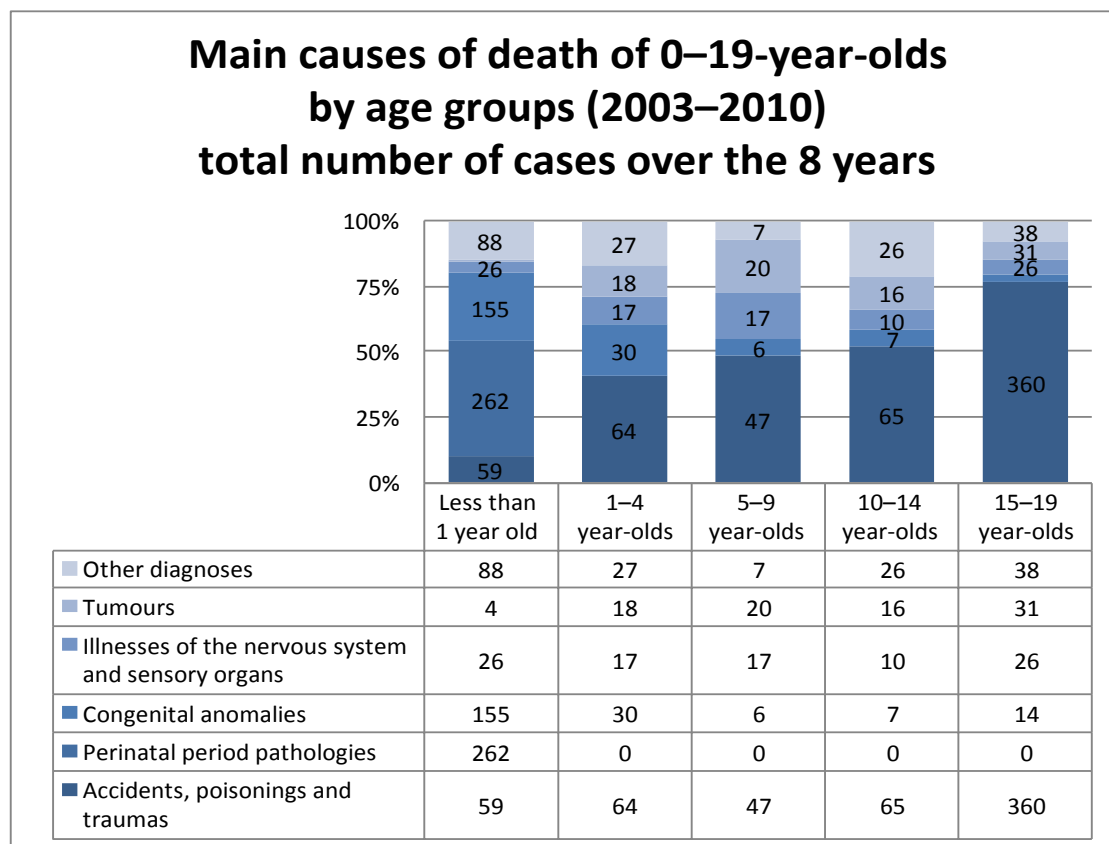
Source: Statistics Estonia.

Table 6  
Most frequent deaths of people aged 0–19 years, 2003–2010



Source: Statistics Estonia.

Table 7  
Percentage of most frequent causes of death by age groups (2003–2010 combined)



Source: Statistics Estonia.

Table 8  
Suicide as cause of death among people aged 0–19 years, 1996–2010

*Number of cases by age groups per 100,000 children in the same age group*

	5–9 year-olds	10–14 year-olds	15–19-year olds
1996		4 (3.7)	15 (15.1)
1997		5 (4.7)	15 (15.1)
1998	1 (1.1)	5 (4.7)	14 (13.9)
1999		2 (1.9)	25 (24.4)
2000		1 (0.9)	18 (17.3)
2001		4 (3.8)	14 (13.3)
2002	1 (1.5)	4 (4.0)	14 (13.2)
2003		4 (4.3)	12 (11.2)
2004		1 (1.2)	13 (12.1)
2005		1 (1.3)	13 (12.2)
2006		1 (1.4)	13 (12.5)
2007			6 (6.0)



<i>Number of cases by age groups per 100,000 children in the same age group</i>	
2008	2 (3.1) 12 (12.8)
2009	9 (10.5)
2010	10 (12.8)

*Source:* Statistics Estonia.

Table 9  
**Birth and abortion statistics, 2003–2010**

	2003	2004	2005	2006	2007	2008	2009	2010
Births	13,082	14,037	14,420	14,925	15,864	16,109	15,872	15,990
Including live births	13,018	13,975	14,333	14,869	15,798	16,045	15,792	15,922
General birthrate coefficient per 1000 residents	9.6	10.4	10.6	11.1	11.8	12.0	11.8	11.9
Special birthrate coefficient per 1000 women of fertile age	38.0	40.8	41.9	43.7	46.7	47.8	47.6	48.6
Abortions	13,021	12,641	11,849	11,647	11,144	10,719	9720	9114
Abortion rate per 1000 women of fertile age	38.0	36.9	34.6	34.2	32.9	31.9	29.3	27.8
Abortion rate per 100 live births	100	90.5	82.7	78.3	70.5	66.8	61.6	57.2

*Source:* National Institute for Health Development.

Table 10  
**Children registered and separated from their family (per year) and placement of children separated from their family (as at year end), 2006–2011<sup>20</sup>**

	2006	2007	2008	2009	2010	2011
Children registered (per year)	1,680	1,529	1,738	2,184	2,054	2,573
Children separated from their family (per year)	645	543	585	664	460	453
Placement of children separated from their family						
to a substitute home	160	178	163	168	139	142
to substitute care within a family (guardianship, foster care, adoption)	231	189	244	266	210	134
a shelter	191	85	103	177	54	79

<sup>20</sup> In the case of children separated from their family and placed within a year, the statistics reflect the last placement of the child. This means that if a child has been placed several times in a year (for example, to a shelter and then a foster home), the statistics only reflect the last placement. Placing a child to a shelter is generally a temporary solution which takes place before the child is placed to a substitute home or back to his or her family.

	2006	2007	2008	2009	2010	2011
back to their biological family	72	91	75	53	57	98

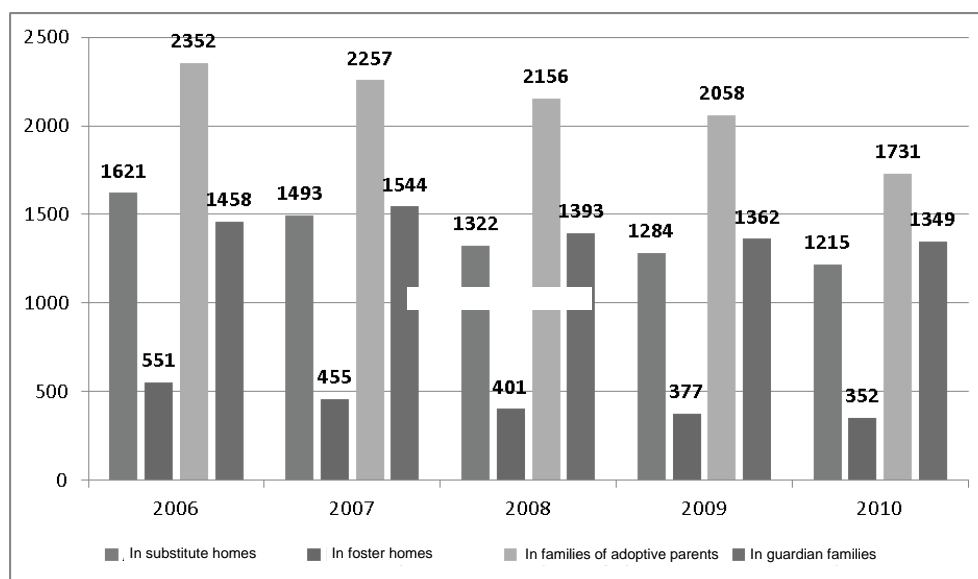
Source: the Ministry of Social Affairs.

Table 11  
**Illicit stay of a child abroad: number of applications, 2009–2011**

Type of application	Applicant	2009	2010	2011
Return of child	Estonia	8	10	7
	Foreign state	1	7	4
Guarantee of access to child	Estonia	1	7	4
	Foreign state	1	5	1
Suitability of guardian	Estonia	0	0	3
	Foreign state	0	5	6
Right of custody		2	1	0

Source: The Ministry of Justice.

Table 12  
**Children in substitute care by types of substitute care as of year end (2006–2010)**



Source: The Ministry of Social Affairs.

Table 13  
**Children adopted per year, 2003–2011**

	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total children adopted	130	165	152	158	142	181	126	131	110
of whom children adopted by a citizen of a foreign state	15	28	16	20	31	28	24	28	15
Out of children adopted:									

	2003	2004	2005	2006	2007	2008	2009	2010	2011
boys, %	55%	52%	54%	52%	53%	49%	54%	51%	49%
girls, %	45%	48%	46%	48%	47%	51%	46%	49%	51%
0–2 year-olds	48	50	40	44	35	54	36	37	33
3–6 year-olds	35	53	49	58	50	48	33	39	39
7–14 year-olds	46	53	53	47	54	71	53	46	36
15–7 year-olds	1	9	10	9	3	8	4	9	2

Source: The Ministry of Social Affairs.

Table 14  
Users of rehabilitation services, 2006–2011

	2006	2007	2008	2009	2010	2011
Users of rehabilitation services for minors who have special behavioural needs	34	45	71	93	81	92
0–17 year-olds who use rehabilitation services for disabled people	4,312	4,692	4,156	4,954	5,646	5,877

Source: The Social Insurance Board.

Table 15  
Children who have received childcare services, 2008–2011

	Total children	Children with a severe/profound disability
2008	2,997	221
2009	3,137	321
2010	3,762	431
2011	4,459	587

Source: The Ministry of Social Affairs.

Table 16  
Relative and absolute poverty rate of children and the population<sup>1</sup>, 2004–2011<sup>2</sup>

	2004	2005	2006	2007	2008	2009	2010	2011
Relative poverty rate, %								
Total population	18.3	18.3	19.4	19.5	19.7	15.8	17.5	17.5
0–17 year-olds	21.3	20.1	18.2	17.1	20.6	17.3	19.5	17.0
Absolute poverty rate, %								
Total population	14.3	9.8	7.0	4.8	4.7	6.3	8.7	8.1
0–17 year-olds	20.7	15.0	9.7	6.5	7.0	10.0	11.4	9.4

Source: Statistics Estonia, Estonian Social Survey 2005–2012.

<sup>1</sup> It indicates the percentage of people whose equalised disposable income is below the relative poverty threshold.

<sup>2</sup> The year when the income was earned, the survey is carried out retrospectively which means that the survey asks about the income of the previous year.

Table 17  
**Absolute poverty rate of children and the population by poverty thresholds<sup>1</sup>, 2004–2011<sup>2</sup>**

	2004	2005	2006	2007	2008	2009	2010	2011
Total population								
Total below the absolute poverty threshold (APT)	14.3	9.8	7.0	4.8	4.7	6.3	8.7	8.1
direct poverty (up to 80% of the APT)	9.0	5.7	3.9	3.1	3.0	3.8	5.5	5.1
poverty endangering subsistence (81–100% of the APT)	5.3	4.1	3.1	1.7	1.7	2.5	3.2	3.1
poverty risk (101–125% of the APT)	10.1	7.1	4.9	4.0	4.3	4.6	5.8	5.5
outside poverty risk (above 125% of the APT)	75.6	83.1	88.2	91.2	91.0	89.1	85.5	86.3
0–17 year-olds								
Total below the absolute poverty threshold (APT)	20.7	15.0	9.7	6.5	7.0	10.0	11.4	9.4
direct poverty (up to 80% of the APT)	14.0	8.7	5.8	4.0	4.2	5.8	6.7	5.9
poverty endangering subsistence (81–100% of the APT)	6.8	6.3	3.9	2.5	2.9	4.2	4.5	3.5
poverty risk (101–125% of the APT)	10.9	8.6	6.8	6.0	7.0	5.7	7.7	7.8
outside poverty risk (above 125% of the APT)	68.3	76.3	83.4	87.5	86.0	84.2	81.0	82.9

Source: Statistics Estonia, Estonian Social Survey 2005–2012.

<sup>1</sup> It indicates the percentage of people whose equalised disposable income is below the relative poverty threshold.

<sup>2</sup> The year when the income was earned, the survey is carried out retrospectively which means that the survey asks about the income of the previous year.

Table 18  
**According to the Estonian Sports Register, there were young people (up to 19 years of age included) engaged in sports as follows:**

<i>In sports clubs</i>	<i>In sports schools (hobby schools)</i>
69,818 young people in 2009	26,589 students
68,941 young people in 2010	30,269 students
71,642 young people in 2011	30,765 students
76,606 young people in 2012	42,188 students

The number of young people in sports clubs and in sports schools cannot be combined because a lot of sports clubs are the owners of sports schools, and therefore many people going to sports schools and sports clubs may overlap. The numbers presented should be used separately.

Table 19  
**Cases of provision of consular assistance to minors, 2004–2013**

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Number of minors	5	15	4	4	9	5	5	3	7	9

Source: The Ministry of Foreign Affairs.

Table 20  
**Ranking of Estonia in PISA tests by average results**

Area	2006	2009	2012

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<i>Area</i>	<i>2006</i>		<i>2009</i>		<i>2012</i>	
	<i>In the World</i>	<i>In Europe</i>	<i>In the World</i>	<i>In Europe</i>	<i>In the World</i>	<i>In Europe</i>
	Functional reading	13th	18th	13th	15th	11th
Mathematics	14th	6th	17th	7th	11th	4th
Natural science	15th	2nd	9th	2nd	6th	2nd

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*Source:* The Ministry of Education and Research.

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