

Franet National contribution to the Fundamental Rights Report 2022

ESTONIA

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Policy and legal highlights 2021

| Franet country study: policy and legal highlights 2021 | |
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| Issues in the fundamental rights institutional landscape | <p>The Chancellor of Justice received A-status accreditation as NHRI:</p> <p>In January 2021, the Estonian Chancellor of Justice (<i>Õiguskantsler</i>) received A-status accreditation as a national human rights institution by the GANHRI Sub-Committee on Accreditation.</p> |
| EU Charter of Fundamental Rights | <p>Charter used by the Supreme Court to check legality of national law:</p> <p>In case 1-16-6179, the Supreme Court referred to the Charter when explaining why two provisions in the national legislation – § 111¹ of the Electronic Communications Act and § 90¹ of the Code of Criminal Procedure – must be disapplied, as they violate EU law.</p> |
| Equality and non-discrimination | <p>Amendments to the Equal Treatment Act underway:</p> <p>On 22 November 2021, the Ministry of Social Affairs sent the draft law amending the Equal Treatment Act (<i>Võrdse kohtlemise seadus</i>) to relevant ministries for consultation. The amendments aim to harmonise the protection offered against discrimination on different grounds, addressing the issue that currently the act provides wider protection on the grounds of nationality, race and skin colour, than on the grounds of age, disability, sexual orientation, religion or beliefs.</p> |
| Racism, xenophobia & Roma integration | <p>The transposition of the Framework Decision 2008/913/JHA has been stalled:</p> <p>The Ministry of Justice has initiated an analysis process on the topics covered in the Framework Decision 2008/913/JHA, in response to the European Commission launching infringement proceedings against Estonia in 2020 for the failure to fully transpose the provisions relating to hate speech and hate crime.</p> <p>EU-funded Roma integration project continues:</p> <p>The Ministry of Culture continued with the implementation of the third Roma integration project (ESTROM 3) with the goal to empower the Estonian Roma community, especially young people and women, with training which would support the development of the Roma civil society.</p> |
| Asylum & migration | <p>Seven beneficiaries of international protection had protection status revoked in 2021:</p> <p>Four refugees and three beneficiaries of subsidiary protection had their status revoked, the reason in all cases was that the beneficiaries of international protection in question received other legal grounds for staying in Estonia, according to the Ministry of the Interior.</p> |

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| Data protection and digital society | <p>The Estonian Parliament adopted a law creating a legal basis for automatic biometric identification system:</p> <p>The Act Amending the Identity Documents Act and Related Acts (Isikut tõendavate dokumentide seaduse muutmise ja sellega seonduvalt teiste seaduste muutmise seadus) is based on the European Regulation 2019/1157 and creates a legal basis for the ABIS database, which is currently under development.</p> |
| Rights of the child | <p>The government allocated € 15 million to local governments to support children and other vulnerable groups:</p> <p>The funding allocated from the supplementary state budget in April 2021 is aimed at enabling direct support for vulnerable groups and supporting children and families. The Ministry of Social Affairs has drawn up a list of priorities for using the funding, with special focus on services such as psychological counselling, family therapy, family reconciliation, and prevention of school bullying.</p> |
| Access to justice, including victims of crime | <p>The pact on violence prevention 2021–2025 was approved by the government in July 2021:</p> <p>Drafted under the coordination of the Ministry of Justice, the pact serves as a long term strategy for prevention of violence and sets out 14 lines of action to prevent different types of violence and provide better support for victims of crime.</p> |
| Convention on the Rights of Persons with Disability | <p>Accessibility task force submitted its final report:</p> <p>In September 2021, the accessibility task force, which was active during 2019–2021, submitted a report making a wide range of policy recommendations in all aspects of accessibility, and providing input to the government action plan 2021–2023 and strategy Estonia 2035.</p> |

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

The Equal Treatment Act (*Võrdse kohtlemise seadus*) has been problematic in its scope of protection since its adoption in December 2008. The act provides wider protection based on nationality, race and skin colour, than on the grounds of age, disability, sexual orientation, religion or beliefs. Discrimination on the grounds of nationality (ethnicity) and skin colour is prohibited in almost all areas of life, but discrimination on the basis of religion or belief, age, disability or sexual orientation is prohibited only in the field of employment. The Act offers no protection for these groups in areas such as housing, healthcare, social welfare, education, goods and services.¹

The harmonisation of the grounds and amendments to the Act have continuously been the subject of political discussion and previous governments have initiated and also terminated the process. The current government's Action Plan for 2021-2022² foresees changes in the Act. The Ministry of Social Affairs (*Sotsiaalministeerium*) has prepared the draft law and sent it out to the relevant ministries for consultation on 22 November 2021.³

The Ministry of Social Affairs has prepared a new draft regulation on how to change the rules around gender recognition in the future. There are some fundamental changes in the draft regulation compared to the current situation, for example, medical modification of gender would no longer be regulated by the health regulation. The draft Public Health Act (*Rahvatervise seadus*) states that medical procedures, such as hormone therapy or surgical procedures, are sufficiently regulated by the Law of Obligations Act (*Võlaõigusseadus*). Additionally, in order to legalise gender recognition, the relevant commission would meet once instead of twice as in current regulation.⁴

In 2016, Estonia adopted the Welfare Development Plan 2016–2023 (*Healu arengukava 2016-2023*), which includes promotion of gender equality and equal treatment sub-objective, targeting issues such as better protection of minorities and a high-quality protection mechanism for protection against discrimination. On

¹ Estonia, Equal Treatment Act ([Võrdse kohtlemise seadus](#)), 1 January 2009.

² Estonia, Government of the Republic (*Vabariigi Valitsus*) (2021), Government's Action Plan for 2021-2022 ([Vabariigi Valitsuse tegevusprogramm 2021–2023](#)).

³ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 November 2021.

⁴ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 24 September 2021.

1 April 2021, the government approved a proposal of the Ministry of Social Affairs to draft a new development plan that would set forth the goals for the fields of social affairs and welfare for the years 2023-2030. The welfare strategy will encompass the fields of reducing social inequality and poverty, gender equality and greater social inclusion, equal treatment of minorities, employment, and long and quality work life. As new topics, the development strategy will address increasing the welfare of children and families, population policy, and reducing gender-based violence.⁵

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

The Estonian Human Rights Centre has commissioned five public opinion surveys concerning LGBT issues over the last decade in 2012, 2014, 2017, 2019 and 2021. The 2021 survey was carried out from 1-18 April and included 1003 participants.

For the first time, more than half of the respondents consider same-sex attraction completely or somewhat acceptable (53%). The number of Estonian residents who consider same-sex attraction acceptable has risen by 12% compared with 2019. In addition, the number of those supporting the Registered Partnership Act (*Kooseluseadus*) and marriage equality is growing. 64% of the respondents support or somewhat support the Act (this indicator being 49% in 2019) and 29% are against or somewhat against it (39% in 2019). 47% of the respondents are in favour of same-sex partners' right to marry (38% in 2019).⁶

Furthermore, a considerable majority supports legislative change that in addition to employment, gays and lesbians should have legal protection against discrimination in the field of education, health, and the availability of goods and services. In 2021, 71% of the respondents supported the statement compared to 62% two years earlier.

The Office of the Gender Equality and Equal Treatment Commissioner (*Soolise võrdõiguslikkuse ja võrdse kohtlemise voliniku kantselei*) in Estonia is implementing a project „Towards gender equality through increased capabilities for work-life balance“ (WoBaCa) that aims to promote gender equality and

⁵ Estonia, Government of the Republic (*Vabariigi Valitsus*) (2021), Government approved proposal to draft welfare development plan until 2030 ([Valitsus kiitis heaks ettepaneku koostada heaolu arengukava kuni aastani 2030](#)).

⁶ Estonia, Turu-uuringute AS (2021), A public opinion survey about the attitudes of the Estonian population towards the LGBT topics ([Avaliku arvamuse uuring Eesti elanike hoiakutest LGBT-kogukonna ja teemade suhtes](#)).

increase the capacity of women and men to balance their work-life by developing a number of innovative and interactive tools. In 2021, as part of the WoBaCa project, an educational film about different aspects of work-life balance was introduced. Among other topics, the film also includes a dimension of equal treatment of EU citizens in the context of the labour market, it explains rights and possibilities that apply to people who exercise their right to free movement for work purposes and offers advice on maintaining a healthy work-life balance in a new country.⁷

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

No legal or policy developments have been initiated or adopted in Estonia in 2021 that relate to the application of the Racial Equality Directive.

Between 1 September 2020 and 31 August 2021, the Chancellor of Justice (*Õiguskantsler*) received a total of 30 appeals regarding discrimination, out of which one was based on the grounds of nationality (ethnic origin). The case concerned a potential discrimination in the field of accommodation for degree seeking students. The Chancellor of Justice explained that dormitories must ensure all students have fair access to accommodation, no priority should be given based on whether the student is of Estonian or foreign origin.⁸

On 29 April 2021, the Government of Estonia (*Eesti Vabariigi Valitsus*) approved the Concept of Measures Targeting Antisemitism. The concept foresees enhanced cooperation between the Jewish communities, state institutions and law enforcement authorities. For example, in order to exchange information and ensure the security of Jews and their organisations, regular meetings will be held between the Police and Border Guard Board (*Politsei- ja Piirivalveamet*) and the Jewish community in Estonia. In addition, the Ministry of Culture (*Kultuuriministeerium*), the Ministry of Foreign Affairs (*Välisministeerium*), the Ministry of the Interior (*Siseministeerium*) and the Ministry of Education and Research (*Haridus- ja Teadusministeerium*) will combat antisemitism in the field of education and culture. For this purpose, relevant study materials and programmes will be developed or translated, for example, for museums. Furthermore, the Ministry of Culture, the Ministry of the Interior, and the Ministry

⁷ Office of the Gender Equality and Equal Treatment Commissioner (*Soolise võrdõiguslikkuse ja võrdse kohtlemise voliniku kantselei*), Response to request for information, 22 December 2021.

⁸ Estonia, Office of the Chancellor of Justice (*Õiguskantsler*) (2021), Annual Report 2020/2021 ([Õiguskantsleri aastaülevaade 2020/2021](#)).

of Education and Research work towards strengthening the Jewish community, including by supporting Jewish culture, education, and religious traditions.⁹

In order to implement the concept, in August 2021, the Minister of the Interior formed an antisemitism workgroup that has members from five ministries, one member represents the Police and Border Guard Board, and two members are from the Jewish community.¹⁰ In 2021, the workgroup held two meetings to plan their future work and activities. One of its first tangible outcomes will be the opening of a memorial stone at the Tallinn Liiva Cemetery in January 2022.¹¹

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

The full transposition of the Framework Decision in Estonia has been stalled. The European Commission launched infringement proceedings against Estonia on 30 October 2020, and sent a formal notice to the government to fully and accurately transpose the Framework Decision on combating certain forms and 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 public condoning, denying or gross trivialisation of international crimes and the Holocaust, when such conduct aims at inciting violence or hatred. Additionally, it was noted that 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 (*Karistusseadustik*) does not ensure that racist and xenophobic motivation of crimes is taken into account as an aggravating circumstance so that such crimes are effectively and adequately prosecuted.¹²

Estonia sent its response to the European Commission's notice on 18 January 2021. No reasoned opinion from the commission has been received to date.¹³

The Ministry of Justice (*Justiitsministeerium*) has in response initiated a data and information analysis process on the topics covered in the Framework Decision. According to the ministry, the subject matter is important yet sensitive, and

⁹ Estonia, Government of Estonia (*Eesti Vabariigi Valitsus*) (2021), Concept of Measures Targeting Antisemitism ([Antisemitismivastaste meetmete kontseptsioon](#)).

¹⁰ Estonia, Ministry of the Interior (*Siseministeerium*), Ministerial decree ([Käskkiri. Antisemitismivastaste meetmete kontseptsiooni eesmärkide saavutamiseks tööühma moodustamine](#)), 19 August 2021.

¹¹ Estonia, Ministry of the Interior (*Siseministeerium*), Response to request for information, 10 January 2022.

¹² European Commission (2020), [October infringements package: key decisions](#), 30 October 2020.

¹³ Estonia, Ministry of Foreign Affairs (*Välisministeerium*), Response to request for information, 15 December 2021.

therefore requires informed judgement and stakeholder involvement.¹⁴ The current government's Action Plan for 2021-2022 foresees the draft law to be prepared by the Ministry of Justice.¹⁵

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Estonia does not have a separate Roma strategy and there are no plans to prepare one for the new period. The position of the Ministry of Culture (*Kultuuriministeerium*) is that, since the number of the Roma in Estonia is small and all the integration services offered also pertain to the Roma, creating a separate integration programme for them would be impractical.¹⁶

The Estonian system of strategy documents establishes one main national strategy – Estonia 2035 (*Strateegia Eesti 2035*) – which has been approved by the Parliament (*Riigikogu*) and sets out the fundamental policies and general strategic goals of the state. Sectoral or cross-sectoral development plans arise from this strategy.¹⁷ In the future, integration goals will be determined in the development plan Cohesive Estonia 2021-2030 (*Sidusa Eesti arengukava 2021-2030*), which covers the following sectors: adaptation and integration policy, civil society policy, policy of population procedures and diaspora policy.¹⁸ The Government adopted the development plan Cohesive Estonia 2021-2030 in November 2021.¹⁹

In addition to the lines of action that are aimed at the entire population, including the Roma, the plan also includes raising the awareness of the public, private and third sectors of the Roma community separately, empowering members of the

¹⁴ Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 4 October 2021.

¹⁵ Estonia, Government of the Republic (*Vabariigi Valitsus*) (2021), Government's Action Plan for 2021-2022 ([Vabariigi Valitsuse tegevusprogramm 2021–2023](#)).

¹⁶ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 21 September 2021.

¹⁷ Estonia, Government of the Republic (*Vabariigi Valitsus*), [Development strategy "Estonia 2035" \(Strateegia "Eesti 2035"\)](#).

¹⁸ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 21 September 2021.

¹⁹ Estonia, Draft law of the development plan Cohesive Estonia 2021-2030 (["Sidusa Eesti arengukava 2030" eelnõu](#)), 3 June 2021.

Roma community to increase their social inclusion, and supporting and developing the Roma mentoring service.²⁰

The specific actions required to achieve the goals in the strategy documents are determined by programmes that are approved by the relevant minister and updated every year. During the process of updating the Integration Programme 2022–2025 (*Integratsiooni Programm 2022-2025*), the Ministry of Culture sent the draft of the programme for opinions and suggestions to the Roma Integration Council (*Romade lõimumise nõukoda*) and separately to the only representative organisation of the Roma operating in Estonia, the European Roma Forum in Estonia (*Euroopa Romade Foorum Eestis*). No positions or suggestions were submitted.²¹

The programme includes seven performance indicators, two of which indicate the integration of the Roma: the share of Roma with secondary, vocational or higher education who are at least 15 years old, and the employment rate of the Roma aged 15–74.²²

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| Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link | Cohesive Estonia 2021-2030 (<i>Sidusa Eesti arengukava 2021-2030</i>) |
| Please add a hyperlink if the strategy is publicly available. | https://www.kul.ee/siduseesti2030 |
| Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference | No ²³ |
| Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators? | No |

²⁰ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 21 September 2021.

²¹ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 21 September 2021.

²² Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 21 September 2021.

²³ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 25 November 2021.

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| Was Roma civil society involved in the development of the strategy? Please provide examples? | Yes (The Ministry of Culture sent the draft document for opinions and suggestions to the Roma Integration Council (<i>Romade lõimumise nõukoda</i>) and separately to the only representative organisation of the Roma operating in Estonia, the European Roma Forum in Estonia (<i>Euroopa Romade Foorum Eestis</i>). No positions or suggestions were submitted). |
| Were NHRIs and/or equality bodies involved in the strategy development? Please provide example? | Yes, the Gender Equality and Equal Treatment Commissioner (<i>Soolise võrdõiguslikkuse ja võrdse kohtlemise volinik</i>) was involved. ²⁴ NRHI was not. ²⁵ |
| Does the new strategy link to the operational programmes for the new EU funding period 2021-2027? | Yes ²⁶ |

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

The ESTROM integration project continued

The Ministry of Culture (*Kultuuriministeerium*) continued with the implementation of the third Roma integration project (ESTROM 3)²⁷ with the support of the EU Rights, Equality and Citizenship Programme. Its goal is to empower the Estonian Roma (especially to activate young people and women) with training and thereby support the development of the civil society of the Roma. The important aspects of the project are the development of a network that supports the integration of the Roma, including furthering cooperation with the local authorities in the regions where the Roma live, and training teachers working with Roma children.

More training has been planned for the Estonian and Latvian Roma together to promote cooperation and exchange of best practices between the Roma organisations of the neighbouring countries. For example, on 7 August 2021, the Ministry of Culture organised an entrepreneurship training for Roma women in

²⁴ Office of the Gender Equality and Equal Treatment Commissioner (*Soolise võrdõiguslikkuse ja võrdse kohtlemise voliniku kantselei*), Response to request for information, 22 December 2021.

²⁵ Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 28 September 2021.

²⁶ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 25 November 2021.

²⁷ Estonia, [Roma integration project \(ESTROM 3\)](#).

Tallinn, and the same training was offered in Tartu and Valga in late September 2021. On 21 August 2021, the Ministry of Culture organised a training in planning volunteer work for Roma activists in the Tallinn Roma Cultural Centre. Further plans for this year regarding the activities of the ESTROM 3 project include training for teachers working with Roma children and group training for Roma youth and women.²⁸

The work of Roma community mentors continued

On the initiative and with the support of the Ministry of Culture, the Integration Foundation (*Integratsiooni Sihtasutus*) employed two Roma mentors in Valga municipality in June 2020, one of whom supports the education of Roma children and youth in cooperation with Roma families, educational institutions and the municipal government, and works on finding solutions to various social issues and supporting the entry of the Roma to the labour market in cooperation with the Valga Department of the Unemployment Insurance Fund (*Töötukassa Valga Osakond*). The second mentor works to shape the attitude of the Roma towards education and participation in social life to make it more favourable, organises cultural events in cooperation with the local Roma, as well as various joint activities.²⁹ As Roma families started moving back to Estonia from the United Kingdom because of Brexit in 2021 and headed to Valga, the Roma mentors spent a lot of time working with them. They helped the families settle in Estonia (e.g. find a GP and nurseries and schools for children, mediate social assistance where necessary).³⁰

The funds allocated to the mentoring service this year almost tripled in comparison with the previous year, and the service has been funded equally by the Ministry of Culture and the Ministry of Education and Research (*Haridus- ja Teadusministeerium*) since 2021.³¹

Satisfaction with the launch of the mentoring service after the first year is high, positive feedback has been received from the employees of the Valga municipal government and from the Roma community in Valga. The plan is to open a Roma centre in Valga in 2021 and the Integration Foundation is currently looking for rooms suitable for the centre.³²

²⁸ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 20 September 2021.

²⁹ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 20 September 2021.

³⁰ Estonia, Integration Foundation (*Integratsiooni Sihtasutus*), Response to request for information, 2 September 2021.

³¹ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 20 September 2021.

³² Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 20 September 2021.

Sunday school continued its work

A Sunday school of the Roma language and culture for Roma children is operating in Tallinn. The work of the Sunday school is supported by the Ministry of Education and Research. Ten children go to the Sunday school and all of the planned activities were carried out in 2021.³³

³³ Estonia, Ministry of Education and Research (*Haridus- ja Teadusministeerium*), Response to request for information, 20 September 2021.

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

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

| Country | Cessation of refugee status | | Cessation of subsidiary protection | |
|---------|----------------------------------|---|--|---|
| | Number of refugee status revoked | Main reasons | Number of subsidiary protection status revoked | Main reasons |
| Estonia | 4 ³⁴ | Other legal basis for staying in Estonia (residence permit on other grounds). | 3 ³⁵ | Other legal basis for staying in Estonia (residence permit on other grounds). |

4.2 National border monitoring mechanisms

| Country | Legal source providing for border monitoring | Organisation(s) responsible for monitoring | Is the monitoring body at | Are reports publicly available? [if yes, please | Number of monitoring operations in 2021 | Is monitoring (at least partially) funded by the EU? If so, under which modalities? |
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³⁴ Estonia, Ministry of the Interior (*Siseministeerium*), Response to request for information, 12 January 2022.

³⁵ Estonia, Ministry of the Interior (*Siseministeerium*), Response to request for information, 12 January 2022.

| | | | the at same time the National Preventative Mechanism? (Y/N) | add hyperlink] | | |
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| Estonia | § 76 of the Act on Granting International Protection to Aliens (<i>Välismaalasele rahvusvahelise kaitse andmise seadus</i>) ³⁶ states that "in resolving problems relating to beneficiaries of international protection, the Ministry of the | There is no official independent organisation conducting any type of border monitoring in the light of access to territory. ³⁷ The Chancellor of Justice (<i>Õiguskantsler</i>) can carry out a monitoring visit if they wish to do that, but | N | - | None of this kind of monitoring was conducted. ⁴⁰ UNHCR planned to carry out a voluntary monitoring visit in 2021, but it was cancelled on the initiative of the UNHCR. ⁴¹ | - |

³⁶ Estonia, Act on Granting International Protection to Aliens (*Välismaalasele rahvusvahelise kaitse andmise seadus*), 14 December 2005.

³⁷ Estonia, Ministry of the Interior (*Siseministeerium*), Response to request for information, 12 January 2022, nr 2-1/613-4.

⁴⁰ Estonia, Act on Granting International Protection to Aliens (*Välismaalasele rahvusvahelise kaitse andmise seadus*), 14 December 2005.

⁴¹ Estonia, Ministry of the Interior (*Siseministeerium*), Response to request for information, 30 September 2021.

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| | <p>Interior (<i>Siseministeerium</i>), the Ministry of Social Affairs (<i>Sotsiaalministeerium</i>), the Estonian National Social Insurance Board (<i>Sotsiaalkindlustusamet</i>) and the Police and Border Guard Board (<i>Politsei- ja Piirivalveamet</i>) shall cooperate with the Office of the United Nations High Commissioner for Refugees and facilitate its duty of supervising the application of laws, treaties</p> | <p>there is no obligation. Also, UNHCR can conduct a monitoring visit under the mandate given by § 76 (1) of Act on granting international protection to aliens (<i>Välismaalasele rahvusvahelise kaitse andmise seadus</i>).³⁸ UNHCR is not officially in charge of border monitoring in Estonia. There is no organisation which would be officially, permanently, and consistently</p> | | | | |
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³⁸ Estonia, Ministry of the Interior (*Siseministeerium*), Response to request for information, 30 September 2021.

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| | and legislation of the European Union.” | responsible for monitoring. ³⁹ | | | | |
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³⁹ Estonia, UNHCR, Response to request for information, 22 November 2021.

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

Estonian Parliament (*Riigikogu*) adopted an Act Amending the Identity Documents Act and Related Acts (*Isikut tõendavate dokumentide seaduse muutmise ja sellega seonduvalt teiste seaduste muutmise seadus*)⁴². This is based on the European Regulation 2019/1157 and creates a legal basis for creating an automated biometric identification system (ABIS database). The ABIS database is currently under development. There is also a draft law amending the Law of Obligations Act (*Võlaõigusseadus*) and the Consumer Protection Act (*Tarbijakaitse seadus*) under discussion in relation to paying for services with personal data and consumer protection measures applied to the transaction.⁴³

The Chancellor of Justice (*Õiguskantsler*) has received numerous complaints about data processing, many of which were related to unlawful personal data processing in relation to the COVID-19 (e.g. disclosing the name of a kindergarten teacher that has been infected to the parents).⁴⁴ The Chancellor of Justice has also drawn attention to the Tallinn City Government regulation that allows publication of personal data of those who wish to reside in the municipal apartments in Raadiku street (Tallinn). This regulation is not in accordance with the existing data protection requirements. The personal data that was published on the websites of Tallinn districts was taken down. Ministry of Justice (*Justiitsministeerium*) has started revision proceedings to inspect whether registering the address of self-employed (and also private limited companies that only have one shareholder or non-profit organisations that only have one board member) on the publicly available commercial register and the register of economic activities, is violating data protection rules. The issue is that self-employed workers may only have their private home address to register and making the home address of a private person publicly available is interfering with their privacy.⁴⁵

⁴² Estonia, Identity Documents Act ([Isikut tõendavate dokumentide seadus](#)), 15 July 2021.

⁴³ Estonia, Estonian Data Protection Inspectorate (*Andmekaitse Inspektsioon*), Response to request for information, 16 September 2021.

⁴⁴ Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 6 September 2021

⁴⁵ Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 6 September 2021

In order to raise awareness about data protection in the society, the Estonian Data Protection Inspectorate (*Andmekaitse Inspektsioon*) has organised online lectures and seminars (about the Public Information Act (*Avaliku teabe seadus*); video surveillance and video analytics; seminar for educational institutions), in addition to publishing teaching materials.⁴⁶ The Inspectorate also started a state data warehouse monitoring process (in process). After the proceedings against e-pharmacies, which allowed access to the issued prescriptions to third parties with the person's ID number, the data shown on the e-pharmacies' websites and the access was limited, and online prescription centre was merged with the population register in order to better protect health data.⁴⁷

Data retention

The work is still ongoing on the draft law of the Electronic Communications Act (*Elektroonilise side seadus*).⁴⁸ Estonian Supreme Court (*Riigikohus*) has referred related cases (such as the case C-746/18 *Prokuratuur*⁴⁹) to the Court of Justice of the European Union for preliminary references. On 2 March 2021, the Grand Chamber decided that general and indiscriminate retention of traffic and location data by providers of electronic communications services is unlawful.⁵⁰ The Estonian Supreme Court ruled that bulk data that telecommunications companies must retain in Estonia may not be requested for the investigation of criminal offences, because this procedure for the data retention and use of data is in conflict with the law of the European Union.⁵¹

⁴⁶ Estonia, Estonian Data Protection Inspectorate (*Andmekaitse Inspektsioon*), Response to request for information, 16 September 2021

⁴⁷ Estonia, Estonian Data Protection Inspectorate (*Andmekaitse Inspektsioon*), Response to request for information, 16 September 2021

⁴⁸ Estonia, ERR, 'The Economic Affairs Committee sent the Electronic Communications Act again to the Parliament' (['Majanduskomisjon saatis elektroonilise side seaduse uuesti riigikogu saali'](#)), 28 September 2021.

⁴⁹ 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.

⁵⁰ Court of Justice of the European Union (CJEU), [C-746/18](#), 2 March 2021.

⁵¹ Estonia, Supreme Court (*Riigikohus*), 'Supreme Court: The state cannot demand data collected by communications companies for the investigation of criminal offenses' (['Riigikohus: riik ei saa sidefirmade kogutud andmeid kuritegude uurimiseks välja nõuda'](#)), 18 June 2021.

5.2 Artificial intelligence and big data

| Actor* | Type** | Description | Are Human Rights issues mentioned? (yes/no) | Reference |
|---|----------------|---|--|--|
| Ministry of Economic Affairs and Communications | Other projects | Development of Estonia's national artificial intelligence strategy for the period of 2023-2024 | yes | Estonia, Ministry of Economic Affairs and Communications (<i>Majandus- ja Kommunikatsiooniministeerium</i>), Response to request for information, 19 October 2021 |
| Government | Policy report | A new Bürokratt roadmap for 2021-2022. Bürokratt is an IT development project for advancing digital solutions for the public services (such as automated chatbot or consent platform service) | no | Estonia, Ministry of Economic Affairs and Communications (<i>Majandus- ja Kommunikatsiooniministeerium</i>), Response to request for information, 19 October 2021 More information from: EST Bürokratt 2021-2022 (002) - kirjutuskaitstud (filesusr.com) ; Krattide veebileht (kratid.ee) |
| Government | Policy report | Bürokratt roadmap for 2022 - 2023. The roadmap continues the process of the previous one (see above). | yes | Found through desk research: |

| | | | | |
|---------------------------|----------------|---|-----|---|
| | | | | https://eelnoud.valitsus.ee/main#bZZE8HJZ |
| Government | Policy report | Vision paper on "Bürokratt: the next stage of digital public services in #eEstonia" | no | Estonia, Ministry of Economic Affairs and Communications (<i>Majandus- ja Kommunikatsiooniministeerium</i>), Response to request for information, 19 October 2021 More information from: https://en.kratid.ee/ideepaber |
| Government /Parliamentary | Other projects | Estonian Positions on European Commission's White Paper on Artificial Intelligence | yes | Estonia, Ministry of Economic Affairs and Communications (<i>Majandus- ja Kommunikatsiooniministeerium</i>), Response to request for information, 19 October 2021 |

Chapter 6. Rights of the child

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

| | |
|---|--|
| <p>Measures to address the specific vulnerabilities of children living in poverty</p> | <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.⁵²</p> <p>In April 2021, to alleviate the effects of the Covid-19 pandemic, the government allocated from the supplementary state budget € 15 million to the local governments to enable direct support for vulnerable groups through the provision of community services and mental health assistance, and support for children and families. It is up to each local government to decide on the specific measures, but the Ministry of Social Affairs (<i>Sotsiaalministeerium</i>) has drawn up a list of the bottlenecks and priorities. Special focus is set on services such as psychological counselling, family therapy, family reconciliation, and prevention of school bullying. The funds can also be used to pay direct financial support for coping in times of crisis.⁵³</p> <p>In 2021, amendments to the Family Benefits Act (<i>Perehüvitiste seadus</i>)⁵⁴ took effect, with one of the aims being that unemployment caused by the COVID-19 pandemic would not have an impact on future parental benefits. Parental benefits for the next three years will be equal to the average salary before the loss of a parent's job. The changes are being implemented for a limited period and affect parents whose children are born between 1 January 2021 and 31 December 2023. The calculation period for parental benefits for children born during this period includes</p> |
|---|--|

⁵² Estonia, Information on Social and Child Protection Services, [Gateway to government information and e-services](#).

⁵³ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*) (2021), The state and local governments discussed the use of supplementary social budget ([Riik ja omavalitsused arutasid lisaelarve kasutamist sotsiaalvaldkonnas](#)).

⁵⁴ Estonia, Family Benefits Act ([Perehüvitiste seadus](#)), 1 January 2017.

| | |
|--|---|
| | <p>March 2020, when the emergency situation was declared, and the period of subsequent recession.</p> <p>During the COVID-19 pandemic, applications for subsistence benefits or needs-based benefits can be submitted by email or letter to the local government. The social worker can be consulted by telephone. Exceptionally, the necessary documents may also be submitted retrospectively.⁵⁵</p> <p>To ensure equal access to quality education during the COVID-19 pandemic and subsequent distance learning, local governments have purchased USB modems for schoolchildren living in remote locations or in rural areas where broadband connections are not available. In addition, local governments have provided financial support for schools to acquire licences for digital textbooks and other materials.⁵⁶</p> |
| Measures to protect children from violence | <p>In July 2021, the government approved a pact on violence prevention for the years 2021-2025 (<i>Vägivalla ennetamise kokkuleppe aastateks 2021-2025</i>). The pact sets out 14 action points, which include focus on working with children and young people, their parents, schools, youth and hobby centres etc. In addition, special focus is on violence prevention in the digital world and prevention of sexual violence, both topics include awareness raising in the society, parent education programmes, age-appropriate measures for children and actions for state officials.⁵⁷</p> |

6.2 Legal and policy developments or measures relating to criminal proceedings

| | |
|---------------------|--|
| Legislative changes | No legislative changes have been adopted or initiated. ⁵⁸ |
|---------------------|--|

⁵⁵ Estonia, Government Communication Office, [Information on Welfare, benefits, victim and child protection during COVID 19 crisis](#).

⁵⁶ Estonia, the Association of Estonian Cities and Municipalities (*Eesti Linnade ja Valdade Liit*), Response to request for information, 20 December 2021.

⁵⁷ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*) (2021), Pact on violence prevention for the years 2021-2025 ([Vägivalla ennetamise strateegia lõpparuanne ja vägivallaennetuse kokkulepe 2021-2025](#)).

⁵⁸ Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 4 October 2021.

| | |
|-------------------------------|--|
| Policy developments | No policy developments have been adopted or initiated. ⁵⁹ |
| Other measures or initiatives | In 2021, the Ministry of Justice (<i>Justiitsministeerium</i>) continued with the project „Establishment of Specialised Youth Justice Approach". The aim of the project is to support specialised juvenile justice approach in practice to ensure minimal negative effects for youth and support positive development: develop alternative measures instead of punishment, extend access to mediation for misdemeanour cases, provide sustainable and effective interventions, build cooperation models and methods, and support the development of competence (skills) and working practices of policymakers, practitioners, and service providers. As part of the project, in 2021, the ministry commissioned an analysis that researched the experiences of juvenile and young offenders during different proceedings. ⁶⁰ In addition, in December 2021, the Ministry of Justice introduced recommendations for creating a child-friendly environment in law enforcement. The document was prepared in cooperation with environmental psychologists, and it places a special emphasis on a child-friendly physical environment during proceedings. ⁶¹ |

Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

In June 2020, the Ministry of Social Affairs (*Sotsiaalministeerium*) presented an initiative to develop a draft law to amend the Victim Support Act (*Ohvriabi seadus*), which the ministry is still working on.⁶² The proposal and the explanatory memorandum are intended to be completed in December 2021.⁶³ The draft law is a

⁵⁹ Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 4 October 2021.

⁶⁰ Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 4 October 2021.

⁶¹ Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 29 November 2021.

⁶² Estonia, Luht, K. (2020), Towards a New Victim Support Act ([Uue ohvriabi seaduse poole](#)), *Sotsiaaltöö*, 3/2020.

⁶³ Estonia, Work plan of the Ministry of Social Affairs (*Sotsiaalministeerium*) for 2021 ([Sotsiaalministeeriumi 2021. aasta tööplaan](#)).

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 this help without the initiation of criminal proceedings, while witnesses would also be eligible of psychological support (only in case criminal proceedings have been initiated).⁶⁴

One purpose of the new law is also 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%).⁶⁵

Under the coordination of the Ministry of Justice (*Justiitsministeerium*), a pact on violence prevention 2021–2025 was drafted and approved by the government in July 2021. The pact serves as a long term strategy for prevention of violence and sets out 14 lines of action to prevent different types of violence and provide better support for victims of crime.⁶⁶

With the supplementary government budget approved by the government in April 2021, additional € 200 000 was provided for victim support services.⁶⁷

7.2 Measures addressing violence against women

The Social Insurance Board (*Sotsiaalkindlustusamet*) notes that the analysis of continuous monitoring of the impact of COVID-19 by the State Chancellery (*Riigikantselei*)⁶⁸ and a separate survey commissioned by Victim Support (*Ohvriabi*) have not shown an increase in domestic violence in Estonia during the COVID-19 pandemic. In 2020, the police received 12,146 calls related to domestic violence, 3,313 new cases reached Victim Support and 2,563 victims sought help from

⁶⁴ Estonia, Luht, K. (2020), Towards a New Victim Support Act ([Uue ohvriabi seaduse poole](#)), *Sotsiaaltöö*, 3/2020.

⁶⁵ Estonia, Luht, K. (2020), Towards a New Victim Support Act ([Uue ohvriabi seaduse poole](#)), *Sotsiaaltöö*, 3/2020.

⁶⁶ Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 5 October 2021.

⁶⁷ Estonia, Explanatory memorandum to the State Budget Amendment Act ([Riigi 2021. aasta lisaeelarve seaduse eelnõu seletuskiri](#)).

⁶⁸ Estonia, State Chancellery (*Riigikantselei*), COVID-19 survey reports ([COVID-19 teemalise küsitluse raportid](#)).

women's shelters.⁶⁹ Services, both online or phone and on-spot, have been provided to victims without disruption.⁷⁰

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

8.1 CRPD policy & legal developments

In 2021, amendments to the Media Services Act (*Meediateenuste seadus*) reached the parliament. The goal of the amendments is to broaden the accessibility of audiovisual services. The Ministry of Social Affairs (*Sotsiaalministeerium*) proposed a draft of the Accessibility of Products and Services Act (*Toodete ja teenuste ligipääsetavuse seadus*), transposing the European Accessibility Act, which has passed the first round of consultations. The law is expected to be passed in June 2022. Both laws would help to protect the rights of people with disabilities to access information, services and products.

In September 2021, the Ministry of Social Affairs initiated consultations on the amendments to the Social Welfare Act (*Sotsiaalhoolekande seadus*). The main goal of the amendments is to decrease bureaucracy in the application process through better use of existing data by the state and local entities.⁷¹

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.⁷²

⁶⁹ Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), 'Over 3000 new domestic violence cases reached Victim Support last year' (['Ohvriabisse jõudis eelmisel aastal üle 3000 uue perevägivallaga seotud juhtumi'](#)).

⁷⁰ Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), Response to request for information, 17 September 2021.

⁷¹ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), 'Local governments to reach those in need faster with support from the state' (['Riigi toel jõuavad kohalikud omavalitsused edaspidi lihtsamini abivajajani'](#)), 1 September 2021.

⁷² Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 30 September 2021.

In the beginning of 2021, the target group for the state sponsored Estonian sign language remote translation service was expanded to include children aged 7–15 and people in retirement age. Before, the service was only provided for working age population with hearing impairment.⁷³

The accessibility task force, which was active at the State Chancellery (*Riigikantselei*) during 2019–2021, submitted its final report in September 2021. The report makes a wide range of policy recommendations in all aspects of accessibility, providing input to the government action plan 2021–2023 and to the state’s long term strategy Estonia 2035.⁷⁴ The implementation of the recommendations is coordinated by the Ministry of Social Affairs. During its operation, the task force successfully raised awareness and highlighted shortcomings in accessibility of information, as well as physical spaces.⁷⁵

In March 2021, Estonia defended the first national report on the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in the UN Committee on the Rights of Persons with Disabilities. On 5 May 2021, The Committee published its recommendations to the Estonian state. The recommendations include a review of legislation and terminology, developing a comprehensive disability strategy, cooperation on national and municipal level, and capacity building for stakeholders.⁷⁶

COVID-19 has had a disproportionate effect on people with disabilities, limiting access to or availability of support services and health care. After the Chancellor of Justice (*Õiguskantsler*) and the Estonian Chamber of Disabled People (*Eesti Puuetega Inimeste Koda*) raised concerns over the impact of the state of emergency to people with disabilities in spring 2021, exceptions were made for them with the new restrictions for COVID-19. For example, children with disabilities were allowed to physically attend school during spring of 2021, when strict restrictions on mobility were enforced.⁷⁷

With the supplementary government budget approved by the government in April 2021, additional funds were allocated to support care facilities and their workers and to cover increased employment costs in response to COVID-19.⁷⁸ The government has also agreed to a pay raise for care workers in 2022. The low pay

⁷³ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 30 September 2021.

⁷⁴ Estonia, The final report of the accessibility task force ([Ligipääsetavuse rakkerühma lõpparuanne](#)), September 2021.

⁷⁵ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 30 September 2021.

⁷⁶ UN Committee on the Rights of Persons with Disabilities, [Concluding observations on the initial report of Estonia](#), CRPD/C/EST/CO/1, 5 May 2021.

⁷⁷ Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 6 September 2021.

⁷⁸ Estonia, Explanatory memorandum to the State Budget Amendment Act ([Riigi 2021. aasta lisaelarve seaduse eelnõu seletuskiri](#)).

level of care workers and the demanding nature of the work have resulted in a growing labour shortage in the field.

8.2 CRPD monitoring at national level

The Chancellor of Justice (*Õiguskantsler*) is responsible for the task to promote, protect and monitor the implementation of the CRPD. This function is coordinated by the Head of Disability Rights in the Social Rights Department, with additional input from the Advisory Council for Persons with Disabilities. The members of the Advisory Council are persons with disabilities and representatives of their organisations and it is set to meet twice a year.⁷⁹

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 | Chancellor of Justice (<i>Õiguskantsler</i>) |

⁷⁹ Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 6 September 2021.

Annex 1 – Promising Practices

| | |
|---|---|
| <p>Thematic area</p> | <p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p> |
| <p>Title (original language)</p> | <p><u>No promising practice has been identified for this thematic area.</u></p> |

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| <p>Thematic area</p> | <p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p> |
| <p>Title (original language)</p> | <p><u>No promising practice has been identified for this thematic area.</u></p> |

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| Thematic area | <p style="text-align: center;">ROMA EQUALITY AND INCLUSION</p> <p style="text-align: center;">Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</p> |
| Title (original language) | <p style="text-align: center;"><u>No promising practice has been identified for this thematic area.</u></p> |

| | |
|----------------------------------|---|
| Thematic area | <p style="text-align: center;">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p> |
| Title (original language) | <p style="text-align: center;"><u>No promising practice has been identified for this thematic area.</u></p> |

| Thematic area | <p style="text-align: center;">RIGHTS OF THE CHILD</p> <p style="text-align: center;">Please provide a promising practice related to the topics addressed in the chapter.</p> |
|---|---|
| Title (original language) | „Ringist välja“ võrgustikupõhise juhtumikorralduse mudel |
| Title (EN) | „Exit the circle“ network-based case management model |
| Organisation (original language) | Sotsiaalkindlustusamet |
| Organisation (EN) | Estonian Social Insurance Board |
| Government / Civil society | Government |
| Funding body | The Ministry of Social Affairs; EEA; Norway Grants |
| Reference (incl. URL, where available) | https://sotsiaalkindlustusamet.ee/et/organisatsioon-kontaktid/asutusest/projektid |

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| <p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p> | <p>June 2020</p> |
| <p>Type of initiative</p> | <p>Pilot project</p> |
| <p>Main target group</p> | <p>Minors with moderate or high risk behaviour</p> |
| <p>Indicate level of implementation: Local/Regional/National</p> | <p>Local</p> |

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| <p>Brief description (max. 1000 chars)</p> | <p>"Exit the circle" is an intensive network-based model, which aims to support minors with moderate or high risk behaviour. This model is usually applied when a young person is a repeat offender, and it aims to build a strong network around the minor to exit the circle of misbehaviour. The keywords of the model are confidentiality, the principles of restorative justice, the equal responsibility of the network members in supporting the minor and carrying out the activities, the minor's involvement in decision-making, and focusing on the strengths. This network-based model emphasises teamwork, rapid information change, and setting and achieving goals put in place by the minor and their network. The network's intensive work lasts about six months, during which the results are evaluated both by the minor and the network. After completing the programme, the minor stays under the care of a child protection officer. Should any fallbacks occur, the minor can start the process again. Ex-post evaluation takes place six months after implementing the "Exit the circle" model or 12 months after the programme's start. In addition to the official network participants, the model also involves cooperation with the family members, and/or other caretakers. This model has been used 35 times.</p> |
| <p>Highlight any element of the actions that is transferable (max. 500 chars)</p> | <p>Building a close network around a minor to exit the circle of repeat offending could be topical in many countries. The model provides instructions on dealing with such minors and building a strong network around the young person. The "Exit the circle" project also includes recommendations and training on how to effectively build functioning networks and how to use cooperation to prevent minors turning to crime again.</p> |

| | |
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| <p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p> | <p>Minors who show signs of moderate or high risk behaviour receive short-term and intensive help to change their behaviour and prevent them turning to crime again. Furthermore, "Exit the circle" materials include recommendations, guidelines, instructions, and training on how to help young people and how to maintain strong relationships within the network. Therefore, the initiative has both the theoretical and practical basis to help minors. In addition, the model puts emphasis on cooperation between specialists and people that have had or have a role in a minor's life. That kind of approach has a potential for building trust and cooperation between everyone involved, instead of isolated attempts of help.</p> |
| <p>Give reasons why you consider the practice as having concrete measurable impact</p> | <p>Individual network-based approach helps to decrease future offences committed by young people and reduces the potential negative effects to minors arising from criminal proceedings.</p> |

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| <p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p> | <p>Next to prevention of recidivism and juvenile delinquency, this type of network-based model can be used in different countries and settings; for example, helping minors who have been neglected, physically and mentally abused, or who have experienced any kind of trauma during their childhood.</p> |
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| <p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p> | <p>N/A</p> |
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| Explain, if applicable, how the practice provides for review and assessment. | N/A |
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| Thematic area | ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter. |
|---|---|
| Title (original language) | Kuriteoohvrite kaitse Eestis |
| Title (EN) | Advancing Rights of Estonian Victims |
| Organisation (original language) | Justiitsministeerium, Victim Support Europe |
| Organisation (EN) | Ministry of Justice, Victim Support Europe |
| Government / Civil society | Government |
| Funding body | Structural Reform Support Programme of the European Union |
| Reference (incl. URL, where available) | https://www.just.ee/et/kuriteoohvrite-kaitse-Eestis |

| | |
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| <p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p> | <p>Spring 2021</p> |
| <p>Type of initiative</p> | <p>Pilot project</p> |
| <p>Main target group</p> | <p>Victims of crime</p> |
| <p>Indicate level of implementation: Local/Regional/National</p> | <p>Local piloting with intent to future national implementation</p> |
| <p>Brief description (max. 1000 chars)</p> | <p>The aim of the project is to offer better protection to crime victims in Estonia. To this end, the Ministry of Justice (<i>Justiitsministeerium</i>), the Police and Border Guard Board (<i>Politsei- ja Piirivalveamet</i>), the Social Insurance Board (<i>Sotsiaalkindlustusamet</i>), the health sector and other stakeholders will jointly develop specific tools (e.g. for victim needs assessment) and processes to ensure better protection and support for victims. The tools and processes will be piloted in one region in Estonia, with the goal to find solutions that could later be used nationwide.</p> |

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| <p>Highlight any element of the actions that is transferable (max. 500 chars)</p> | <p>Tools and practices that are developed for needs assessment and support are transferable.</p> |
| <p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p> | <p>The engagement of various key stakeholders who are relevant to victims' journeys through the justice system and their overall experience gives reason to believe that the practices tested during the project will be relevant in the national context in the future. The Ministry of Justice, which governs this field, is directly responsible for the implementation and impact assessment of the project.</p> |

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| Give reasons why you consider the practice as having concrete measurable impact | Monitoring and evaluation is part of the project. |
| Give reasons why you consider the practice as transferable to other settings and/or Member States? | The approach to victim support and the rights of victims of crime derive directly from the Victims' Rights Directive and are applicable in all EU countries. |

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| <p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p> | <p>Information not available.</p> |
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| <p>Explain, if applicable, how the practice provides for review and assessment.</p> | <p>N/A</p> |
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| <p>Thematic area</p> | <p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p> |
| <p>Title (original language)</p> | <p><u>No promising practice has been identified for this thematic area.</u></p> |

Annex 2 – Case Law

| | |
|--------------------------|--|
| Thematic area | EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report. |
| Decision date | 28 September 2021 |
| Reference details | Supreme Court of Estonia (<i>Riigikohus</i>), case number 5-21-4 |

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| <p>Key facts of the case (max. 500 chars)</p> | <p>The decision concerned a same-sex couple, both third-country nationals. One of the partners, a Bangladeshi national, had been granted a temporary residence permit for studying in Estonia in 2016, and a permanent residence permit in 2019. His partner, a Russian national, had been living in Estonia since 2019 on the basis of a short-term visa. The couple married in Denmark in 2019 and entered into registered partnership in Estonia in February 2020. In March 2020, one of the pair, a Russian national, applied for a temporary residence permit in Estonia based on the right to settle with his spouse.</p> <p>The Police and Border Guard Board (PBGB) refused the application. The couple appealed the decision of refusal to the court and received a negative ruling from the first instance court. Both the PBGB and the first instance court found that the marriage in Denmark and registered partnership in Estonia do not give a legal basis for temporary residence permit for third-country nationals. The ruling was then appealed to the Circuit Court, the latter ruled the restriction on the applicant's rights was not justified, and initiated constitutional review proceedings at the Supreme Court.</p> |
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| <p style="text-align: center;">Main reasoning/argumentation (max. 500 chars)</p> | <p>The Supreme Court's constitutional review found that the Aliens Act (<i>Välismaalaste seadus</i>) is unconstitutional, insofar as it barred the applicant who had concluded a registered partnership agreement from being granted a residence permit. Based on the principles of human dignity and equal treatment guaranteed by the Estonian Constitution, the Supreme Court reiterated 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 stated that same rights which apply to opposite-sex couples in residence permit cases should be extended to same-sex couples, not only where one of the partners is a citizen of Estonia, but also in cases where they are a foreign national, or a stateless person with Estonian residency.</p> |
| <p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>In 2019, judgment of the Supreme Court en banc 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. The ruling concerned only same-sex couples with an Estonian partner. The current judgment extended the same residence rights to all couples, regardless of their nationality.</p> |
| <p style="text-align: center;">Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>The judgement included no sanctions. Since the Supreme Court declared specific provisions unconstitutional and invalid, therefore also the initial refusal should be considered unlawful.</p> |

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| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>Tunnistada välismaalaste seadus põhiseadusega vastuolus olevaks osas, milles see ei võimalda anda välismaalasele tähtajalist elamisluba elama asumiseks Eestis elamisloa alusel elava samast soost registreeritud elukaaslase juurde.</p> <p>To declare unconstitutional and repeal the Aliens Act insofar as it precludes issuing a temporary residence permit to an alien for settling in Estonia with a registered same-sex partner who is a foreign national, or a stateless person with Estonian residency.</p> <p>Estonia, Supreme Court (<i>Riigikohus</i>), 5-21-4, 28 September 2021, available at https://www.riigikohus.ee/et/lahendid?asjaNr=5-21-4/13</p> |
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| <p>Thematic area</p> | <p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</p> |
| <p>Decision date</p> | <p><u>No case law has been identified for this thematic area.</u></p> |

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

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| Thematic area | ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021. |
| Decision date | <u><i>No case law has been identified for this thematic area.</i></u> |

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| Thematic area | INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems. |
| Decision date | 18 July 2021 |
| Reference details | Supreme Court of Estonia (<i>Riigikohus</i>), case number 1-16-6179 |
| Key facts of the case (max. 500 chars) | <p>Criminal proceedings were brought against H. K. on counts of theft, use of another person's bank card and violence against persons party to the court proceedings. The county court and the circuit court found her guilty of the crimes on the basis, inter alia, of information received from a telecommunications operator. On 12 November 2018, the Supreme Court asked for a preliminary ruling from the Court of Justice of the European Union. On 2 March 2021, the Grand Chamber published the judgement.</p> <p>On 18 June 2021, the Supreme Court of Estonia issued a judgement.</p> |

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| <p style="text-align: center;">Main reasoning/argumentation (max. 500 chars)</p> | <p>General and indiscriminate storage of all electronic communications traffic and location data (§ 111¹ of the Electronic Communications Act) and access to data not limited to the fight against serious crimes and without prior judicial or independent administrative control, is contrary to the Charter of Fundamental Rights of the European Union and Article 15 (1) of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002.</p> <p>According to the case law of the Court of Justice of the EU, granting access to retained communications data can only be justified in relation to the objective of fighting against serious crime. The concept of a serious crime has not been defined in Estonian law so far. According to the Supreme Court, in particular, crimes of the first instance can be considered serious crimes but also crimes of the second instance could be considered serious crimes depending on the circumstances (e.g. recidivism, the number of perpetrators, large number of victims).</p> |
| <p style="text-align: center;">Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p> | <p>The processing of personal data and the protection of privacy in the electronic communications sector.</p> <p>The use of bulk data for criminal proceedings.</p> <p>Definition of serious crimes.</p> |

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| <p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p> | <p>The general and indiscriminate retention of traffic and location data is in breach of the EU law.</p> <p>Paragraph 111¹ of the Electronic Communications Act is contrary to Article 15(1) of Directive 2002/58 as regards both retention of and access to data.</p> <p>Use of unlawfully retained data is in violation of the right to privacy under the Estonian Constitution.</p> <p>The Supreme Court notes that violations in the use of communications data do not provide a basis for a review of judgments that have already entered into force.</p> <p>The defendant's conviction and imprisonment were not changed, as the other evidence gathered in the case was sufficient to establish her guilt.</p> <p>As the unjustified use of communications data unlawfully interfered with the private life of the defendant, the state was ordered to bear the costs of legal aid in the amount of € 1,403, which the county court had ordered, in order to remedy the violation.</p> |
| <p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p> | <p>Muuta ringkonna- ja maakohtu otsuse põhiosa, jättes sealt välja põhjendused, milles tugineti sideettevõtjalt saadud andmete protokollidele kui lubatavatele tõenditele, ja asendada need käesoleva otsuse p-des 70-76 toodud põhjendustega.</p> <p>To amend the main part of the decision of the district and county court by deleting the reasons based on the protocols of data received from the communications operator as admissible evidence, and to replace them with the reasons set out in paragraphs 70-76 of this judgment.</p> <p>Estonia, Supreme Court (<i>Riigikohus</i>), 1-16-6179, 18 June 2021, available at: https://www.riigikohus.ee/et/lahendid?asjaNr=1-16-6179/111</p> |

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

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| Thematic area | ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter. |
| Decision date | <u><i>No case law has been identified for this thematic area.</i></u> |

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| Thematic area | DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning. |
| Decision date | <u><i>No case law has been identified for this thematic area.</i></u> |