

# **Franet National contribution to the Fundamental Rights Report 2021**

**{Estonia}**

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## Policy and legal highlights 2020

Franet country study: policy and legal highlights 2020	
<b>Issues in the fundamental rights institutional landscape</b>	<b>Effect of the COVID-19 pandemic on the work of the Chancellor of Justice:</b> Meetings of the Advisory Council for Persons with Disabilities and the Advisory Committee on Human Rights were cancelled in the first half of 2020, but the Chancellor of Justice has <a href="#">closely scrutinised</a> the COVID-19 measures applied by the government.
<b>EU Charter of Fundamental Rights</b>	<b>Charter used by the Supreme Court:</b> On 17 April 2020, the Charter was referred to in a <a href="#">ruling</a> in which the Supreme Court considered whether detaining an asylum-seeker was lawful, and whether the national law allowing detaining asylum-seekers is sufficiently precise and foreseeable to comply with Article 52 (1) of the Charter.
<b>Equality and non-discrimination</b>	<b>Efforts to combat discrimination against older people:</b> In January 2020, a consortium of civil society organisations and public institutions started implementing a <a href="#">strategic partnership programme</a> in cooperation with the Ministry of Social Affairs to build up organising and advocacy capacity among elderly rights advocacy groups.
<b>Racism, xenophobia &amp; Roma integration</b>	<b>European Commission launched infringement proceedings against Estonia:</b> On 30 October 2020, the European Commission sent a <a href="#">formal notice</a> to the Estonian government to transpose fully and accurately the EU rules on combating certain forms of expressions of racism and xenophobia by means of criminal law. <b>Roma community mentors started work in Valga:</b> In June 2020, <a href="#">two mentors</a> focusing on issues concerning the integration of the Roma community started work in Valga, the municipality with the largest Roma community in Estonia.
<b>Asylum &amp; migration</b>	<b>Third country nationals unable to leave during the emergency situation were allowed to stay:</b> Third country nationals, whose right to legally reside in Estonia came to an end during the emergency situation (12 March 2020 – 17 May 2020), <a href="#">were given the right to temporarily stay in Estonia lawfully</a> , if they were unable to return to their country of residence as it was either deemed a high-risk area or border crossings had been restricted or stopped.
<b>Data protection and digital society</b>	<b>COVID-19 app respects data protection guidelines:</b> In June 2020, the <a href="#">contact-tracing app HOIA</a> was released in Estonia. Its use is voluntary, and it does not collect other data than the fact of infection. It is based on Bluetooth signals exchange, and does not involve location tracking or use data from private telecoms.
<b>Rights of the child</b>	<b>Special benefits paid to families with children with special needs:</b> From 20 April 2020 until the end of the emergency situation, <a href="#">parents raising a child with special needs received special benefits</a> , to ensure a replacement income for a parent who had to be temporarily away from work to care for the child.

<p><b>Access to justice, including victims of crime</b></p>	<p><b>Amendments to the Code of Criminal Procedure adopted during the pandemic:</b> On 7 May 2020, within the framework of an <a href="#">act amending different laws in relation to measures against the COVID-19 pandemic</a>, amendments to the Code of Criminal Procedure entered into force. The amendments expanded the use of audio-visual tools in criminal proceedings and introduced the option of emergency barring orders, which an order of the prosecutor may establish and the court approve later.</p>
<p><b>Convention on the Rights of Persons with Disability</b></p>	<p><b>Ministry of Social Affairs working on transposing the Directive (EU) 2019/882:</b> In June 2020, an inter-ministerial working group on the transposition of the <a href="#">Directive on the accessibility requirements for products and services</a> was set up under the auspices of the Ministry of Social Affairs to transpose the directive on time.</p>

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

The Equal Treatment Act (*Võrdse kohtlemise seadus*)<sup>1</sup> has been problematic in its scope 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 (*Võrdse kohtlemise võrgustik*), which 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>2</sup>

The amendments to the Act have continuously been subject of political discussion and previous governments have started and terminated the process. According to the Ministry of Social Affairs (*Sotsiaalministeerium*), there is intent to start the process again and the ministry is preparing the draft law to amend the Equal Treatment Act.<sup>3</sup>

There has been growing public discussion on the topic of ageing population and increased life expectancy that has also resulted in policy responses, such as the Welfare Development Plan 2016–2023 (*Heaolu arengukava 2016-2023*) and funding opportunities for civil society. The aforementioned development plan addresses, among other topics, several issues connected to equality and equal treatment of older people. For example, it underlines that biased attitudes of employers may lead to unequal treatment. It also stresses that the risk of relative poverty among the elderly as a whole is significantly higher than that of the whole population.<sup>4</sup>

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

<sup>2</sup> Grossthal, K. (2018), [Human Rights in Estonia 2016 – 2017, Chapter on Prohibition of Discrimination](#), Tallinn, Estonian Human Rights Centre.

<sup>3</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>4</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*) (2016), [Welfare Development Plan 2016–2023](#) (*Heaolu arengukava 2016-2023*).

In order to meet the objectives set in the plan, in autumn 2019, the Ministry of Social Affairs published a public call<sup>5</sup> for elderly rights advocacy groups to build up the organising and advocacy capacity among these groups and professionals involved in elderly services. Because of the open call, a consortium of civil society organisations and public institutions are implementing a strategic partnership programme in 2020-2021 in cooperation with the Ministry of Social Affairs. The partnership programme consists of different capacity development interventions implemented by the consortium partners, trainings and mentorship efforts that, among other aims, should also contribute to awareness raising about social exclusion and discrimination of older people.<sup>6</sup>

On 3 November 2020, the Ministry of Social Affairs sent out a notice of commencement of the public consultation process for the Welfare Development Plan 2023-2030 (*Heaolu arengukava 2023-2030*). The new plan will cover thematic areas such as labour market, social protection, gender equality and equal treatment policies, child welfare and gender-based violence policies. The ministry has convened a steering committee to assist and advise the process, it consists of relevant institutions, stakeholders and civil society organisations.<sup>7</sup>

In relation to the COVID-19 crisis, there are reports that the pandemic has disadvantaged the position of older people in the labour market, resulting from an increase in competition, as well as the unexpected need to use technological tools to work from home.<sup>8</sup>

## **2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.**

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<sup>5</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*) (2019), Call for strategic partnership ([Strateegilise partnerluse taotlusvoorukutse](#)).

<sup>6</sup> Golden League (*Kuldne Liiga*) (2020), Strategic partnership with the Ministry of Social Affairs ([Strateegiline partnerlus sotsiaalministeeriumiga](#)).

<sup>7</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), E-mail invitation, 3 November 2020.

<sup>8</sup> For more information on the social rights of older people during COVID-19 pandemic in Estonia, please see page 9 of the [Franet country study](#) released on 25 November 2020.

## Chapter 2. Racism, xenophobia and related intolerance

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

There were no legal or policy developments or measures in Estonia in 2020 relating to the application of the Racial Equality Directive.

The Equal Treatment Act (*Võrdse kohtlemise seadus*)<sup>9</sup> was adopted in December 2008 to transpose the directive into Estonian legislation. 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 2019 and 31 August 2020, the Chancellor of Justice (*Õiguskantsler*) received 11 appeals regarding discrimination. The number of appeals has fallen significantly compared to the same period last reporting period when the Chancellor received 20 appeals, out of which three were based on the grounds of language, nationality (ethnic origin), citizenship and origin.<sup>10</sup>

In spring 2020, the Gender Equality and Equal Treatment Commissioner (*Soolise võrdõiguslikkuse ja võrdse kohtlemise volinik*) introduced its annual overview for the year 2019 and reported receiving 304 appeals in total, out of which eight were related to race and/or skin colour.<sup>11</sup>

### 2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime

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<sup>9</sup> Estonia, Equal Treatment Act (*Võrdse kohtlemise seadus*), 1 January 2009.

<sup>10</sup> Estonia, Office of the Chancellor of Justice (*Õiguskantsler*) (2020), Annual Report 2020 (*Õiguskantsleri aastaülevaade 2019/2020*).

<sup>11</sup> Estonia, Gender Equality and Equal Treatment Commissioner (*Soolise võrdõiguslikkuse ja võrdse kohtlemise volinik*) (2020), Annual Report 2019 (*2019 aasta aruanne*).



The full transposition of the Framework Decision has continuously been subject to discussion in society, but with little process towards transposition domestically.<sup>12</sup> In September 2020, the Minister of Justice Raivo Aeg stated likelihood of infringement proceedings against Estonia for not transposing the framework decision. The Minister of the Interior Mart Helme added in the same public communication: "If the infringement procedure results in a fine on Estonia, we will pay the fine. But we will go to court before that. The court proceedings will certainly take years, but we will simply not let them walk all over us".<sup>13</sup>

On 19 October 2020, the oppositional Reform Party initiated a bill to criminalise hate speech. The bill's explanatory memo states that racism and xenophobia directly violate the principles of freedom, democracy, human rights and freedoms, as well as the tenets of the rule of law. The memo also refers to the framework decision.<sup>14</sup>

The European Commission launched infringement proceedings against Estonia on 30 October 2020, and sent a formal notice to the government to transpose fully and accurately the EU rules on combating certain forms of expressions of racism and xenophobia by means of criminal law. It stated that Estonia has failed to transpose criminalisation of specific forms of hate speech, namely the public condoning, denying or gross trivialisation of international crimes and the Holocaust, when such conduct aims at inciting violence or hatred. Additionally, Estonia has not correctly criminalised hate speech, by omitting the criminalisation of public incitement to violence or hatred when directed at groups, and has not provided for adequate penalties. Finally, the Estonian Penal Code does not ensure that racist and xenophobic motivation of crimes is taken into account as an aggravating circumstance, so that such crimes are effectively

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<sup>12</sup> Kala, A. (2020), Human Rights in Estonia 2020, Chapter on the situation of LGBT persons ([Inimõigused Eestis 2020, peatükk LGBT+ inimeste olukorrast](#)), Tallinn, Estonian Human Rights Centre (Eesti Inimõiguste Keskus).

<sup>13</sup> Sarv, H. (2020), '[Eestit ähvardab vihakõne kriminaliseerimata jätmise eest EL-i trahv](#)', ERR, 22 September 2020.

<sup>14</sup> Estonia, The Riigikogu Reform Party group (Eesti Reformierakonna fraktsioon) (2020), '[Reformierakond esitas Riigikogu menetlusse vaenukõne kriminaliseeriva eelnõu](#)', press release, 19 October 2020.

and adequately prosecuted. Estonia has two months to reply to the points raised by the Commission. Otherwise, the Commission may decide to send a reasoned opinion.<sup>15</sup>

## Chapter 3. Roma equality and inclusion

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

In January 2020, the Integration Foundation (*Integratsiooni Sihtasutus*) published a call to find mentors for the Roma community in Valga. The aim of the mentors' work is to support the integration of the Roma community, including raising awareness of the Roma community about their rights and responsibilities, helping to improve the capacity of the public sector to guarantee these rights, and overcoming cultural differences. The target group of the service is Roma families who are mainly registered as residents of Valga municipality, and Roma children and young people who need support to fulfil their obligation to attend school in this region.<sup>16</sup>

One of the mentors focuses on supporting the educational path of Roma children. The mentor cooperates with parents for this purpose and finds solutions to social problems in cooperation with Valga municipality and schools. The other mentor promotes cooperation within the Roma community and organises events that unite the community, as well as promotes cooperation between the Roma community and the municipality and its institutions.<sup>17</sup>

The mentors were originally meant to start work in February 2020, but due to the emergency situation because of the COVID-19 crisis, the two selected mentors started work in June 2020. One of the selected mentors is himself a Roma. The other one has volunteered before in Valga to empower the Roma

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<sup>15</sup> European Commission (2020), [Combating racism and xenophobia: The Commission calls on Estonia and Romania to fully transpose EU law criminalising hate speech and hate crimes](#), Infringement decisions, INF-20-1687, 30 October 2020.

<sup>16</sup> Estonia, Integration Foundation (*Integratsiooni Sihtasutus*), Response to request for information, 10 September 2020.

<sup>17</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 10 September 2020.

community.<sup>18</sup> The mentors' salaries are financed from the national budget through the Ministry of Culture (*Kultuuriministeerium*).<sup>19</sup>

In autumn 2020, a Sunday school for Roma children opened in Tallinn to teach the children about Roma language and culture. Every Sunday, about a dozen children participated.<sup>20</sup> The school is funded from the national budget and coordinated by the Ministry of Education and Research (*Haridus- ja Teadusministeerium*).<sup>21</sup>

On 1 August 2019, the Ministry of Culture started a follow-up project "Activation and empowerment of Roma integration stakeholders in Estonia 2" (ESTROM 2), which ended on 31 October 2020. The project was financed by the European Commission (95%), as well as by the Estonian Ministry of Culture (5%), and the activities were targeted at Roma women and youth. The project focused 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.

The project activities carried out in 2020 included a cooperation seminar on supporting Roma integration with employees of Valga and Valka local municipalities, representatives of Valga and Valka Roma communities, and the Estonian and Latvian Ministries of Culture. The aim of the seminar was to share both Estonian and Latvian good practices in Roma inclusion. As the seminar was successful, it was decided to organise it annually. In addition, the activities included a motivation training for Roma youth, Roma culture festival, a survey on the socio-economic coping of the Estonian Roma community, and individual trainings for Roma activists.<sup>22</sup>

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

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<sup>18</sup> Estonia, Integration Foundation (*Integratsiooni Sihtasutus*), Response to request for information, 16 December 2020.

<sup>19</sup> Estonia, Integration Foundation (*Integratsiooni Sihtasutus*), Response to request for information, 8 January 2021.

<sup>20</sup> Estonia, Ministry of Education and Research (*Haridus -ja Teadusministeerium*), Response to request for information, 21 September 2020.

<sup>21</sup> Estonia, Ministry of Education and Research (*Haridus -ja Teadusministeerium*), Response to request for information, 21 September 2020.

<sup>22</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 10 September 2020.

The Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*) conducted a study "Identifying blind spots in Roma inclusion policy" for the Central European University. The report explores the reasons behind the problem that there is a lack of active Roma rights advocacy organisations in Estonia, by laying out the context of civil society development in Estonia, analysing state measures to empower Roma organisations, and evaluating the obstacles faced by existing Roma advocacy organisations. The main conclusion of the study was that there is a need for a more strategic approach for empowering the Roma civil society, by either developing a specific strategy, or highlighting the Roma as a specific target group in existing framework for civil society development.<sup>23</sup>

The Statistics Estonia (*Statistikaamet*) conducted statistical survey on the socio-economic coping of the Estonian Roma community. The survey combined the data of the population register with the databases of the Estonian Tax and Customs Board (*Maksu- ja Tolliamet*) and the Estonian Health Insurance Fund (*Eesti Haigekassa*). According to the statistical findings of the study, 663 people in Estonia identify themselves as Roma. The study outlined the educational background and the employment rate of the Estonian Roma community, pointing out that the majority of the Roma community have either elementary or basic education, 21% of the Roma community are employed, and 23,4% of the Roma community are uninsured.<sup>24</sup>

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<sup>23</sup> Rünne, E., Laanpere, L., Estonian Human Rights Centre (2019), [Civil society monitoring report on implementation of the national Roma integration strategies in Estonia \(Identifying blind spots in Roma inclusion policy\)](#), Brussels, European Commission Directorate-General for Justice and Consumers.

<sup>24</sup> Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 21 September 2020.



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

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

EUMS/ Republic of North Macedon ia, Republic of Serbia	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	Third country nationals whose right to legally reside in Estonia according to the Aliens Act ( <i>Välismaalaste seadus</i> ) came to an end after 12 March 2020 were given the right to temporarily stay in Estonia lawfully if, at the time, they had a legal basis for staying in the country and they were unable to return to their country of residence as it was either deemed a high-risk area or border crossings had been	Order of the Police and Border Guard Board 16.03.2020 nr 1.1-4.1/11 Available at: <a href="https://www.politsei.ee/files/Uudised/2020/ueldkorraldus-eestis-ajutiseks-viibimiseks-seadusliku-aluse-andmise-kohta.pdf?2d663f9a54">https://www.politsei.ee/files/Uudised/2020/ueldkorraldus-eestis-ajutiseks-viibimiseks-seadusliku-aluse-andmise-kohta.pdf?2d663f9a54</a>	

		<p>restricted or stopped.</p> <p>Order nr. 1.1-4.1/11 of the Police and Border Guard Board gave this right. This order caused certain changes to be made to the Aliens Act, in order to accommodate the new measures. They were enacted via § 33 of the Act Amending the Assistant Police Act and Other Acts (Measures Related to the Spread of COVID-19 SARS-Cov-2)</p> <p>This measure was in effect until 10 days after the official end of the emergency (until 28 May 2020). For TCNs working in certain parts of the agricultural sector, an exemption was made allowing them to stay in the country until 31 July 2020.</p>	<p>Act Amending the Assistant Police Act and Other Acts (Measures Related to the Spread of COVID-19 SARS-Cov-2 (<i>Abipolitseiniku seaduse ja teiste seaduste muutmise seadus (COVID-19 haigust põhjustava viiruse SARS-Cov-2 levikuga seotud meetmed)</i>) § 33, 07.05.2020</p> <p>Available at:  <a href="https://www.riigiteataja.ee/akt/106052020001">https://www.riigiteataja.ee/akt/106052020001</a></p> <p>Aliens Act (<i>Välismaalaste seadus</i>) § 43 (1), 01.10.2010</p> <p>Available at:  <a href="https://www.riigiteataja.ee/en/eli/521072020002/consolide">https://www.riigiteataja.ee/en/eli/521072020002/consolide</a></p>	
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			<p><a href="https://www.riigiteataja.ee/akt/VMS">https://www.riigiteataja.ee/akt/VMS</a></p> <p>Aliens Act (<i>Välismaalaste seadus</i>) § 43 (3<sup>2</sup>), 01.10.2010 Available at: <a href="https://www.riigiteataja.ee/en/eli/521072020002/consolide">https://www.riigiteataja.ee/en/eli/521072020002/consolide</a> <a href="https://www.riigiteataja.ee/akt/VMS">https://www.riigiteataja.ee/akt/VMS</a></p> <p>Aliens Act (<i>Välismaalaste seadus</i>) § 309<sup>12</sup>,01.10.2010 Available at: <a href="https://www.riigiteataja.ee/en/eli/521072020002/consolide">https://www.riigiteataja.ee/en/eli/521072020002/consolide</a> <a href="https://www.riigiteataja.ee/akt/VMS">https://www.riigiteataja.ee/akt/VMS</a></p>	
	<p> Holders of visas issued based on the</p>	<p>Applicable</p>		



	<a href="#">Visa Code</a> No. 810/2009 (as last amended by <a href="#">Regulation (EU) No. 2019/1155</a> ) (Schengen visas)			
	Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the <a href="#">Visa List Regulation</a> (Regulation (EU) 2018/1806)	Applicable		
	Holders of long-term visas issued by the EUMS (under <a href="#">Regulation (EU) No. 265/2010</a> and beyond, under national law)	Applicable		
	Holders of residence permits issued under <a href="#">Regulation (EC) No. 1030/2002</a> (as	Applicable		

	last amended by <a href="#">Regulation (EU) 2017/1954</a> )			
	Holders of local border traffic permit under <a href="#">Regulation (EC) No. 1931/2006</a>	Applicable		
	Any other category of TCN not listed above.			

Notes:

TCN = third-country nationals

EUMS = EU Member State

### **Developments related to COVID-19**

The Act Amending the Assistant Police Officer Act and Other Acts (Measures Related to the Spread of the COVID-19), which entered into force on 7 May 2020, also included further amendments to the Aliens Act (*Välismaalaste seadus*). It gives Police and Border Guard Board the right to annul the visa or the visa-free period of a third-country national in case they have lost

their job.<sup>25</sup> The Act also included amendments to the Obligation to Leave and Prohibition on Entry Act (*Väljasõidukohustuse ja sissesõidukeelu seadus*) and the Act on Granting International Protection to Aliens (*Välismaalasele rahvusvahelise kaitse andmise seadus*), simplifying the procedure for detaining asylum-seekers and persons in expulsion procedures, in case an "exceptionally large number" of applications for detention are submitted to the court.<sup>26</sup>

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<sup>25</sup> For more information on the impact of legislative changes adopted in relation to COVID-19 on migrants in Estonia, please see page 6 of the [Franet country study](#) released on 29 July 2020.

<sup>26</sup> For more information on the situation of asylum-seekers during the emergency situation in Estonia, please see pages 6-7 of the [Franet country study](#) released on 25 May 2020.

## Chapter 5. Information society, privacy and data protection

### 1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

In 2020, no new legislative acts concerning privacy and data protection came to force; also, no major amendments were introduced to existing ones. However, some issues with histories dating back to 2014 remain, namely, the question of data retention, is unresolved to this date. On 31 October 2018, the Ministry of Justice (*Justiitsministeerium*) published “The Draft Law on Electronic Communications Act and related amendments to other laws” (*Elektroonilise side seaduse ja sellega seonduvalt teiste seaduste muutmise eelnõu väljatöötamiskavatsus*).<sup>27</sup> In its reply from 24 October, the Ministry of Justice had explicitly referred to the unforeseeable outcome of the six applications for preliminary rulings<sup>28</sup> currently pending before the European Court of Justice as the main reason why the draft law has been put on a hiatus.

On 5 November 2020, the Ministry of Justice published the results of a thematic survey titled “Residents’ Perspectives on Privacy Rights and Data Protection 2020”. While privacy and data protection have made up a separate part in broader polls and surveys, no survey specifically dedicated to the subject has been carried out before. The results indicated that in matters related to lawful data processing, Estonian residents place a lot of trust in the state and public institutions, particularly

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<sup>27</sup> Estonia, Draft Law to amend the Electronic Communications Act ([Elektroonilise side seaduse ja sellega seonduvalt teiste seaduste muutmise eelnõu väljatöötamiskavatsus \(sideandmete säilitamine ja kasutamine\)](#)), 5 November 2019.

<sup>28</sup> Estonia, Regulation on the Registry of Communicable Diseases ([Nakkushaiguste registri põhimäärus](#)), 1 May 2020.

healthcare institutions, and tend to view the increasing interoperability of different public databases in a rather favourable light<sup>29</sup>. Somewhat ironically, in its correspondence of 24 September 2020, Estonian DPA stated that in 2020 majority of the received complaints have concerned suspected or actual cases of healthcare professionals accessing, and browsing, the health information system without a legitimate purpose or proper authorisation.<sup>30</sup> At the same time, the survey showed that the respondents are considerably more cautious about the data processing practices of private entities, including internet service and content providers, and view profiling and personalised advertising as serious concerns.<sup>31</sup>

The COVID-19 pandemic brought about amendments in the legislative acts that regulate the processing of personal data in the official registry of contagious and viral disease. According to Art 7 of the Regulation on the Registry of Communicable Disease (*Nakkushaiguste registri põhimäärus*)<sup>32</sup>, the Estonian Health Board (*Terviseamet*) is authorised to process the personal data filed in the registry on the basis of notifications of cases of communicable disease and also these forwarded to the Board by microbiological laboratories (both private and national). Art 8 also sets forth that data is retrieved from the Population Register (*Rahvastikuregister*) (name, gender, residence, date of birth, date of death) and Health Information System (*Tervise infosüsteem*). Pursuant to Art 12, data is stored in the registry for an unrestricted period. In addition to that, hospitals are obliged to present to the Health Board all data relating to cases of infection, suspected infections and various

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<sup>29</sup> Estonia, Ministry of Justice (*Justiitsministeerium*) and Kantar Emor (2020), [Residents' Perspectives on Privacy Rights and Data Protection 2020](#) (*Inimeste privaatsusõigused ja isikuandmete kaitsmine 2020*), 5 November 2020.

<sup>30</sup> Estonia, Data Protection Authority (*Andmekaitse Inspeksioon*), Response to request for information, 27 August 2020.

<sup>31</sup> Estonia, Ministry of Justice (*Justiitsministeerium*) and Kantar Emor (2020), [Residents' Perspectives on Privacy Rights and Data Protection 2020](#) (*Inimeste privaatsusõigused ja isikuandmete kaitsmine 2020*), 5 November 2020, p 8.

<sup>32</sup> Estonia, Regulation on the Registry of Communicable Diseases ([Nakkushaiguste registri põhimäärus](#)), 1 May 2020.

risk factors.<sup>33</sup> Relying on the information drawn from the Population Register, Health Board is also responsible for contact tracing.<sup>34</sup>

Contact tracing app HOIA was released in June, its use is voluntary and it does not collect other data than the fact of infection. HOIA's primary function is to notify other individuals about potential contacts with the COVID-19 carrier. It is based on Bluetooth signals exchange and does not involve location tracking or use data from private telecoms.<sup>35</sup> However, telecommunications service providers participated in a nation-wide survey on the changes in mobility patterns.<sup>36</sup> Tele 2 Estonia, Telia and Elisa combined their data based on pre-determined methodology. They used anonymised user data as their initial dataset and detected the primary point of location for each telephone number, thereafter they detected the cell sites to which the particular number was connected to within 24 hours and counted the average and maximal distance from the primary location point.<sup>37</sup>

The Chancellor of Justice (*Õiguskantsler*) received questions regarding the use of data for the mobility analysis, with fears that the location data of customers would be released to Statistics Estonia. In response, the Chancellor of Justice referred to

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<sup>33</sup> Estonia, Communicable Diseases Prevention and Control Act ([Nakkushaiguste ennetamise ja tõrje seadus](#)), 16 May 2020.

<sup>34</sup> Estonia, Communicable Diseases Prevention and Control Act ([Nakkushaiguste ennetamise ja tõrje seadus](#)), 16 May 2020.

<sup>35</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>36</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>37</sup> Estonia, Statistics Estonia (*Statistikaamet*), [Mobility Analysis](#).

the opinion of the Data Protection Inspectorate (*Andmekaitse Inspektsioon*), which explained that the operators must ensure that this data is anonymous and it is not reasonably possible to identify any individuals.<sup>38</sup>

In December 2020, the Estonian Information System Authority (*Riigi Infosüsteemi Amet*) announced that three government ministries reported cybersecurity incidents in November 2020, resulting in significant breaches of personal data. The Ministry of Economics and Communication (*Majandus- ja kommunikatsiooniministeerium*), the Ministry of Foreign Affairs (*Välisministeerium*) and the Ministry of Social Affairs (*Sotsiaalministeerium*) were affected. The information stolen from the Ministry of Social Affairs contained data regarding the containment of infectious diseases (among others COVID-19), which affected 9158 people.<sup>39</sup> Despite its reported vulnerabilities, the data was stored in LimeSurvey online surveys system and, according to the Information System Authority, the attack was carried out using relatively unsophisticated publicly available technological tools.<sup>40</sup>

## 2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

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<sup>38</sup> For more information on the response of the Chancellor of Justice to privacy and data protection concerns in relation to the COVID-19 pandemic in Estonia, please see pages 11-12 of the [Franet country study](#) released on 25 May 2020.

<sup>39</sup> Estonia, Information System Authority (*Riigi Infosüsteemide Amet*) (2020), 'Estonian Ministries Report Cybersecurity Incidents and Data Breach', press release, 1 December 2020.

<sup>40</sup> Estonia, Information System Authority (*Riigi Infosüsteemide Amet*) (2020), Correspondence of 4 January 2021.

<b>MS</b>	<b>Actor*</b>	<b>Type**</b>	<b>Description</b>	<b>Are Ethical concerns mentioned ? (yes/no)</b>	<b>Are Human Rights issues mentioned? (yes/no)</b>	<b>Reference</b>
<b>ET</b>	Government	Report	Focus Paper on the "KrattAI" ( <i>Bürokrati ideepaber</i> ) introduces the new concept of a virtual personal assistant (like Siri or Alexa) designed to facilitate access to digital public services, searches in public databases, awareness of various obligations and important deadlines.	no	no	<a href="#">Focus Paper on the "Bürokratt"/"KrattAI".</a>
<b>ET</b>	Government	National Draft Act Format-wise the legislative intent could be best located somewhere between an impact	Legislative Intent to Regulate the Impacts of Algorithmic Systems ( <i>Algoritmiliste süsteemide mõjude reguleerimise väljatöötamise kavatsus</i> ) aims to map the available possibilities for optimising the impacts of the increasing use of algorithmic systems and decision-making by the public sector and to determine the necessity for	Yes In reference to the European Commission's White Book on Artificial Intelligence, it is mentioned that	Yes Rights mentioned: right to fair administration (ET Constitution Art 14), right to information, inviolability of private and family life, right to equal	<a href="#">Legislative Intent to Regulate the Impacts of Algorithmic Systems (Algoritmiliste süsteemide mõjude reguleerimise väljatöötamise kavatsus).</a>



		<p>assessment report and a draft act, it thoroughly analyses the background and roughly outlines the scope of the planned legislation, but does not discuss any particular provisions. In the context of FRA's report, however, it would be most</p>	<p>specific legislation. The legislative intent is first and foremost limited to algorithmic governance but also touches upon the potential uses of discriminatory algorithms by the private sector. It concludes with a notion that a legislative act specifically addressing the use of algorithmic systems is necessary and schedules the drafting process to be launched in 2021 and the act to enter into force in 2022.</p>	<p>trustworthy AI should, among other criteria, be ethical and it should be ensured that its functioning follows the principles of values of ethics.</p> <p>In all other aspects, ethical principles are interwoven with the discussion of more particular legal principles or</p>	<p>treatment, right to informational self-determination. In reference to the European Commission's White Book on Artificial Intelligence also freedom of assembly, freedom of expression, principles of human dignity and non-discrimination, right to privacy and right to equal treatment are mentioned.</p> <p>Each of these rights is mentioned in the following</p>	
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		accurate to classify it as a report.		provisions.	context – first, it is briefly described, how the application of algorithmic systems might affect the particular right and second, it is highlighted that any legislation designed and enforced in order to regulate the use of such systems, should aim to respect and protect the particular fundamental right.	
<b>ET</b>	Government /Parlia	Other projects	Estonian Positions on European Commission’s White Paper on Artificial Intelligence - A	no	Yes In a very non-specific	<a href="#">Estonian Positions on European Commission’s Digital Package</a>

	mentary		European approach to excellence and trust.		manner, it is stated that "In the course of development, application and use of artificial intelligence Estonia considers the protection of fundamental rights and freedoms to be of critical importance".	<a href="#">(COM(2020) 67;</a> <a href="#">COM(2020) 66;</a> <a href="#">COM(2020) 65.) (Eesti seisukohad Euroopa Komisjoni Digipaketi kohta).</a>
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## Chapter 6. Rights of the child

### 1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

<b>Measures to address the specific vulnerabilities of children living in poverty</b>	<p>In Estonia, child protection is mainly the responsibility of local governments, which provide assistance in their territory and have to ensure the availability of the necessary services for children and families. Local governments also organise social services and emergency social assistance. Local governments have the discretion to decide whether and what type of assistance a person requires in order to resolve specific social problems and cope in the future.<sup>41</sup></p> <p>From 20 April 2020 until the end of the emergency situation, parents raising a child with special needs received special benefits. The purpose of the measure was to ensure a replacement income for a parent who had to be temporarily away from work due to the emergency situation.<sup>42</sup></p> <p>All schools were closed as of 16 March, and teaching and learning moved entirely online. Lunches during the distance-learning period were organised by the local governments and approaches were different, some provided food packages, some delivered warm lunches to homes daily. The state issued a recommendation to the local governments to continue providing free meals to the children who need it.<sup>43</sup> There is no available data on how many local governments followed the recommendation.</p> <p>In addition, schools and local governments provided students with free computers and internet connection</p>
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<sup>41</sup> Estonia, Information on Social and Child Protection Services, [Gateway to government information and e-services](#).

<sup>42</sup> Estonia, Conditions for receiving and paying parental benefit for a child with special needs and bases for calculating the benefit ([Erivajadusega lapse vanema toetuse saamise ja maksmise tingimused ning toetuse arvutamise alused](#)) 9 April 2020.

<sup>43</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

	<p>based on concrete needs of families. During the emergency situation, kindergarten p fee exemption applied on local level. The state had special financial support means for local governments in dealing with this kind of crisis expenses.<sup>44</sup></p> <p>When several schools switched to partial or total distance learning again in the autumn of 2020, the Chancellor of Justice drew attention to the need to ensure that the organisation of distance learning has a clear framework and that the fundamental right of students to quality education is guaranteed.<sup>45</sup></p>
<p><b>Measures to protect children from violence</b></p>	<p>During the emergency situation, the state issued recommendations to local governments that also included reference to child protection measures. The aim of the recommendations was to emphasise the need to pay more attention to vulnerable groups and children during the COVID-19 crisis. The state stressed to local governments that it is of utmost importance to continue providing children in need with the following services: shelter home service, alternative care and aftercare service, support person service for a disabled child or person raising the child, childcare service. Specific reference was also made to children who may be in danger, that they should receive assistance with no delay.<sup>46</sup></p> <p>In addition, a recommendation to map potential families who could be in need of assistance during the pandemic was included. It was also recommended to stay in regular contact with these families and to monitor changes. Furthermore, different officials made several public appearances to address topics such as domestic violence, mental health issues, victim support</p>

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<sup>44</sup> Estonia, Ministry of Education and Research (*Haridus- ja teadusministeerium*), Response to request for information, 21 September 2020.

<sup>45</sup> For more information on the issues regarding distance learning during the COVID-19 pandemic in Estonia, please see page 6 of the [Franet country study](#) released on 25 November 2020.

<sup>46</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), [Sotsiaalministeeriumi juhised kohalikele omavalitsustele sotsiaalteenuste ja lastekaitsetöö korraldamiseks](#), 18 March 2020.

	possibilities and other available public services for finding help or reporting a child or an adult in need. The purpose of these public appearances was to draw attention to the well-being of children, women, other vulnerable groups, and the potential spread of violence during the pandemic. <sup>47</sup>
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## 2. Legal and policy measures or initiatives developed about criminal proceedings

<b>Legislative changes</b>	The Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings was transposed into Estonian legislation last year when 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. There were no legal developments in Estonia in 2020 relating to the Directive.
<b>Policy developments</b>	In February 2020, the Office of the Prosecutor General ( <i>Prokuratuur</i> ) organised a roundtable for prosecutors specialising in juvenile crimes to discuss different issues related to child suspects. <sup>48</sup>
<b>Other measures or initiatives</b>	

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<sup>47</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>48</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 24 September 2020.

# Chapter 7. Access to justice including crime victims

## 1. Victims' Rights Directive

In June 2020, the Ministry of Social Affairs (*Sotsiaalministeerium*) presented an initiative to develop a draft law to amend the Victim Support Act (*Ohvriabiseadus*). The draft law is a wide-ranging review of the Victim Support Act, which aims to increase the accessibility of support services and facilitate the means to receive compensation. The current version of the Victim Support Act allows for free psychological support for victims, only if criminal proceedings are initiated. The initiative to develop a draft law proposes to expand the conditions for receiving psychological help: under the new law, victims of sexual violence or domestic violence could receive help without the initiation of criminal proceedings, while witnesses would also be eligible to psychological support (only in case criminal proceedings have been initiated).<sup>49</sup>

One purpose of the new law is to facilitate the process of filing for state compensation for victims of violent crimes, e.g. limit the scope of paperwork. The initiative proposes to raise the upper limit of state compensation and remove the principle of the victim's own responsibility (20%).<sup>50</sup>

A law to amend different laws for measures against the COVID-19 pandemic entered into force in May 2020, which expanded the use of audio-visual tools in criminal proceedings, allowing the use of audio-visual tools or phones for translators both in proceedings and court trials, and audio-visual tools for the participation of the accused and people subject to proceedings in court trials.<sup>51</sup> This secured the safety of the parties to the proceedings, while ensuring access to justice during the state of emergency declared due to COVID-19 (12 March 2020 – 17 May 2020). The Code of Criminal Procedure (*Kriminaalmenetluse seadustik*) already regulates the use of audio-visual tools and telephones in witness hearings.

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<sup>49</sup> Estonia, Luht, K. (2020), Towards a New Victim Support Act ([Uue ohvriabi seaduse poole](#)), *Sotsiaaltöö*, 3/2020.

<sup>50</sup> Estonia, Luht, K. (2020), Towards a New Victim Support Act ([Uue ohvriabi seaduse poole](#)), *Sotsiaaltöö*, 3/2020.

<sup>51</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 24 September 2020.

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>52</sup>

## 2. Violence against women

The Ministry of Justice (*Justiitsministeerium*) is still working on the draft law to amend the Code of Criminal Procedure (*Kriminaalmenetluse seadustik*)<sup>53</sup>, but articles of the draft law allowing emergency barring orders were introduced as part of the law to amend different laws for measures against the COVID-19 pandemic that entered into force on 7 May 2020.<sup>54</sup> According to these new provisions, in urgent cases, an order of a prosecutor's office may establish a temporary restraining order, regardless of the victim's consent. In this case, the prosecutor's office must inform a court of the protection order within two working days and the court decides, taking into consideration the consent of the victim, on the admissibility of the order.<sup>55</sup>

These amendments are in accordance with Article 52 of the Istanbul Convention. Separation of the victim and the perpetrator in case of an immediate threat was already previously possible within the framework of administrative proceedings, as the police had the option of applying a prohibition on stay, banning the perpetrator from staying in the vicinity of the victim, for up to 12 hours (or longer with the authorisation of a prefect).<sup>56</sup> However, a project carried out in 2018, which tested different approaches to the protection of victims of partner violence, determined that the most appropriate measure is removing the perpetrator by imposing a temporary restraining order. One of the recommendations of the project was that the prosecutor should be given additional rights to impose a temporary restraining order in urgent cases, which is approved afterwards by the court.<sup>57</sup> The difference between the prohibition on stay and the temporary

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<sup>52</sup> Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), [Round-the-clock crisis assistance for victims of crime](#).

<sup>53</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)*).

<sup>54</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 24 September 2020.

<sup>55</sup> Estonia, [Code of Criminal Procedure \(Kriminaalmenetluse seadustik\)](#), § 141<sup>1</sup> (1<sup>2</sup>), 12 February 2003 (relevant amendment entered into force on 7 May 2020).

<sup>56</sup> Estonia, [Law Enforcement Act \(Korraldusseadus\)](#), § 44, 23 February 2011.

<sup>57</sup> Estonia, Ministry of the Interior (*Siseministeerium*) (2018), [Memorandum valitsuskabineti nõupidamisele teemal "Lähisuhtevägivald all kannatanute kaitse Pärnu projekti tulemused"](#), 13 September 2018.



restraining order is that the prohibition on stay is a short-term administrative measure applied by the police officer, while temporary restraining order is applied within criminal proceedings for a longer period, and the violation of a restraining order can be considered a criminal offence.<sup>58</sup>

Women's support centres, sexual violence crisis centres and support centres for human trafficking victims remained open during the COVID-19 state of emergency.<sup>59</sup> The police noted no significant change in the statistics of domestic violence during the pandemic.<sup>60</sup>

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>61</sup> The number of calls concerning domestic violence dropped by 40% during the state of emergency<sup>62</sup>, but victim support specialists made proactive contact with potential victims throughout this period.<sup>63</sup>

The Multi-Agency Risk Assessment Conference (MARAC)<sup>64</sup> model of case management of domestic violence cases was continued, but meetings were moved online.<sup>65</sup>

In 2020, the Ministry of Justice supported the provision of legal aid to victims of sexual violence with € 10,000, in the framework of a public call won by the Estonian Women's Shelters Union (*Eesti Naiste Varjupaikade Liit*) in 2019.<sup>66</sup>

In May 2020, a *pro-bono* awareness-raising campaign was organised by a marketing agency together with the victim support unit of the Social Insurance Board. The message of the campaign was directed to people

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<sup>58</sup> Estonia, [Penal Code \(\*Karistusseadustik\*\)](#), § 331<sup>2</sup>, 6 June 2001.

<sup>59</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>60</sup> Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 24 September 2020.

<sup>61</sup> Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), [Round-the-clock crisis assistance for victims of crime](#).

<sup>62</sup> Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), [Victim support helpline: Loved ones and neighbours who remain silent aggravate the continuation of violence](#).

<sup>63</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>64</sup> Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), [Multi-Agency Risk Assessment Conference \(MARAC\) model](#).

<sup>65</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>66</sup> Estonia Ministry of Justice (*Justiitsministeerium*) (2019), [Seksuaalkuritegude ohvritele hakkab õigusnõu andma naiste varjupaikade liit](#), 9 July 2019.

witnessing domestic violence and it encouraged people to turn to the crisis hotline or the victim support website for advice on how to interfere.<sup>67</sup>

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<sup>67</sup> Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), [Victim support helpline: Loved ones and neighbours who remain silent aggravate the continuation of violence.](#)

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

## 1. CRPD policy & legal developments

In June 2020, an inter-ministerial working group on the transposition of the Accessibility Directive for Products and Services was set up under the auspices of the Ministry of Social Affairs (*Sotsiaalministeerium*). The purpose of the working group is to transpose the directive on time.<sup>68</sup>

In autumn 2019, the Social Insurance Board (*Sotsiaalkindlustusamet*) changed the practice of disability determination, which led to a situation where some children who were previously determined as disabled did not meet the new standards. As many benefits or support services were related to the official disability status, these children were left without the services.<sup>69</sup> In April 2020, an amendment to the Social Benefits for Disabled Persons Act (*Puuetega inimeste sotsiaaltoetuste seadus*)<sup>70</sup> entered into force, which allowed for measures of support for children with some rare diseases, but still restricted access to support mechanisms for children with other persistent conditions (e.g. diabetes).<sup>71</sup> The Ministry of Social Affairs is evaluating the support system of disabled children and plans to present a proposal for amendment to the Cabinet by the end of year 2020.<sup>72</sup>

The accessibility task force, which was created in 2019 at the State Chancellery (*Riigikantselei*), has continued its work in working groups. The tasks of the task force are to investigate the accessibility situation and

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<sup>68</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>69</sup> Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 7 September 2020.

<sup>70</sup> Estonia, Act Amending the Social Welfare Act, the Social Benefits for Disabled Persons Act and the Labour Market Services and Benefits Act ([Sotsiaalhoolekande seaduse, puuetega inimeste sotsiaaltoetuste seaduse ning tööturuteenuste ja -toetuste seaduse muutmise seadus](#)).

<sup>71</sup> Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 7 September 2020.

<sup>72</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

problems in all important societal and living environment aspects, and to develop policy recommendations and solutions that would increase accessibility in the public and private sector. The task force includes ministries, state agencies, representatives of local governments and the third sector. The deadline for the fulfilment of the assignment (i.e. the final report) is July 2021.<sup>73</sup>

The Ministry of Social Affairs continues to work on the proposal to amend the Equal Treatment Act (*Võrdse kohtlemise seadus*) to expand its protection 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.<sup>74</sup>

During the state of emergency, all disability determination decisions were automatically renewed. Special monetary support was established for parents of children with special needs, who needed to be absent from work due to increased caregiving responsibilities.<sup>75</sup> Information on COVID-19 pandemic was shared in sign language<sup>76</sup> and plain language<sup>77</sup>, and remote video sign language interpretation service was expanded.<sup>78</sup>

To ensure protection of people in social welfare institutions, visits were banned during the state of emergency. On 3 April 2020, restrictions on free movement of people living in social welfare institutions were imposed.<sup>79</sup> The Chancellor of Justice (*Õiguskantsler*) expressed the need to analyse whether the restriction on the freedom of movement was justified

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<sup>73</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>74</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>75</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>76</sup> Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 7 September 2020.

<sup>77</sup> Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2020.

<sup>78</sup> Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 7 September 2020.

<sup>79</sup> Estonia, Order no 58 of the Head of the State of Emergency on the restriction of freedom of movement in social welfare institutions ([\*Eriolukorra juhi korraldus hoolekandeesutustes liikumisvabaduse piirangu kehtestamise kohta\*](#)).

and proportional, given that people in need of special care are generally excluded from the COVID-19 risk group.<sup>80</sup>

## 2. CRPD monitoring at national level

Since 2019, the Chancellor of Justice (*Õiguskantsler*) is responsible for the task to promote, protect and monitor the implementation of the CRPD. This function allowed for additional funding, the position of the Head of Disability Rights to be created in the Social Rights Department, and Advisory Council for Persons with Disabilities to be formed. The members of the advisory board are disabled persons and representatives of their organisations. Although it is set to meet twice a year, due to the COVID-19 pandemic, the first meeting in 2020 took place virtually on November 25.<sup>81</sup>

The COVID-19 pandemic has created various difficulties for persons with disabilities and their families. The Estonian Chamber of Disabled People (*Eesti Puuetega Inimeste Koda*) and other associations have reported problems such as increase in the care burden and issues with access to necessary rehabilitation services. The main issues were connected to the closure of schools and interruptions in provision of health and social services, which happened during the emergency situation in the spring.<sup>82</sup> Among other reported issues were complications for people with hearing impairment resulting from the use of masks, and problems for people with reduced mobility due to the general increase in demand for food delivery services.<sup>83</sup>

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

EUMS	Focal points within government for matters relating to	Coordination mechanism –	Framework to promote, protect and monitor implementation of the
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<sup>80</sup> Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 7 September 2020.

<sup>81</sup> Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 2 November 2020.

<sup>82</sup> For more information on the problems faced by persons with disabilities in relation to the COVID-19 pandemic in Estonia, please see page 8-9 of the [Franet country study](#) released on 25 November 2020.

<sup>83</sup> For more information, please see page 8 of the [Franet country study](#) released on 26 June 2020.

	<b>the implementation of the CRPD – Article 33 (1)</b>	<b>Article 33 (1)</b>	<b>CRPD – Article 33 (2)</b>
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

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.
Title (original language)	Kampaania „Kõik on erinevad, kuid sama palju inimesed“
Title (EN)	Campaign „Everyone is different but equally human“
Organisation (original language)	Sotsiaalministeerium
Organisation (EN)	Ministry of Social Affairs
Government / Civil society	Government
Funding body	Ministry of Social Affairs
Reference (incl. url, where available)	<a href="https://www.sm.ee/et/sama-palju-inimene">https://www.sm.ee/et/sama-palju-inimene</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	6 January 2020 - 16 February 2020

Type of initiative	Campaign
Main target group	Estonian society in general
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	With the campaign, the Ministry of Social Affairs called on Estonian people to show kindness and understanding towards all people so that everyone in the society could feel safe and included. According to the Minister of Social Affairs, Tanel Kiik, the aim of the undertaking was to emphasise that all people are equal and to reduce discrimination in society, including at work and at school. The campaign focused on stories of migrant workers, LGBT-community, national minorities, people with disabilities and religious beliefs. The main outputs of the campaign were video stories that were shown on TV and social media. In addition, several opinion pieces and articles on the subject of equal treatment were published that sparked active debate in the society.
Highlight any element of the actions that is transferable (max. 500 chars)	The format can be transferred to other countries. The simple manner of explanation of human stories can be taken as an example.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	There is almost no visual (training) material on equal treatment in Estonian language (and with Russian subtitles) so the video stories fill this gap, and can be (and are being) used during trainings, presentations and also in the formal education settings.
Give reasons why you consider the practice as having concrete measurable impact	The campaign sparked a content rich discussion about human rights, equality and non-discrimination, tolerance in the Estonian society. Numerous opinion articles and discussions on radio, for example, demonstrated the wide impact.



Give reasons why you consider the practice as transferable to other settings and/or Member States?	Many countries in the EU face similar challenges to Estonia – rise of populism and nationalism, anti-LGBT rhetoric and policies – real life human experience and stories based on these experiences can help to understand the perspectives of minorities.
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

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<p><b>ROMA EQUALITY AND INCLUSION</b></p> <p>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.</p>
Title (original language)	Roma kogukonna mentorid
Title (EN)	Mentors for the Roma community
Organisation (original language)	Integratsiooni Sihtasutus
Organisation (EN)	Integration Foundation
Government / Civil society	Government
Funding body	National budget through the Ministry of Culture
Reference (incl. url, where available)	<a href="https://www.integratsioon.ee">https://www.integratsioon.ee</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	01.06.2020 – <i>(no end date)</i>
Type of initiative	Involvement
Main target group	The target group of the service is Roma families who are mainly registered as residents of Valga municipality, and Roma children and young people who need

	support to fulfil their obligation to attend school in this region.
Indicate level of implementation: Local/Regional/National	Regional
Brief description (max. 1000 chars)	The aim of the mentors' work is to support the integration of the Roma community, including raising awareness of the Roma community about their rights and responsibilities, helping to improve the capacity of the public sector to guarantee these rights, and overcoming cultural differences. One of the mentors focuses on supporting the educational path of Roma children. The other mentor promotes cooperation within the Roma community and organises events that unite the community, as well as promotes cooperation between the Roma community and the municipality and its institutions.
Highlight any element of the actions that is transferable (max. 500 chars)	The idea itself of mentors, who would empower the Roma community, is transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	As it is funded from the state budget and is not a project based activity.
Give reasons why you consider the practice as having concrete measurable impact	It is a clear and measurable activity. According to the Integration Foundation, mentors submit monthly reports and work plans.
Give reasons why you consider the practice as transferable to other settings and/or Member	The concept is implementable in any country.

States?	
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

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Lapsesõbraliku menetluse veebileht
Title (EN)	Webpage on child-friendly justice
Organisation (original language)	Justiitsministeerium
Organisation (EN)	Ministry of Justice
Government / Civil society	Government
Funding body	Ministry of Justice
Reference (incl. url, where available)	<a href="https://lapsesobralikmenetlus.just.ee">https://lapsesobralikmenetlus.just.ee</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	10 November 2020 – no end date
Type of initiative	Webpage
Main target group	Children involved in judicial proceedings as victims, witnesses or parties; their parents or guardians, relevant professionals.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The website contains information in Estonian and Russian for children who participate in the proceedings as a witness, victim or party (suspects or accused). The child also finds advice when the court is resolving his or her family matters.

	<p>For the parents and guardians, the website provides information on how to support the child throughout the process, and what are the rights and responsibilities of the parent whose child is involved in the proceedings.</p> <p>Professionals can find guidelines on how to treat children in the proceedings in a child-friendly way. The web also provides an overview of cooperation networks, support services and relevant trainings.</p> <p>The webpage also contains short, animated videos (FRA) about the different steps of the proceedings and rights of a child during the proceedings. The videos use simple and easy to understand language.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The webpage in general, with the emphasis on its structure, technical solutions and usability according to age and role in the proceeding.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The webpage is managed by the Ministry of Justice that has stated its commitment child-friendly justice.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>In the last decade, the importance of child-friendly justice with relevant procedures has been highlighted in Estonia. To support the child-friendly approach in practice, a lot of materials related to the topic have been developed. The webpage brings together both existing materials and new ones while presenting them in a systematic way and according to age and role in the proceeding.</p>
<p>Give reasons why you consider the practice as</p>	<p>The format can be transferred to other countries since the webpage and short animated videos contain information relevant to various EU legislation on how to</p>

transferable to other settings and/or Member States?	strengthen procedural safeguards for children.
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

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Videod ja juhised tegutsemiseks vaenukuritegude ja vaenukõne vastu
Title (EN)	Videos and guidelines to act against hate crime and hate speech
Organisation (original language)	Eesti Inimõiguste Keskus
Organisation (EN)	Estonian Human Rights Centre
Government / Civil society	Civil society
Funding body	European Commission
Reference (incl. url, where available)	<a href="https://humanrights.ee/en/how-to-act/">https://humanrights.ee/en/how-to-act/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Published and disseminated in September 2020
Type of initiative	Information material
Main target group	General public, more specifically also victims and witnesses of hate speech and hate crime
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Four short animated videos and accompanying written guidelines were part of the project „Police and NGO cooperation to tackle hate crime in Estonia, Latvia and Lithuania“ (2018–2020). The videos explain in a simple manner the nature of



	<p>hate crime and hate speech, and give advice on how to act when witnessing it or being victimised. The guidelines are visible on the webpage of EHRC, but can also be downloaded as PDF. The videos have Estonian voice-over and subtitles in Estonian, Russian and English. The animated visuals ensure better understandability of the issues.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The format can be easily transferred to other countries. First, the simple manner of explanation and short duration (~1:30min) can be taken as an example, but also the combination of videos and written guidelines makes sure that information is accessible to people with different needs and preferences.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The videos and guidelines are simple and general enough for these to be relevant not just at this point in time, but also in years to come. As the materials are distributed on the webpage of an experienced and known human rights organisation, as opposed to a separate project webpage, this also guarantees that the information is available in the future.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Through website data and YouTube data it can be measure how many people have been reached.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The videos use a widespread definition of hate speech and hate crime, in this sense, they are not very country-specific nor explain the concrete legislative context of the country. The country specific part (organisations where victims can find support and information) can be easily replaced with relevant organisations in other Member States.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design,</p>	<p>The materials are designed and implemented by a human rights organisation.</p>

planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	N/A

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Vägivallast loobumise tugiliin 660 6077
Title (EN)	Helpline to support giving up violent behaviour 660 6077
Organisation (original language)	Sotsiaalkindlustusamet
Organisation (EN)	Social Insurance Board
Government / Civil society	Government
Funding body	EEA Grants and Norway Grants, Program „Local Development and Poverty Reduction“
Reference (incl. url, where available)	<a href="https://www.sotsiaalkindlustusamet.ee/et/ohvriabi-ennetustoo/tugi-vagivallast-loobumiseks">https://www.sotsiaalkindlustusamet.ee/et/ohvriabi-ennetustoo/tugi-vagivallast-loobumiseks</a>
Indicate the start date of the promising practice and the finishing date if it has	May 2020

ceased to exist	
Type of initiative	Phone line
Main target group	Violent people, people with problems of controlling their emotions; family members or others who would like to help someone stop their violent behaviour.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	A helpline open weekdays from 10 am to 4 pm, operates in Estonian, English and Russian, and offers initial psychological support for people who would like to change their violent behaviour or those close to them.
Highlight any element of the actions that is transferable (max. 500 chars)	Setting up a phone line is easily transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	In Estonia, every other violent crime happens in a domestic setting, and so far, services for those committing the acts have been scarce. Evidence from other countries shows that working with the aggressors as well as victims has good results.
Give reasons why you consider the practice as having concrete measurable impact	The numbers of calls can be measured – calls from the same person, call durations, the total number of calls.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Setting up a phone line is easily transferable.

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

<b>Thematic area</b>	<p><b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b></p> <p>Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.</p>
Title (original language)	Abitaja
Title (EN)	The Helper
Organisation (original language)	Surts Koolitus OÜ
Organisation (EN)	Surts Koolitus OÜ
Government / Civil society	Civil society

Funding body	European Social Fund
Reference (incl. url, where available)	<a href="https://www.abitaja.ee/">https://www.abitaja.ee/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	July 2020
Type of initiative	Phone line
Main target group	Solitary, elderly and differently abled people
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Helper is a confidential free telephone counselling and communication service for the elderly and differently abled people. It brings together volunteers and those in need to give people who feel alone the opportunity to communicate and be better involved in society. The project is a collaboration between different partners: local governments and NGOs.
Highlight any element of the actions that is transferable (max. 500 chars)	Setting up a phone line and involving volunteers are transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	As the number of solitary elderly people and differently abled people is rather increasing, the service is needed.
Give reasons why you consider the practice as	The numbers of calls can be measured – calls from the same person, call durations, the total number of calls.

having concrete measurable impact	
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Setting up a phone line and involving volunteers are easily transferable to any Member State.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The project is a collaboration between a disability organisation, local government bodies and a social enterprise.
Explain, if applicable, how the practice provides for review and assessment.	N/A

## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
<b>Decision date</b>	18 June 2020
<b>Reference details</b>	Supreme Court of Estonia ( <i>Riigikohus</i> ), case number 3-16-1903
<b>Key facts of the case</b> (max. 500 chars)	<p>The decision concerned a case from 2016 where the Police and Border Guard Board (PBGB) had refused to review an application for temporary residence permit by a citizen of Sri Lanka, same-sex registered partner of an Estonian citizen, who wished to settle in Estonia. The couple had entered into registered partnership in Estonia in 2016. The couple appealed the PBGB's decision of refusal to the court and received a negative ruling from the first instance court, the ruling was then appealed to the Circuit Court. The Circuit Court ruled that the Aliens Act (<i>Välismaalaste seadus</i>) 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. 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.</p> <p>Part of the appeal was a claim for compensation for non-patrimonial damage due to stress, anxiety and uncertainty caused to the applicant. As regards the claim for compensation, the Circuit Court dismissed the appeal and upheld the decision of the first instance court. The applicant appealed to the Supreme Court of Estonia. In the appeal in cassation, the applicant requested compensation for non-patrimonial damage in the amount of € 10,000 or fair compensation at the discretion of the court.</p>

<p><b>Main reasoning/argumentation</b> (max. 500 chars)</p>	<p>The Supreme Court had concluded in its 2019 decision about the unconstitutionality of the part of the Aliens Act that precludes granting temporary residence permits to same-sex registered partners of Estonian citizens that the fundamental right to family life also applies to same-sex partners who wish to live in Estonia as a family. Therefore, in the reasoning regarding the non-patrimonial damage, the Supreme Court stated that according to the State Liability Act (<i>Riigivastutuse seadus</i>), a person can claim compensation for non-patrimonial damage in case of violation of the inviolability of private life. The court also argued that it is viable to believe that the decision by PBGB may cause significant psychological impairment and therefore the Court decided to meet the request for compensation.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	<p>Although the Police and Border Guard Board relied in its refusal to review the application in 2016 on a provision of the law that precluded the granting of a permit, the Supreme Court later declared this provision unconstitutional and invalid, therefore also the initial refusal should be considered unlawful. According to the Constitution, state power may be exercised only on the basis of laws which are in conformity with the Constitution. Thus, an unconstitutional law does not exclude or limit the responsibility of the state for interfering in the rights of a person.</p>
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	<p>The Supreme Court satisfied the claim for non-patrimonial damage and ordered the Police and Border Guard to pay compensation for non-patrimonial damage in the amount of € 500.</p>
<p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p>	<p>PPA tugines elamisloa andmata jätmisel välismaalaste seadusele, mille Riigikohus tunnistas eelmisel aastal põhiseadusvastaseks. Seetõttu rikkus PPA otsus kaebaja eraelu puutumatust. Riigivastutuse seaduse järgi peab riik sellises olukorras mittevarelise kahju hüvitama.</p> <p>The Police and Border Guard Board based its decision not to grant a residence permit on the Aliens Act, which was declared unconstitutional by the Supreme Court last year. Therefore,</p>



	<p>the Police and Border Guard Board's decision is an infringement of private life. According to the State Liability Act, the state must compensate the caused non-patrimonial damage.</p> <p>Estonia, Supreme Court of Estonia (<i>Riigikohus</i>), 3-16-1903, 18 June 2020 available at <a href="https://www.riigikohus.ee/et/lahendid/?asjaNr=3-16-1903/69">https://www.riigikohus.ee/et/lahendid/?asjaNr=3-16-1903/69</a> and key quotation available at <a href="https://www.riigikohus.ee/et/uudiste-arhiiv/riigikohus-riik-peab-huvitama-samasoolise-paari-pereellu-sekkumisega-tekitatud">https://www.riigikohus.ee/et/uudiste-arhiiv/riigikohus-riik-peab-huvitama-samasoolise-paari-pereellu-sekkumisega-tekitatud</a></p>
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<b>Thematic area</b>	<p><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE.</b></p> <p>Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.</p>
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<p><b>ROMA EQUALITY AND INCLUSION</b></p> <p>Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.</p>
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b>
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	Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> 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.

