

# Franet National contribution to the Fundamental Rights Report 2020

**Estonia**

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## Franet country study: policy and legal highlights 2019

<b>Issues in the fundamental rights institutional landscape</b>	<b>Chancellor of Justice started work as an NHRI and CRPD Article 33(2) monitoring mechanism:</b> The Chancellor of Justice employed one extra person for each task and <a href="#">set up an advisory council of 50 persons</a> from a wide variety of areas to advise on the NHRI function and <a href="#">another advisory council</a> consisting of persons with disabilities or their representatives to fulfil the CRPD role.
<b>EU Charter of Fundamental Rights</b>	<b>Charter used by Supreme Court:</b> The Charter was applied in a <a href="#">ruling of the Constitutional Review Chamber of the Supreme Court</a> related to the right of a prisoner to stand as a candidate at European Parliament elections.
<b>Equality and non-discrimination</b>	<b>Public support for LGBT rights slowly increasing:</b> According to a <a href="#">survey carried out by the Estonian Human Rights Centre</a> in 2019, there were more respondents supporting the Registered Partnership Act (49%), which allows same-sex unions, than against it (39%). Compared to similar surveys carried out in 2012, 2014 and 2017, this was the first time there was a clear majority of respondents supporting the act. There was also more support than ever for the need to provide protection for gays and lesbians against discrimination.
<b>Racism, xenophobia &amp; Roma integration</b>	<b>Hate crime and hate speech:</b> Framework Decision on Racism and Xenophobia has still not been fully transposed, even though the police are seeing more complaints, but the Ministry of Interior has made efforts to train officials and has updated the guide on recording hate crimes.  <b>Roma integration:</b> The Ministry of Culture initiated the project “Activation and empowerment of Roma integration stakeholders in Estonia 2” (ESTROM 2). The project focuses on supporting the development of Roma civil society through youth training, strengthening of the Roma integration network and promotion of Roma history, culture and traditions
<b>Asylum &amp; migration</b>	<b>Unaccompanied children reaching the age of majority:</b> No unaccompanied minors have been registered since 2015.
<b>Data protection and digital society</b>	<b>Artificial Intelligence:</b> The government has <a href="#">enacted a three-year action plan</a> on AI that was prepared and published based on a <a href="#">report on use of AI</a> that included some data protection considerations. The action plan contains numerous activities to facilitate the adoption of AI in the public and private sectors.
<b>Rights of the child</b>	<b>Children who are suspects in criminal proceedings:</b> Transposition of Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings was on track, and the Prosecutor General has taken steps to harmonise its practice with the directive.
<b>Access to justice, including victims of crime</b>	<b>Violence against women:</b> <a href="#">Action Plan to Prevent Domestic Violence 2019-2023</a> has been approved by the government. The Action Plan includes five broad goals: protecting and supporting victims, holding accountable persons using violence, ensuring specialists are aware and professional, making tools available for supporting specialists, and ensuring regular monitoring takes place. <b>Victims of crime:</b> <a href="#">crisis assistance hotline</a> for victims of crime was launched.
<b>Convention on the Rights of Persons with Disability</b>	<b>Accessibility of buildings:</b> <a href="#">New regulations</a> have become effective that require newly built residential buildings with four storeys or more to have an elevator.

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

In Estonia, the Equal Treatment Act (*Võrdse kohtlemise seadus*) has been problematic in its area of protection since its adoption in December 2008. The act provides a wider scope of protection based on gender, nationality, race and colour, than on the grounds of age, disability, sexual orientation, religion or beliefs. The Equal Treatment Network that consists of NGOs has drawn attention to such differentiation numerous times and advised the state to harmonise protection based on all grounds mentioned in the Equal Treatment Act, and all areas of life.<sup>1</sup>

On 28 May 2018 the Ministry of Social Affairs (*Sotsiaalministeerium*) proposed amendments to the Government of Estonia with the purpose of extending the application of the Equal Treatment Act so that protection from discrimination be extended to all groups protected from discrimination in the same way but on 21 February 2019 the process ended due to the termination of the mandate of the Parliament at the time.<sup>2</sup> Nonetheless, the Ministry of Social Affairs has expressed its intent to start the process again with the new government.<sup>3</sup>

On 13 June 2018, the Parliament of Estonia passed the Act on Supplementing the Chancellor of Justice Act (*Õiguskantsleri seaduse täiendamise seadus*), which designated the Chancellor of Justice (*Õiguskantsler*) as the official national human rights institution. In addition, the chancellor was also charged with performing the tasks of protection and promotion arising from the UN Convention on the Rights of Persons with Disabilities. The law took effect on 1 January 2019.<sup>4</sup>

The so-called Paris Principles, adopted by UN General Assembly resolution on 20 December 1993, stipulate that member states will have to establish a National Human Rights Institution in line with the conditions set out in the resolution. One of the conditions for the National Human Rights Institution is to ensure that there is a pluralist representation of the people and groups that are involved in the protection and promotion of human rights. For that purpose the chancellor established an Advisory Committee on Human Rights that first convened on 26 March 2019. The Advisory Committee has 50 members who were selected via an open competition including people from all across Estonia, with different backgrounds and fields of expertise, including some well-known specialists from non-governmental organisations that deal with the topic of equality and non-discrimination. The general meeting of the committee is held twice a year and field-specific discussions take place as needed.<sup>5</sup>

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<sup>1</sup> Grossthal, K. (2018), [Human Rights in Estonia 2016 – 2017, Chapter on Prohibition of Discrimination](#), Tallinn, Estonian Human Rights Centre.

<sup>2</sup> Estonia, Register of draft laws ([Eelnõude infosüsteem](#)).

<sup>3</sup> Estonia, Ministry of Social Affairs (Sotsiaalministeerium), Response to request for information, 6 September 2019.

<sup>4</sup> Estonia, Act on Supplementing the Chancellor of Justice Act ([Õiguskantsleri seaduse täiendamise seadus](#)), 13 June 2018.

<sup>5</sup> Estonia, Office of the Chancellor of Justice (*Õiguskantsler*), [Advisory Committee on Human Rights](#).

## 2. Research findings, studies or surveys on either experiences of discrimination or rights awareness

In June 2019 the Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*) published the results of an opinion survey<sup>6</sup> looking into people's attitudes towards LGBT topics in Estonia. Over the course of seven years, the Estonian Human Rights Centre has commissioned four public opinion surveys on LGBT rights. The surveys were conducted in 2012, 2014, 2017 and 2019 by Turu-uuringute AS, an independent research company that has been operating in the Estonian market since 1994. The study population was made up of permanent residents of the Republic of Estonia aged 15 years and up. The sample size was 1,000, reflecting the sociodemographic composition of Estonian society. The survey method was face-to-face personal interviews using a standardized questionnaire. The main finding of the survey was that, more than ever, respondents agree that gays and lesbians should be protected from discrimination in the workplace, in education, and should have full access to goods and services. The 2019 study concludes that the opponents of the Registered Partnership Act (*Kooseluseadus*) are for the first time clearly in the minority—only 39% of Estonian residents do not support the Registered Partnership Act, while 49% support it.

At the same time, the 2019 survey also shows that the attitudes in many areas have not changed significantly compared to the last survey. For example, 41% consider homosexuality totally or mostly acceptable, and 52% respondents still consider homosexuality totally or mostly unacceptable (7% have no opinion). Compared to 2017, these numbers have remained exactly the same.<sup>7</sup>

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<sup>6</sup> Turu Uuringute AS (2019), [Attitudes towards LGBT topics in Estonia – key findings](#), Tallinn, Estonian Human Rights Centre.

<sup>7</sup> Turu-uuringute AS (2019), A public opinion survey about the attitudes of the Estonian population towards the LGBT topics ([Avaliku arvamuse uuring Eesti elanike hoiakutest LGBT-kooskonna ja teemade suhtes](#)), Tallinn, Estonian Human Rights Centre.

## Chapter 2. Racism, xenophobia and related intolerance

### 1. Legal, policy developments and measures relating to the application of the Racial Equality Directive

There were not any legal or policy developments or measures in Estonia in 2019 that related to the application of the Racial Equality Directive. The Equal Treatment Act (*Võrdse kohtlemise seadus*)<sup>8</sup> was adopted in December 2008 to transpose the directive into Estonian legislation and since then areas protected against discrimination have been divided into two categories: discrimination based on race, ethnicity and colour is prohibited in all areas of life (employment, education, services, and social security), while discrimination based on religion or belief, age, disability and sexual orientation is only prohibited in the area of employment.

Between 1 September 2018 and 31 August 2019, the Chancellor of Justice (*Õiguskantsler*) received a total of 20 appeals regarding discrimination out of which three appeals were based on the grounds of language, nationality (ethnic origin) citizenship and origin. The case that has been concluded to date concerned a potential discrimination by the Language Inspectorat (*Keeleinspeksioon*) which has the right to monitor whether places and people offering services to the public are able to provide services at a specific level of Estonian. The inspectorate had asked additional questions from one restaurant only regarding an employee with a foreign name. The Chancellor of Justice found that there had been no discrimination but wrote an opinion to the Language Inspectorat that there was no need to ask additional questions about the language skills of people who are in the Estonian Education Information System database.<sup>9</sup>

In 2018 the Gender Equality and Equal Treatment Commissioner (*Soolise võrdõiguslikkuse ja võrdse kohtlemise volinik*) received 304 appeals in total out of which 25 were related to nationality and 4 were related to language skills issues.<sup>10</sup>

### 2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia

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<sup>8</sup> Estonia, Equal Treatment Act (*Võrdse kohtlemise seadus*), 1 January 2009.

<sup>9</sup> Estonia, Office of the Chancellor of Justice (*Õiguskantsler*) (2018), Annual Report 2018 ([Õiguskantsleri aastaülevaade 2017/2018](#)).

<sup>10</sup> Estonia, Gender Equality and Equal Treatment Commissioner (*Soolise võrdõiguslikkuse ja võrdse kohtlemise volinik*) (2019), Annual Report 2018 ([2018. aasta aruanne](#)).

There have not been any legal or policy developments in Estonia in 2019 that directly relate to the implementation of the Framework Decision on Racism and Xenophobia. The full transposition of the Framework Decision has stalled and there are currently no concrete plans to move forward with the process<sup>11</sup>.

Estonian anti-discrimination legislation is based on §12 of the Constitution of the Republic of Estonia (*Eesti Vabariigi Põhiseadus*), which prohibits discrimination and incitement of ethnic, racial, religious or political hatred. Violence and discrimination are prohibited and punishable by law.<sup>12</sup> The Penal Code (*Karistusseadustik*)<sup>13</sup> includes § 151 which prohibits incitement of hatred but there is no specific law prohibiting hate crimes. Hate-motivated criminal incidents are investigated and prosecuted under the general provisions of the Penal Code.

The provision has proven to be of little use, considering that there have been very few cases reported under § 151.<sup>14</sup> According to the wording of the provision, incitement of hatred is punishable only in cases where it poses an immediate danger to the life, health or property of a person. Such a requirement of immediate danger poses hindrances to the application of the provision.<sup>15</sup>

Despite the lack of a specific law prohibiting hate crimes, in 2016 the state created the possibility for police officers to register reported hate crime cases. Moreover, a guide has been developed to assist police officers in recording crimes as hate crimes. In 2019 the guide was updated by the Ministry of Justice (*Justiitsministeerium*). In addition, the ministry organised an internal training on the topic of hate crime for relevant public officials in the spring of 2019.<sup>16</sup>

The police registration system enables police officers to tick a special box, marking a case as a hate crime. This “hate crime flag” is not restricted to hate crimes, but is also used to mark other cases, such as hate speech incidents. It is not mandatory to flag something as a hate crime. Three categories are currently available to police officers for flagging hate crimes:

1. race, religion, origin;
2. sexual orientation and identity; and
3. other group identity (disability and other social groups).

The three categories create an open-ended list, aggregating distinct strands of hate crime (e.g. religion-race-origin) and, at the same time, do not enable further disaggregation of bias motivations at the time of recording. Only after the criminal suspect has been identified can the police record the

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<sup>11</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 24 September 2019.

<sup>12</sup> Estonia, The Constitution of the Republic of Estonia (*Eesti Vabariigi Põhiseadus*), 3 July 1992.

<sup>13</sup> Estonia, Penal Code (*Karistusseadustik*), 1 September 2002.

<sup>14</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 6 September 2019.

<sup>15</sup> Grossthal, K. (2015), *Vaenukõne ja vaenu õhutamise keelust*, Tallinn, Estonian Human Rights Centre.

<sup>16</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 16 September 2019.

crime motive by selecting the type of motive in the database, including the hate motive. This suggests a duality in “recording motive”: hate crime flags and the motive box.

Data entered in the Police Information System (MIS) is simultaneously accessible by a prosecutor in the prosecutors’ register (Criminal Case Management Register); the information can be further used and changed by the prosecutor in the prosecutors’ register and sent, if necessary, to the court information system (KIS); later, the procedural information and the court decision which has entered into force can be delivered to the Information System of Prisons (VangIS). When preparing the Crime in Estonia yearbook, the Ministry of Justice then conducts keyword searches in the crime description field across the whole registration system to verify the number and type of crimes that have been recorded as hate crimes, and to identify such cases that should have been recorded as hate crimes but were not.<sup>17</sup>

In 2018, six hate crimes were registered and in five cases the motive behind the crime was actual or perceived race, religion or origin of the victim.<sup>18</sup> At the same, in April 2019 the representative of the Estonian Police and Border Guard (*Politsei- ja Piirivalveamet*) publicly admitted that more and more people turn to them regarding incitement to racial or ethnic hatred and online hate speech. The representative of the police also explained that not all of these cases are prosecuted due to the limitations of the Penal Code.<sup>19</sup>

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<sup>17</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 4 December 2017.

<sup>18</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Hate Crimes in Estonia in 2018 ([Vaenukuriteod Eestis aastal 2018](#)).

<sup>19</sup> Nemsitsveridze, H. (2019), [Politsei: vaenu õhutamiseqa seotud teated on Eestis saagenud](#), Tallinn, Delfi.



## Chapter 3. Roma integration

### 1. Measures and developments addressing Roma/Travellers segregation

The Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*) conducted two studies for the Central European University. The first report of the National Roma Integration Strategies reviewed the key structural preconditions for successful implementation: fighting discrimination and anti-Gypsyism, governance and overall policy framework (including Roma participation, coordination structures, use of European Structural and Investment Funds). The main conclusion of the study was that Roma integration, both cultural and general, which is currently dealt with and led by the Ministry of Culture (*Kultuuriministeerium*), would be more effective if in each ministry Roma integration was managed by a department or a person who is aware of the specific problems of the Roma. Additionally, it highlighted that there is no existing Roma integration action plan, and one should be established.<sup>20</sup>

The second report focused on the key policy areas of education, employment, healthcare and housing. The main conclusion of the report was that the current policy of treating the Roma as any other cultural minority leads to their specific needs and challenges being overlooked. In addition, the report refers to previous studies<sup>21</sup> to illustrate limited cases of poor living conditions and lack of access to water. The report also points out difficulties with finding rental accommodation within the Roma community.<sup>22</sup> However, no large-scale studies have been conducted to estimate the scope of the problem.

### 2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers' inclusion

In 2015, the Ministry of Culture established the Roma Integration Council (*Romade lõimumise nõukoda*) for dealing with the issues of Roma integration and coordinating information. The council is tasked with analysing the existing problems and proposing ideas to different stakeholders on how to improve the integration of the Roma in Estonia. Members of the council are representatives of ministries, representatives of the Roma community and representatives of

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<sup>20</sup> Rünne, E., Laanpere, L., Estonian Human Rights Centre (2018), [Civil society monitoring report on implementation of the national Roma integration strategies in Estonia \(focusing on structural and horizontal preconditions for successful implementation of the strategy\)](#), Brussels, European Commission Directorate-General for Justice and Consumers.

<sup>21</sup> Tartu University (*Tartu Ülikool*) (2013), [The situation and the need for integration of the Estonian Roma community \(Eesti roma elanikkonna olukord ja lõimumise vajadus\)](#).

<sup>22</sup> Rünne, E., Laanpere, L., Estonian Human Rights Centre (2019), [Civil society monitoring report on implementation of the national Roma integration strategies II in Estonia \(assessing progress in key policy areas of the strategy\)](#), Brussels, European Commission Directorate-General for Justice and Consumers.

municipal governments and schools.<sup>23</sup> The council generally meets twice a year, but unfortunately, attendance is not high.<sup>24</sup> In 2019, the council met once on 21 June, four of the 13 members attended the meeting.<sup>25</sup>

In 2017, the Ministry of Culture started a project “Activation and empowerment of Roma integration stakeholders in Estonia” (ESTROM).<sup>26</sup> The project was financed by the European Commission (the cost of the project is 57,029.93 EUR, 5 per cent is to be co-financed by the state budget of Estonia).<sup>27</sup> The activities of the project were carried out in 2017 and 2018. Within the project period there were four workshops for Roma youth, three workshops for young Roma activists, one seminar for teachers who are working with Roma children, two stakeholders’ meetings, research about the participation of the Roma in the Estonian society and an event for Memorial of The Holocaust. Altogether there were 132 participants (mostly with Roma background) who participated in different events.<sup>28</sup>

Officials find that carrying out the activities aimed at the Roma community on a project basis is very difficult, because the period between the end of one project and the start of the next one is more than six months, during which the activity of the community wanes.<sup>29</sup> Still, Ministry of Culture applied for funding again, as they view it as the only way to fund activities to empower Roma community.<sup>30</sup>

On 1 August 2019, Ministry of Culture started the follow-up project “Activation and empowerment of Roma integration stakeholders in Estonia 2” (ESTROM 2). The project is being financed by the European Commission (95%) as well as the Estonian Ministry of Culture (5%), and the activities are targeted at Roma women and youth. The project focuses on supporting the development of Roma civil society through youth training, strengthening of the Roma integration network and promotion of Roma history, culture and traditions.<sup>31</sup>

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<sup>23</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*) (2019), [Roma Integration Council](#) (*Romade lõimumise nõukoda*).

<sup>24</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*) (2019), [Protocols of the meetings](#) (*Koosolekute protokollid*).

<sup>25</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*) (2019), [“Protocol of the meeting of the Roma Integration Council”](#) (*Romade lõimumise nõukoja koosoleku protokoll*), 21 June 2019.

<sup>26</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), [“Protocol of the meeting of the Roma Integration Council”](#) (*Romade lõimumise nõukoja koosoleku protokoll*), 23 January 2018.

<sup>27</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), [“Protocol of the meeting of the Roma Integration Council”](#) (*Romade lõimumise nõukoja koosoleku protokoll*), 23 January 2018.

<sup>28</sup> Rünne, E., Laanpere, L., Estonian Human Rights Centre (2018), [Civil society monitoring report on implementation of the national Roma integration strategies in Estonia \(focusing on structural and horizontal preconditions for successful implementation of the strategy\)](#), Brussels, European Commission Directorate-General for Justice and Consumers.

<sup>29</sup> Rünne, E., Laanpere, L., Estonian Human Rights Centre (2018), [Civil society monitoring report on implementation of the national Roma integration strategies in Estonia \(focusing on structural and horizontal preconditions for successful implementation of the strategy\)](#), Brussels, European Commission Directorate-General for Justice and Consumers.

<sup>30</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 22 August 2019.

<sup>31</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 22 August 2019.

In the framework of the project, the following activities have been planned: a seminar for teachers working with Roma children in cooperation with the Ministry of Education (*Haridus- ja Teadusministeerium*), five young Estonian Roma taking part in the Roma youth workshop “Sare Khetene” in Latvia, one-on-one training for three young Roma activists to be active in civil society, training for young Roma in Valga (Estonia) and Valka (Latvia) to increase their motivation (10 young people from Valga and 10 from Valka will participate); two 2-day trainings for 20 young Roma or Roma women. The topics include self-motivation and leadership, teamwork, communication, human rights and public services in Estonia.<sup>32</sup>

The Ministry of Culture, in cooperation with the Integration Foundation (*Integratsiooni Sihtasutus*) and the municipality of Valga, planned to open a Roma Advisory Centre (*Romade nõustamiskeskus*) in Valga in autumn 2019. The centre was not opened in the autumn, and the Ministry of Culture cannot predict when the establishment of the centre will take place.<sup>33</sup> According to the Ministry of Culture, the purpose of the service is to provide all Roma children in need with adequate support for their education as well as to offer access to public services for the local Roma community with the goal of improving Roma integration into Estonian society. Also, the plan is that the advisor in the centre will be a member of the Roma community.<sup>34</sup>

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<sup>32</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), “[Protocol of the meeting of the Roma Integration Council](#)” (*Romade lõimumise nõukoja koosoleku protokoll*), 21 June 2019.

<sup>33</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 26 October 2019.

<sup>34</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 22 August 2019.

## Chapter 4. Asylum, visas, migration, borders and integration

### Unaccompanied children reaching the age of majority

Area of support	Description
<b>Residence permit</b> <i>Reception conditions Directive (Article 6 and 7) and Qualification Directive (Articles 24 and 31)</i>	<p>Unaccompanied children, who have applied for asylum, are to receive a certificate of applicant for international protection from the Police and Border Guard Board (<i>Politsei- ja Piirivalveamet</i>) within three days of the submission of the application for international protection.<sup>35</sup> This certificate is to be issued to all applicants for international protection and its expiration date is not tied to the age of the applicant. It is to be granted for the duration of the asylum procedure and can be extended for the duration of the court procedure in the case that a negative asylum decision is being challenged.</p> <p>An unaccompanied child, who is recognised as a refugee, is to be granted a temporary residence permit for three years. In the case of subsidiary protection, the residence permit is valid for one year. Both residence permits may be extended if the grounds for granting international protection have not ceased to exist.<sup>36</sup></p> <p>Unaccompanied children, who have not applied for asylum, are not to automatically receive a temporary permit or a residence permit. They can be issued a precept to leave if their representation has been ensured and their interests have been taken into account.<sup>37</sup> If return is not in the best interests of the child, the Police and Border Guard Board may, in exceptional circumstances, issue a temporary residence permit for settling permanently in Estonia. This residence permit is not limited to unaccompanied children, it may be issued to all third-country nationals if it has</p>

<sup>35</sup> Estonia, Act on Granting International Protection to Aliens ([Välismaalasele rahvusvahelise kaitse andmise seadus](#)) § 51 (1), 14 December 2005.

<sup>36</sup> Estonia, Act on Granting International Protection to Aliens ([Välismaalasele rahvusvahelise kaitse andmise seadus](#)) § 37-39, 14 December 2005.

<sup>37</sup> Estonia, Obligation to Leave and Prohibition on Entry Act ([Väljasõidukohustuse ja sissesõidukeelu seadus](#)) § 12 (3), 21 October 1998.

	<p>become evident that leaving Estonia would be unduly burdensome for them, they lack the possibility of getting a residence permit on another basis and they do not constitute a threat to public order or national security.<sup>38</sup> It is to be issued for up to one year and may be extended by up to three years at a time.<sup>39</sup> However, this option became available with the 2016 amendment to the Aliens Act (<i>Välismaalaste seadus</i>), and there have been no unaccompanied children registered by the Police and Border Guard Board since 2015, so the actual practice of this option is lacking.<sup>40</sup></p> <p>Unaccompanied children also have the option to apply for other types of temporary residence permits outlined in the Aliens Act (e.g. a temporary residence permit for study), if they meet the relevant legal requirements.<sup>41</sup> There is also the possibility of receiving a temporary residence permit for participation in criminal proceedings.<sup>42</sup> In 2015, two unaccompanied children from Vietnam received a temporary residence permit on that ground.<sup>43</sup></p>
<p><b>Guardianship (representative under Reception Conditions Directive Article 24.1)</b></p>	<p>The guardianship of unaccompanied children is to be regulated primarily by the Family Law Act (<i>Perekonnaseadus</i>), according to which the duties of a guardian are performed by the local government of the child's place of residence until the appointment of a guardian. Establishment of guardianship is to be decided by a court on its own initiative or on the basis of an application by the local government or an interested person. Upon failure to find a suitable natural or legal person, the local government with which the child is most closely connected is to be appointed guardian.<sup>44</sup> According to Estonian practice so far, local governments remain the guardians of unaccompanied children, and there are no known instances of the local government turning to the court with an application to appoint another guardian.<sup>45</sup></p>

<sup>38</sup> Estonia, Aliens Act ([Välismaalaste seadus](#)) § 210<sup>3</sup> (1), 9 December 2009.

<sup>39</sup> Estonia, Aliens Act ([Välismaalaste seadus](#)) § 210<sup>4</sup> (1), 9 December 2009.

<sup>40</sup> Estonia, Police and Border Guard Board, Response to request for information, 11 September 2019.

<sup>41</sup> Estonia, Aliens Act ([Välismaalaste seadus](#)) § 118, § 162, 9 December 2009.

<sup>42</sup> Estonia, Aliens Act ([Välismaalaste seadus](#)) § 203, 9 December 2009.

<sup>43</sup> Estonia, Police and Border Guard Board, Response to request for information, 11 September 2019.

<sup>44</sup> Estonia, Family Law Act ([Perekonnaseadus](#)) § 173, § 176 (1)-(2), 18 November 2009.

<sup>45</sup> Estonia, Chancellor of Justice (*Õiguskantsler*) (2016), Reception of unaccompanied minors ([Sisserändajatest saatjata alaealiste vastuvõtmine](#)), p. 7.

	<p>The role of the guardian ends when the unaccompanied child reaches the age of 18. However, there are still options for the local government to continue to provide alternative care service and continued care service to the unaccompanied child who has turned 18 (elaborated further below).</p>
<p><b>Accommodation</b> <b>Reception Conditions Directive</b> <b>Article 24.2</b></p>	<p>Unaccompanied children, who have applied for international protection, are to be placed in the accommodation centre for asylum-seekers, referred to substitute home service or to an adult relative.<sup>46</sup> After reaching the age of 18, they are entitled to stay in the accommodation centre for asylum-seekers.</p> <p>Unaccompanied children, who have not applied for international protection, are to be provided alternative care service by the Social Insurance Board (<i>Sotsiaalkindlustusamet</i>).<sup>47</sup> In 2014, the Social Insurance Board entered into an agreement with the SOS Children’s Villages (<i>SOS Lasteküla</i>) for the provision of substitute home services for unaccompanied children.<sup>48</sup></p> <p>Unaccompanied children without a legal ground to stay in Estonia are entitled to substitute home services until the age of 18.<sup>49</sup> Upon acquiring a legal ground to reside in Estonia (for example, a residence permit to study), the unaccompanied children are treated equally to Estonian children, which means that alternative care service can be extended until the age of 19, if the child continues the acquisition of education at a basic school, upper secondary school or a formal vocational education.<sup>50</sup> However, where young adults are accommodated is decided case by case.<sup>51</sup></p>

<sup>46</sup> Estonia, Act on Granting International Protection to Aliens ([Välismaalasele rahvusvahelise kaitse andmise seadus](#)) § 17 (12), 14 December 2005.

<sup>47</sup> Estonia, Obligation to Leave and Prohibition on Entry Act ([Väljasõidukohustuse ja sissesõidukeelu seadus](#)) § 12 (9), 21 October 1998.

<sup>48</sup> Estonia, Chancellor of Justice (*Õiguskantsler*) (2016), Reception of unaccompanied minors ([Sisserändajatest saajata alaealiste vastuvõtmine](#)), p. 20.

<sup>49</sup> European Migration Network (EMN), Estonian National Contact Point (2018), [Member States’ Approaches to Unaccompanied Minors Following Status Determination: Estonian National Report](#), p. 21, Tallinn.

<sup>50</sup> Estonia, Social Welfare Act ([Sotsiaalhoolekande seadus](#)) § 45<sup>9</sup> (2), 9 December 2015.

<sup>51</sup> Estonia, SOS Children’s Village (*SOS Lasteküla*), Response to request for information, 20 September 2019.

	<p>Beyond that, there is also the option of continued care service for young adults who are leaving alternative care service (for both Estonians and non-Estonians legally residing in the country). This is a social service organised by a local authority with the objective of supporting the ability of a person leaving alternative care to cope independently and continue their studies. The service is similar to alternative care service in essence, but it allows the young adult to be more independent and take more responsibility to successfully transition into fully independent life.<sup>52</sup> Continued care service is provided based on a case plan, on the basis of which the local authority ensures housing and needs-based support services and benefits. This can be provided to young adults up to 25 years of age, in case they are attaining a higher education.<sup>53</sup></p>
<p><b>Return</b> <b>Return Directive, Article 10</b></p>	<p>According to the Obligation to Leave and Prohibition on Entry Act (<i>Väljasõidukohustuse ja sissesõidukeelu seadus</i>), an unaccompanied minor may only be returned if the custody of a minor is arranged and the protection of the rights and interests of the minor are ensured in the admitting country. Return of an unaccompanied child is to be arranged in coordination with the competent state agencies of the admitting country and, in cases of necessity, with the competent state agencies in the transit country.<sup>54</sup></p> <p>The responsibility lies with the guardian of the unaccompanied child to ensure that the child will be sent back to his or her family member or appointed guardian or to the reception centre of the receiving state. The guardian has to organise the child's compliance with the precept to leave. The Police and Border Guard Board provides the guardian with professional assistance for the compliance with the obligation to leave. The Police and Border Guard Board or the Estonian Internal Security Service (<i>Kaitsepolitsei</i>) organises the search for a family member of the unaccompanied minor, a guardian or a reception centre appointed in the receiving state.<sup>55</sup></p> <p>The International Organisation for Migration (IOM) can also provide assistance for the return procedure, within the framework of their Assisted Voluntary Return and Reintegration programme. They offer return and reintegration services, which include information provision and counseling, pre-departure assistance, assistance in obtaining travel</p>

<sup>52</sup> Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), Response to request for information, 18 November 2019.

<sup>53</sup> Estonia, Social Welfare Act ([Sotsiaalhoolekande seadus](#)) § 45<sup>15</sup>, 9 December 2015.

<sup>54</sup> Estonia, Obligation to Leave and Prohibition on Entry Act ([Väljasõidukohustuse ja sissesõidukeelu seadus](#)) § 21 (1)-(2), 21 October 1998.

<sup>55</sup> Estonia, Obligation to Leave and Prohibition on Entry Act ([Väljasõidukohustuse ja sissesõidukeelu seadus](#)) § 12 (3)-(8), 21 October 1998.

	<p>documents, travel arrangements, and assistance during departure, transit and arrival.<sup>56</sup> No unaccompanied children have turned to IOM to date.<sup>57</sup></p> <p>No special kind of assistance is provided to young adults in preparation for return procedures, but they can benefit from the assistance provided by IOM.</p>
<b>Others</b>	-

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<sup>56</sup> International Organisation for Migration (IOM) [Office in Estonia](#).

<sup>57</sup> International Organisation for Migration (IOM) Office in Estonia, Response to request for information, 12 September 2019.



## Chapter 5. Information society, data protection

### 1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

The Estonian Data Protection Inspectorate (*Andmekaitse inspeksioon*) has not developed and launched any particular activities to implement and enforce the GDPR in 2019. In order to raise awareness, the inspectorate has published some news items and updated the questions and answers section of their website. The inspectorate has also published weekly items on their Facebook page. Although the numerous guidelines the inspectorate have published on their website have not yet been updated to comply with the GDPR, they have stated an intent to do so “in the short term”.<sup>58</sup> There have been no significant changes in the structure, financial or human resources of the Estonian Data Protection Inspectorate in 2019 in order to ensure its independence. The Estonian Data Protection Inspectorate remains structurally as an agency in the area of governance of the Ministry of Justice (*Justiitsministeerium*). It should be noted that for most of 2019, the Inspectorate worked under an Acting Director General—the appointed Director General only started work on 19 August 2019. Also, according to Estonian Data Protection Inspectorate they have not signed any cooperation agreements with civil society organisations. So far, there have only been ad hoc and one-time contacts with the civil society.<sup>59</sup>

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<sup>58</sup> Estonia, Estonian Data Protection Inspectorate (*Andmekaitse Inspeksioon*), Response to request for information, 15 August 2019

<sup>59</sup> Estonia, Estonian Data Protection Inspectorate (*Andmekaitse Inspeksioon*), Response to request for information, 4 December 2019

## 2. Artificial intelligence and big data

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned?(yes/no)	Reference
EE	Government	Adopted Acts	Estonian National Action Plan on Artificial Intelligence 2019–2021 (also called the Estonian Artificial Intelligence Strategy). The Action Plan is based on the proposals of an expert group report and consists of a list of activities.	No	No	Estonia, Ministry of Economics and Communications ( <i>Majandus- ja Kommunikatsiooniministeerium</i> ) (2019), Estonian National Action Plan on Artificial Intelligence 2019–2021 ( <i>Eesti riiklik tehisintellekti alane tegevuskava 2019–2021</i> ), <a href="https://www.mkm.ee/sites/default/files/eesti_kratikava_juuli2019.pdf">https://www.mkm.ee/sites/default/files/eesti_kratikava_juuli2019.pdf</a> and in English: <a href="https://f98cc689-5814-47ec-86b3-db505a7c3978.filesusr.com/ugd/7df26f_27a618cb80a648c38be427194affa2f3.pdf">https://f98cc689-5814-47ec-86b3-db505a7c3978.filesusr.com/ugd/7df26f_27a618cb80a648c38be427194affa2f3.pdf</a>
EE	Government	Report/study	Report of the Estonian Expert Group on the Use of Artificial Intelligence. The report considers diverse aspects of artificial intelligence, including international experience, and makes proposals for short-term measures. The expert group included representatives from various government ministries and agencies,	Yes	Yes (data protection)  Gender dimension and child	Estonia, Government Office ( <i>Riigikantselei</i> ) (2019), Report of the Estonian Expert Group on Use of Artificial Intelligence ( <i>Eesti tehisintellekti kasutuselevõtu eksperdirühma aruanne</i> ), <a href="https://www.riigikantselei.ee/sites/default/files/riigikantselei/strateegiaburoo/eesti_tehisintellekti_kasutuselevotu_eksperdiruhma_aruanne.pdf">https://www.riigikantselei.ee/sites/default/files/riigikantselei/strateegiaburoo/eesti_tehisintellekti_kasutuselevotu_eksperdiruhma_aruanne.pdf</a> and in English: <a href="https://f98cc689-5814-47ec-86b3-">https://f98cc689-5814-47ec-86b3-</a>

			universities and companies. The analysis was done by the consultancy firm EY at the request of the Government Office Strategy Bureau. There was a separate working group on legal aspects.		rights are not specifically addressed.	db505a7c3978.filesusr.com/ugd/7df26f_486454c9f32340b28206e140350159cf.pdf
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\*For the actors, please pick from the following suggestions:

- Government/Parliamentary
- DPA
- NGO / Other Non-Profit
- Academia
- Domestic Courts
- Business
- Independent State Institution
- Other

\*\* for the type, please pick from the following suggestions:

- National Draft Acts / Adopted Acts
- report/study

- other projects

### 3. Data retention

In November 2018 the Ministry of Justice introduced for consultation the Legislative Intent to Draft Law amending the Electronic Communications Act, which explored various options for amending compulsory data retention. The Ministry of Justice explained that in 2019 work is still ongoing on the draft law, but it has not been completed, because of the need to wait for outcomes of various preliminary references referred to the Court of Justice of the European Union.<sup>60</sup> These include the case C-746/18 *Prokuratuur*, referred to the Court by the Estonian Supreme Court, for which the Grand Chamber hearing was held on 15 October 2019. It concerned the use of retained communications data in the investigation of multiple thefts of items of minor value as well as whether the Prosecutor's Office, that would later prosecute the case, could be considered an independent administrative authority for the purposes of prior review of data access requests.

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<sup>60</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 16 September 2019.

## Chapter 6. Rights of the child

### 1. Procedural safeguards for children who are suspects in criminal proceedings

<b>Legislative changes</b>	In relation to the transposition of the Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, the Parliament passed on 4 December 2019 the Act on Amendments to the Penal Code and other related acts ( <i>Karistusseadustiku ja teiste seaduste muutmise seadus</i> ), the law took effect on 30 December 2019. The most important adopted amendments stipulate the right of a minor to an individual assessment, and to a medical examination upon deprivation of liberty, and the right of his or her legal representative or another person to participate in the criminal proceedings. <sup>61</sup>
<b>Policy developments</b>	In 2018, the Office of the Prosecutor General ( <i>Prokuratuur</i> ) initiated and adopted an agreement on the treatment of minors suspected of criminal offences that aims to harmonise the practice of the prosecutor's office with the Directive 2016/800. <sup>62</sup> The agreement lists 30 principles upon which child-friendly prosecution should be built. These principles guide prosecutors through different stages of criminal proceedings, emphasise the vulnerability of minors and the need to guarantee special safeguards for children during the proceedings. <sup>63</sup> On 21 February 2019, the Office of the Prosecutor General organised a roundtable for prosecutors specialising in juvenile crimes to discuss implementation of the agreement. <sup>64</sup>
<b>Other measures or initiatives</b>	-

### 2. Legal and policy measures or initiatives developed about child internet safety

In 2019, the Estonian Union for Child Welfare continued with the project "Safely on the web". The project's mission is to encourage smarter Internet use by children and their parents and the prevention of the online distribution of child sexual abuse material. Among other activities, a free online service called "Vihjeliin" was created and has continued to function in 2019. The service enables Internet users to provide information about material being distributed online which

<sup>61</sup> Estonia, [The Bill on the Amendments to the Penal Code and other related acts](#) (*Karistusseadustiku ja teiste seaduste muutmise seadus*), initiated 9 September 2019.

<sup>62</sup> Estonia, Prosecutor's Office (*Prokuratuur*), [Special Treatment of Juveniles Suspected of crimes During the Criminal Procedure](#) (*Kuriteo toime pannud alaealiste erikohtlemine kriminaalmenetluses*).

<sup>63</sup> Estonia, Prosecutor's Office (*Prokuratuur*), [Special Treatment of Juveniles Suspected of crimes During the Criminal Procedure](#) (*Kuriteo toime pannud alaealiste erikohtlemine kriminaalmenetluses*).

<sup>64</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 16 September 2019.

depicts illegal content, e.g. the sexual abuse or exploitation of minors and child trafficking. Information can be submitted anonymously and no personal details are investigated or recorded.<sup>65</sup>

There were no legal or policy developments or measures in Estonia in 2019 relating to the application of the Directive 2018/1808 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities. The transposition deadline is due on 19 September 2020 and the draft law to implement the directive is in process.<sup>66</sup>

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<sup>65</sup> Estonia, Estonian Union for Child Welfare, project '[Safely on the web](#)'.

<sup>66</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 13 December 2019.

## Chapter 7. Access to justice including crime victims

### 1. Victims' Rights Directive

In 2019, the Ministry of Justice (*Justiitsministeerium*) and State Prosecutor's office (*Riigiprokuratuur*) jointly developed an information sheet for victims of crime (available in Estonian and six other languages)<sup>67</sup> and a Handbook on Better Treatment of Victims. The Ministry of Justice also organised four information days in different parts of Estonia on better treatment of victims, targeting specialists in law enforcement agencies (police, prosecutors, judges, attorneys), healthcare establishments and victim support offices.<sup>68</sup>

Since 2019, the Social Insurance Board (*Sotsiaalkindlustusamet*) has offered round-the-clock crisis assistance for victims of crime by phone or using a web-based hotline.<sup>69</sup> This crisis hotline was established in January 2019, it has a yearly budget of ca 140 000 euros, which includes salaries, technical equipment, call costs for callers and training costs. Statistics show that it has been well received by the victims, getting between 300 and 500 calls each month. When the crisis line was introduced, there were more contacts (nearly 600), but these were mostly asking for information about the line and not specific cases of victims of violence or crime. The Social Insurance Board has named victim support officials, police officers, emergency services, local government officials, child help hotline, women's shelters and an NGO as primary cooperation partners for the crisis hotline.<sup>70</sup>

### 2. Violence against women

The Ministry of Justice introduced a draft law to amend the Code of Criminal Procedure (*Kriminaalmenetluse seadustik*) to allow a temporary restraining order to be issued as an interim measure.<sup>71</sup> The draft law is a wide-ranging review of the Code of Criminal Procedure that includes removal from joint place of habitation in cases of domestic violence. The draft law, in works since 2017, was submitted to its third consultation within ministries in July 2019, but has not yet been presented to the Cabinet or the Parliament.

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<sup>67</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), [Information sheet for victims of crime](#).

<sup>68</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 16 September 2019.

<sup>69</sup> Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), [Round-the-clock crisis assistance for victims of crime](#).

<sup>70</sup> Estonia, Social Insurance Board, (*Sotsiaalkindlustusamet*), Response to request for information, 27 November 2019.

<sup>71</sup> Estonia, Draft Law to amend the Code of Criminal Procedure and other laws (review of the Code of Criminal Procedure) ([Kriminaalmenetluse seadustiku muutmise ja sellega seonduvalt teiste seaduste muutmise seaduse \(kriminaalmenetluse seadustiku revisjon\)](#)).

In July 2019, the government approved the Memorandum to Prevent Domestic Violence, which includes the Action Plan to Prevent Domestic Violence 2019–2023.<sup>72</sup> The Action Plan, the first dedicated plan addressing domestic violence, includes five broad goals: protecting and supporting victims, holding accountable persons using violence, ensuring specialists are aware and professional, making tools available for supporting specialists, and ensuring regular monitoring takes place.

The Social Insurance Board offers round-the-clock crisis assistance for victims of violence and domestic violence by phone and over a web-based hotline.<sup>73</sup> Additional funding (17,000 euros) was provided to NGOs giving legal aid to victims of sexual offences.<sup>74</sup>

The Multi-Agency Risk Assessment Conference (MARAC) model of case management of domestic violence cases was continued and expanded.<sup>75</sup>

A grassroots-initiated campaign #meieajakangelane (“#The Hero of Our Time”) was carried out to support domestic violence victims and raise awareness of domestic violence.<sup>76</sup> It was organised by an NGO, the victim support unit of the Social Insurance Board and a marketing agency. The campaign was completely *pro bono*, supported by NGOs, companies and individuals. Large number of media companies provided free advertising space to display the advertisements that formed a part of the campaign, celebrities had media appearances and the campaign also had a social media component. The message of the campaign was that “asking for help is the greatest heroic act” and it encouraged women to turn to the crisis hotline or the victim support website for help.<sup>77</sup>

There appear to be no negative developments in the area.

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<sup>72</sup> Estonia, Ministry of Interior (*Siseministeerium*) (2019), Memorandum to Cabinet Meeting ([Memorandum valitsuskabineti nõupidamisele](#)).

<sup>73</sup> Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), [Round-the-clock crisis assistance for victims of crime](#).

<sup>74</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), [Ministry of Justice supports legal aid for sexual violence victims](#).

<sup>75</sup> Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), [Multi-Agency Risk Assessment Conference \(MARAC\) model](#).

<sup>76</sup> *The Hero of Our Time* ([Meie aja kangelane](#)).

<sup>77</sup> Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), [Campaign #heroofourtime encourages those in violent relationships to ask for help](#).



# Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

## 1. CRPD policy & legal developments

In August 2019, the new regulation on building projects for housing became effective.<sup>78</sup> This includes measures to improve accessibility to new dwellings, including the requirement that a residential building should have an elevator if it has four storeys or more.

A number of minor amendments came into force in January 2019 which make it easier for disabled persons to access technical aids. It is planned also to change the maximum prices for aids.<sup>79</sup>

Since the beginning of 2019, the Consumer Protection and Technical Regulatory Agency (*Tarbijakaitse ja Tehnilise Järelevalve Amet*) has had the authority to check the accessibility compliance of buildings which are used to provide services to the public.<sup>80</sup>

The government action programme 2019–2023 foresaw the establishment of the accessibility task force by September 2019. The accessibility task force was established at the State Chancellery (*Riigikantselei*) by the government on 26 September 2019. The tasks of the task force are to investigate the accessibility situation and problems in all important societal and living environment aspects, and develop policy recommendations and solutions that would make the public space and services accessible for all within the next 10 years. It includes representatives of various ministries, the State Chancellery, NGOs representing disabled persons, pensioners and children, City of Tallinn, Consumer Protection and Technical Regulatory Agency, Chancellor of Justice, Gender Equality and Equal Treatment Commissioner as well as associations of real estate companies, architects, cities and counties as well as Employers Confederation and the Estonian Chamber of Commerce.<sup>81</sup> It held the first meeting in November 2019, with work continuing in working groups next year. The deadline for the fulfilment of the assignment (i.e. a final report) is July 2021.<sup>82</sup>

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<sup>78</sup> Estonia, Minister of Economics and Infrastructure (*Majandus- ja taristuminister*), Regulation no 85 of 2 July 2015 (2. juuli 2015 määrus nr 85), Requirements for dwelling ([Eluruumile esitatavad nõuded](#)).

<sup>79</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 6 September 2019.

<sup>80</sup> Estonia, Minister of Economics and Infrastructure (*Majandus- ja taristuminister*), Regulation no 28 of 29 May 2018 (29. mai 2018 määrus nr 28), Special needs for disabled persons for requirements for buildings ([Puudega inimeste erivajadustest tulenevad nõuded ehitisele](#)).

<sup>81</sup> Estonia, State Chancellery (*Riigikantselei*), Accessibility task force ([Liigipäätavuse rakkerühm](#)).

<sup>82</sup> Estonia, State Chancellery (*Riigikantselei*), Task force wants to change Estonia into an accessible society by 2035 ([Rakkerühm tahab aastaks 2035 muuta Eesti liigipäätavaks ühiskonnaks](#)).

The Ministry of Social Affairs (*Sotsiaalministeerium*) aimed to resubmit to the government its proposal to amend the Equal Treatment Act (*Võrdse kohtlemise seadus*) to expand its protections against discrimination to include religious beliefs, age, disability and sexual orientation in areas outside of employment and training, making it equal to the protection against discrimination based on ethnic origin, race and skin colour.

## 2. CRPD monitoring at national level

The Chancellor of Justice (*Õiguskantsler*) started in 2019, with the Article 33(2), a mechanism to promote, protect and monitor the implementation of CRPD. The amendments to the Chancellor of Justice Act (*Õiguskantsleri seadus*) were adopted by the Parliament in 2018. With the additional funding that came with the changes, the Chancellor of Justice created a new position called Head of Disability Rights in the Social Rights Department and formed an advisory board of disabled persons. The members of the advisory board are disabled persons and representatives of their organisations. It meets at least twice a year and special working groups will be created according to need. The first meeting took place in May 2019. The Article 33(1) coordination mechanism did not meet in 2019.

Table: Structures set up for the implementation and monitoring of the CRPD

EUMS	Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)	Coordination mechanism – Article 33 (1)	Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)
EE	Ministry of Social Affairs ( <i>Sotsiaalministeerium</i> )	Cooperation Assembly between ministries ( <i>Puuetega inimeste koostöökogu</i> ), Estonian Chamber of Disabled People ( <i>Eesti Puuetega Inimeste Koda</i> ) and four disabled persons organisations	<a href="#">Chancellor of Justice</a> ( <i>Õiguskantsler</i> )

## Annex 1 – Promising Practices

Thematic area	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.
Title (original language)	Vanus on väärtus
Title (EN)	Age is an Asset
Organisation (original language)	Sotsiaalministeerium
Organisation (EN)	The Ministry of Social Affairs
Government / Civil society	Government
Funding body	The Ministry of Social Affairs
Reference (incl. url, where available)	<a href="https://www.sm.ee/et/uudised/sotsiaalkampaania-vanus-vaartus-tootamine-kasulik-igas-eas">https://www.sm.ee/et/uudised/sotsiaalkampaania-vanus-vaartus-tootamine-kasulik-igas-eas</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 October 2019
Type of initiative	Campaign
Main target group	Society as a whole
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The campaign aims to bring people aged 50 and over into spotlight and calls on society to appreciate the wisdom that comes with getting older. In addition, the campaign aims to boost self-confidence and motivation of older people through positive stories. Another objective is to encourage employers and society to recognise employees with long experience and break down negative age stereotypes. The campaign also introduces changes to the 1st pillar of Pension Reform, which will come into force in 2021 and will support longer working lives.
Highlight any element of the actions that is transferable (max. 500 chars)	The campaign focuses on inspiring stories of four people, all with different professions and hobbies. The campaign uses different methods, there are TV commercials that call to learn about the campaign, video stories, long articles and interviews. As a part of campaign, people are urged to use retirement planning calculator to discover what one's pension income could be in retirement, and what income options and advice are available. These personal stories and calculator option can be used as a method in many countries when addressing longer working lives and advantages to being old.

Give reasons why you consider the practice as sustainable (as opposed to “one off activities”)	N/A
Give reasons why you consider the practice to have a concrete measurable impact	N/A
Give reasons why you consider the practice as transferrable to other settings and/or Member States	N/A
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Koolitajate koolitamine ja õppekava väljatöötamine vaenukuritegude, rassismi, võõravaenu ja teiste sallimatuste vormide teemal
Title (EN)	Training of trainers and training curriculum for the trainers in the Baltic region on the topic of hate crime and how to tackle it from a civil society perspective.
Organisation (original language)	Eesti Inimõiguste Keskus
Organisation (EN)	Estonian Human Rights Centre
Government / Civil society	Civil Society
Funding body	The project is co-funded by the European Commission under the Rights, Equality and Citizenship Programme 2014–2020, and the National Foundation of Civil Society of Estonia.
Reference (incl. url, where available)	
Indicate the start date of the promising	21 September 2018

practice and the finishing date if it has ceased to exist	
Type of initiative	Training and curriculum
Main target group	Civil society leaders and activists active in the equal treatment field
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	This is the first ever specially designed curriculum on the topic of hate crime for civil society leaders and experts in the Baltic region. The development of the curriculum is done in close cooperation with experts from three countries. It is envisioned that participants of a training that is carried out in accordance with the curriculum will: 1. Understand societal processes that contribute to bias, stereotypes and bias-motivated incidents; 2. Understand exclusion/marginalization of different groups from a human rights based perspective; 3. Recognize and understand the dynamics of hate crimes and the impact that hate crimes have on victims; 4. Understand the necessity of increasing awareness of the impact of hate crimes in society and among specific communities; 5. Have knowledge about victim support; 6. Understand legislation both at EU and state levels; 7. Understand the extent of bias incidents and hate crimes in the Baltic States and EU; 8. Be familiar with case studies from Estonia, Latvia and Lithuania and also from other EU countries. Training for interested future trainers to use the curriculum was organised by the Estonian Human Rights Centre in September 2019.
Highlight any element of the actions that is transferable (max. 500 chars)	The curriculum will be available to the wider public and it is complemented with guidelines for trainers and designed to be easily printed if needed. Therefore it can serve as an in-depth resource of information for civil society representatives to learn about the topic of hate crimes and new trainings for future trainers can be organized on an ongoing basis.
Give reasons why you consider the practice as sustainable (as opposed to 'one-off activities')	It is foreseen that trainers will develop a cascading plan of the training programme in their own country. It is expected that trained future trainers will deliver the obtained knowledge and skills to their own community, colleagues and other civil society organisations.
Give reasons why you consider the practice as having concrete measurable impact	The curriculum is developed in close cooperation by the Estonian Human Rights Centre, Latvian Centre for Human Rights and Human Rights Monitoring Institute in Lithuania which all have long history, knowledge and interest in the topic and have been committed to the development of the curriculum but also in the planning of follow-up trainings in their respective countries. All the organisations have close ties with the minority communities and other civil society organisations to secure the use of curriculum and participation in the trainings.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Most parts of the curriculum are general and focus on the phenomenon of hate crime and could be used in any European country. The case studies from the Baltics that are part of the curriculum can also be used in other countries.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the	The curriculum was developed in cooperation with the civil society organisations from the three countries involved. In the development phase the partners met in person and used Skype and e-mail to discuss it.

design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Still to be done.

	<b>ROMA INTEGRATION</b>
Thematic area	Please provide one example of a promising practice in relation to addressing a Roma/Travellers segregation at either the national, regional or local level. These could be in, but are not limited to, the area of segregation in education, residential segregation, segregation in healthcare services or employment.
	No promising practice has been identified for this thematic area.

	<b>Asylum, visas, migration borders and integration</b>
Thematic area	Please provide a promising practice on the support provided to unaccompanied children when reaching majority.
	No promising practice has been identified for this thematic area.

	<b>INFORMATION SOCIETY, DATA PROTECTION</b>
Thematic area	Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
	No promising practice has been identified for this thematic area.

	<b>RIGHTS OF THE CHILD</b>
Thematic area	Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter.
	No promising practice has been identified for this thematic area.

	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b>
Thematic area	Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter
	No promising practice has been identified for this thematic area.

	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b>
Thematic area	Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
	No promising practice has been identified for this thematic area.

## Annex 2 – Case law

Thematic area	<p><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p>Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report</p>
Decision date	21 June 2019
Reference details	Supreme Court of Estonia (Riigikohus), case number 5-18-5
Key facts of the case (max. 500 chars)	The decision concerned two cases where the Police and Border Guard Board had refused to grant temporary residence permits to the same-sex registered partners of Estonian citizens who wished to settle in Estonia. In the first case the couple had entered into registered partnership in Estonia and in the other case the couple had done the same in Germany. In both cases the couples appealed the court decision.
Main reasoning/argumentation (max. 500 chars)	The Supreme Court of Estonia declared the part of the Aliens Act that precludes granting temporary residence permits to same-sex registered partners of Estonian citizens for leading family life in Estonia unconstitutional and invalid. Previously the Circuit Court had ruled that the Aliens Act is unconstitutional, as it does not include a legal basis for granting temporary residence permits in the aforementioned situation, and initiated constitutional review proceedings in the Supreme Court that led to the aforementioned Supreme Court ruling. The Supreme Court stated in its decision that the fundamental right to family life also applies to same-sex partners who wish to live in Estonia as a family.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Based on the principles of human dignity and equal treatment guaranteed by the Estonian Constitution, the Supreme Court found that the fundamental right to family life does extend to the right of same-sex partners to live in Estonia as a family. The court also noted the complex situation with the Registered Partnership Act that entered into force on 1 January 2016. To date, the Parliament has not passed relevant implementing acts that specify the implementation of the Registered Partnership Act in practical situations. The draft amends the acts, foreseeing changes in the Aliens Act, so that the same same-sex registered partners would have same rights as married couples regarding the temporary residence permits.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Police and Border Guard Board was obliged to re-examine the applications of couples for residence permits and issue them temporary residence permits. In addition, the Police and Border Guard Board must now follow the ruling in the future when examining and granting residence permits.
Key quotation in original language and translated into English with reference details (max. 500 chars)	Tunnistada välismaalaste seadus põhiseadusega vastuolus olevaks ja kehtetuks osas, milles see välistab tähtjalise elamisloa andmise välismaalasele Eesti Vabariigi kodanikust samast soost registreeritud elukaaslase juurde Eestisse elama asumiseks. Estonia, Supreme Court of Estonia (Riigikohus), 5-18-5, 21 June 2019 available at <a href="https://www.riigikohus.ee/et/lahendid/?asjaNr=5-18-5/17">https://www.riigikohus.ee/et/lahendid/?asjaNr=5-18-5/17</a>



	The part of the Aliens Act that precludes granting temporary residence permits to same-sex registered partners of Estonian citizens for leading family life in Estonia is declared to be unconstitutional and invalid.
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Thematic area	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b>  Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.
	No case law has been identified for this thematic area.

Thematic area	<b>ROMA INTEGRATION</b>  Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
	No case law has been identified for this thematic area.

Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b>  Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter
	No case law has been identified for this thematic area.

Thematic area	<b>RIGHTS OF THE CHILD</b>  Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.
	No case law has been identified for this thematic area.

Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b>  Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter..
	No case law has been identified for this thematic area.

Thematic area	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b>
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	Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
	No case law has been identified for this thematic area.