

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE
WITH ARTICLE 16 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS

REPLIES BY THE GOVERNMENT OF ESTONIA

TO

the List of issues(E/C.12/Q/EST/1) to be taken up in connection with the consideration of the initial report of
ESTONIA concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social
and Cultural Rights (E/1990/5/Add.51)

HR/CESCR/NONE/2002/5

A. General Information

1. Please indicate whether the State party is considering to amend its Aliens Act to enable the persons who lived in Estonia before 1990 – including a great number of Russians – to acquire Estonian citizenship?

Issues relating to citizenship are regulated by the Citizenship Act. Article 2 of the Citizenship Act establishes acquisition, resumption and loss of Estonian citizenship. Estonian citizenship is:

- 1) acquired by birth;
- 2) acquired by naturalisation;
- 3) resumed by a person who lost Estonian citizenship as a minor;
- 4) lost through release from or deprivation of Estonian citizenship or upon acceptance of the citizenship of another state.

An alien who wishes to acquire Estonian citizenship shall:

- 1) be at least 15 years of age;
- 2) have stayed in Estonia on the basis of a permanent residence permit for at least five years prior to the date on which he or she submits an application for Estonian citizenship and for one year from the day following the date of registration of the application;
- 3) have knowledge of the Estonian language in accordance with the requirements established by the law;
- 4) have knowledge of the Constitution of the Republic of Estonia and the Citizenship Act in accordance with the requirements established by the law;
- 5) have a permanent legal income which ensures his or her own subsistence and that of his or her dependants;
- 6) be loyal to the Estonian state;
- 7) take an oath: "Taotlede Eesti kodakondsust, tõotan olla ustav Eesti põhiseaduslikule korrale. " [In applying for Estonian citizenship, I swear to be loyal to the constitutional order of Estonia.]

According to the amendments to the July 1997 Aliens Act that came into force on 12 July 1998, permanent residence permits may be issued to aliens who have resided in Estonia on the basis of a temporary residence permit for at least three years within the last five years and who have a residence and employment or other legal income.

Important amendments in the Citizenship Act were made in 1998, which considerably simplified the procedures for acquiring Estonian citizenship for minors.

Since March 1998, the Riigikogu has amended the Citizenship Act on two occasions:

In December 1998 the Act was amended in order to enable a minor under 15 years of age who was born in Estonia after 26 February 1992 to acquire Estonian citizenship by naturalisation if:

- 1) his or her parents apply for Estonian citizenship for him or her and if the parents have legally resided in Estonia for at least five years at the time of submission of the

- application and are not deemed by any other state to be citizens of that state on the basis of any Act in force;
- 2) single or adoptive parent applies for Estonian citizenship for the minor and if the single or adoptive parent has legally resided in Estonia for at least five years at the time of submission of the application and is not deemed by any other state to be a citizen of that state on the basis of any Act in force.
 - 3) A minor under 15 years of age for whom Estonian citizenship is applied shall be staying in Estonia permanently and not have been deemed by any other state to be a citizen of that state on the basis of any Act in force.
 - 4) The specification provided for in subsection (4) of Article 13 of the Citizenship Act concerning persons who are not deemed by any other state to be citizens of that state on the basis of any Act in force also includes persons who, before 20 August 1991, were citizens of the Union of Soviet Socialist Republics and who have not been deemed by any other state to be citizens of that state on the basis of any Act in force.

For the implementation of the above subsections, Articles 14¹ and 15 were added to the Citizenship Act, which establish the specification of a single parent raising a child who is a minor and the list of documents required for applying for citizenship for a minor. The conditions for the deprivation (Article 28) and loss (Article 29) of Estonian citizenship were also specified.

On 14 June 2000, the Citizenship Act was amended and special conditions for the acquisition of Estonian citizenship regarding persons with disabilities were introduced. The need for the above amendments arises from the adoption of the new Social Benefits for the Persons with Disabilities Act in January 1999. This Act replaced the categories of disability that were previously used to measure the degree of disability with new degrees of disability on the basis of need for care (profound, severe, moderate disability), which created a need for amending Article 34 of the Citizenship Act where the term "category of disability" had been used so far.

According to the amended Act, the provisions of the Citizenship Act that require passing of an examination to testify the knowledge of the Estonian language and of the Constitution and of the Citizenship Act as a condition for naturalisation will not be applied with respect to persons with profound or severe disability. The same exception applies with respect to applicants with moderate disability whose nature of disability (hearing and/or visual impairment) makes them unable to comply with the requirement of examinations.

2. Given the large number of stateless persons living in Estonia until today why has Estonia not ratified the 1954 Covenant on Stateless Persons as well as the 1961 Covenant on the Reduction of Statelessness?

Currently accession to these conventions is not on the Government of the Republic action plan for 2002. This does not mean, however, that ratification of these conventions might not be considered in the future.

3. Please provide information on migrant workers in the State party and whether the State party intends to ratify the Convention on the protection of the rights of all migrant workers.

Accession to this convention is not currently on the Government of the Republic action plan for 2002.

In 2001 Estonia ratified the Council of Europe amended and revised Social Charter, including fully article 19 – the right of migrant workers and their families to protection and assistance, according to which discrimination of migrant workers is excluded. The first report on the implementation of the requirements of the Social Charter will be presented to the Council of Europe in spring 2003.

4. Please provide information on the status of the Russian, Ukrainian and Belarusian languages in the State party. Is the use of these languages permitted before governmental agencies?

The Constitution and the Language Act do not regulate the status of the Russian, Ukrainian or Belarusian languages.

Article 2 of the Language Act provides the definition of a foreign language and a language of a national minority:

- (1) For the purposes of this Act, any language other than Estonian is a foreign language.
- (2) A language of a national minority is a foreign language which Estonian citizens who belong to a national minority have historically used as their mother tongue in Estonia.

According to the 2000 census, foreign languages with the largest number of users in Estonia are Russian (406 755 persons, or 29.7% of the population), followed by Ukrainian (12 299 persons, or 0.9%), Belarusian (5197 persons, or 0.4%) and Finnish (4932 persons, or 0.3%). The number of speakers of Estonian was 921 817 persons or 67.3% of the population.

Russian, Ukrainian, Belarusian and Finnish, considering their number of speakers, could be languages of a national minority, but on the basis of the National Minorities Cultural Autonomy Act no national groups have so far defined themselves as a national minority cultural autonomy body. Russian is the language of an indigenous minority which coincides with the mother tongue of the majority of people who moved to Estonia during the Soviet period. Ukrainians and Belarusians who arrived in Estonia during that period had mostly transferred to the use of Russian and only since re-independence of Estonia have they started to rediscover their identity and mother tongue. For example, according to the 2000 census 98.1% of Russians spoke their national language as mother tongue, while only 41.1% of Ukrainians and 28.7% of Belarusians did so. Despite the fact that as compared to the 1989 census the number of Russians, Ukrainians and Belarusians has decreased, their knowledge of Estonian has significantly improved according to the census. For example, if in 1989 15% of Russians, 8.1% of Ukrainians and 6.8% of Belarusians spoke Estonian, in 2000 the respective numbers were 39.7% of Russians, 40.1% of Ukrainians and 30.4% of Belarusians.

Subsection 1 of article 10 of the Language Act stipulates the right to use a language of a national minority:

- (1) In local governments where at least half of the permanent residents belong to a national minority, everyone has the right to receive answers from state agencies operating in the territory of the corresponding local government and from the corresponding local government and officials thereof in the language of the national minority as well as in Estonian.

Article 11 of the Language Act stipulates the use of language of a national minority as language of public administration:

In local governments where the majority of permanent residents are non-Estonian speakers, the language of the national minority constituting the majority of the permanent residents of the local government may be used alongside Estonian as the internal working language of the local government on the proposal of the corresponding local government council and by a decision of the Government of the Republic.

In communication with state agencies access to public administration in foreign languages is regulated by subsections 1, 2 and 4 of article 8 of the Language Act:

- (1) If an application, request or other document submitted to a state agency or local government is in a foreign language, the agency has the right to require the person who submits the document to submit the translation of the document into Estonian, except in local governments where at least half of the permanent residents belong to a national minority.
- (2) If a state agency or local government does not require promptly to submit the translation of an application, request or other document into Estonian, the document in a foreign language is deemed to be accepted by the agency.
- (4) In oral communication with servants or employees of state agencies and local governments, and in a notary's office, bailiff's office or certified interpreter or translator's office, by agreement of the parties, a foreign language which the servants or employees understand may be used. If no agreement is reached, communication will take place through an interpreter and the costs will be borne by the person who is not proficient in Estonian, unless otherwise provided by law.

As the Russian speaking population is settled in a compact form in northern Estonian and north-eastern Estonian towns, public administration in Russian is a common matter in these towns; the Language Inspectorate lacks information concerning the use of Ukrainian or Belarusian because Ukrainians and Belarusians lack a compact area of settlement.

B. General Legal Framework

5. Please provide information on the mandate, power and the degree of independence of the Legal Chancellor who fulfils the functions of an Ombudsman.

Ombudsman

The Legal Chancellor is an independent official responsible for monitoring that legal acts adopted by the state legislator and the executive and by local governments are in conformity with the Constitution and the laws (Article 139 of the Constitution). The Legal

Chancellor analyses proposals made to him/her concerning the amendment of laws, the passage of new laws, and the activities of state agencies, and, if necessary, presents a report to the *Riigikogu*.

According to the new Legal Chancellor Act adopted in 1999, the Legal Chancellor performs the functions of an ombudsman. Everyone has the right, either in person or through a representative, to file a petition with the Legal Chancellor against the activities of officials of state agencies or local governments upon violation of the constitutional rights or freedoms of the person. The content of a petition sent to the Legal Chancellor by a prisoner, conscript, or person in a psychiatric hospital, special care home, general care home, children's home or youth home and the content of the response of the Legal Chancellor will not be examined and will be promptly forwarded to the addressee. No court judgment may have entered into force in the matter of the petition and the matter may not be concurrently subject to pre-trial complaint proceedings or judicial proceedings.

The Legal Chancellor will commence proceedings to control the activities of a state agency on the basis of a petition filed with him, or on his own initiative on the basis of information obtained beforehand if there is a good reason to believe that constitutional rights have been violated. The Legal Chancellor will take measures which are necessary in the interests of a just and prompt settlement thereof, also using, if necessary, the right to address state agencies, local governments, and their officials with memoranda and petitions. Special attention is paid to accusations against the police, prosecutor's office, prisons, customs authorities, border guard or the Citizenship and Migration Board or other state agencies. The Legal Chancellor pays close attention to the concerns of persons who cannot themselves sufficiently stand for their rights or whose freedom is limited. These are children, persons in care homes and psychiatric hospitals, prisoners, conscripts.

The Legal Chancellor has the right to demand information necessary for the performance of his duties. All the state agencies and local governments are required to release the necessary information to the Legal Chancellor within the term specified by him. The Legal Chancellor has the right to obtain information containing state secrets on the bases and pursuant to the procedure prescribed by law. The Legal Chancellor may also demand that an agency provide a written explanation concerning a petition.

In the course of proceedings, the Legal Chancellor may take oral testimonies from all persons concerning whom there is information that they know facts relevant to the matter and are capable of providing truthful testimonies concerning such facts. The Legal Chancellor will have unrestricted access to documents, materials and areas in the possession of agencies provided for in the Act. The corresponding agencies are required to grant the Legal Chancellor unconditional and immediate access to all documents, materials and areas in their possession.

The Legal Chancellor will notify a petitioner of deficiencies discovered in the course of examination of the petition, and of proposals made for elimination thereof and of the results of the elimination of deficiencies. If the Legal Chancellor finds that an official has violated the Constitution or the law, he will notify either an investigative body or another competent body thereof in writing and, if necessary, will forward to the body all information and documents at his disposal.

Written and oral applications from persons

	2000	1999	1998	1997	1996	1995	1994	1993
<u>Individual applications</u>								
Complaints	694	716	386	325	356	289	300	108
Acceptance	596	481	324	252	322	356	167	80
Total	1263	1197	710	577	678	645	467	188
<u>Institutional complaints</u>								
	332	333	323	313	284	228	319	76
Total	1595	1530	1033	890	962	873	786	264

In the period between 1993-2000, the Legal Chancellor has submitted the following number of proposals for bringing the legislative acts into conformity with the Constitution and other legislative acts:

<u>Legislative body</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>Total</u>
Riigikogu	2	1	-	4	2	6	5	3	23
Government	3	6	5	5	4	5	7	5	40
Minister	3	6	6	5	1	2	6	3	32
The Bank of Estonia	-	-	-	-	-	-	1	-	1
State Agency	-	1	1	-	-	-	-	-	2
Local Government	5	29	25	23	50	22	30	14	198
Total	13	43	37	37	57	35	49	25	296

In 1993-2000 the Legal Chancellor, the President and the courts have resorted to the Supreme Court Constitutional Review Chamber in the following number of cases:

<u>Year</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>Total</u>
Legal Chancellor	2	6	-	1	-	4	-	3	16
President and courts	2	5	4	3	3	7	4	7	35
Total	4	11	4	4	3	11	4	10	51

6. Please cite examples and any case law to substantiate whether in fact the provisions of the Covenant on economic, social and cultural rights can be invoked and dealt with before Estonian courts.

Status of international law in the domestic legal order

According to Article 3 of the Estonian Constitution, generally recognised principles and rules of international law are an inseparable part of the Estonian legal system. If laws or

other legislation of Estonia are in conflict with international treaties ratified by the *Riigikogu* (including international human rights conventions), the provisions of the international treaty will apply (Article 123). Estonia is a State Party to the most important international human rights instruments.

Based on the above, the provisions of the Covenant on economic, social and cultural rights and other international treaties may be referred to directly.

The Supreme Court has in several judgements referred to international human rights agreements, for example the UN International Covenant on Civil and Political Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms. The provisions of the ICESCR have also been invoked before the courts. For example, in 1995 F. Uzmetova complained against the refusal to register her at the residence of her husband in a hall of residence. F. Uzmetova sought that the Tallinn Administrative Court declare the actions of the city government and the city council committee and of the Citizenship and Migration Board as in contradiction of articles 12, 17 and 23 of the International Covenant on Civil and Political Rights, articles 10 and 11 of the International Covenant on Economic, Social and Cultural Rights and the Constitution. Tallinn Administrative Court declared the relevant actions as illegal.

C. Information and publicity

7. Please provide information on the measures taken by the State party to increase awareness of human rights in general, especially among government employees, judges, the police and administrative agencies, university professors and human rights students.

In 2001 the Ministry of Internal Affairs organized different seminars concerning human rights issues for police officers, for instance: “Protection of human rights”, “Family violence”; “Protection of human rights in Europe and in Estonia”; “Humanitarian affairs and human rights”.

In June 2001, there was a seminar in cooperation of the Ministry of Internal Affairs and the FBI on the topic of preventing national hatred. The training seminar was intended for police officers, prosecutors and judges, and it was aimed at preparing the society for the situation when conflicts originating on the basis of national or other prejudices should become a serious problem.

In April 2002 a two-part training session on police ethics and human rights was organised for police officers with the support of Great Britain. The training introduced the police officers the human rights audit carried out in the British police, and it also covers the European Convention on Human Rights and Fundamental Freedoms and the United Nations code of ethics for law enforcement officers.

In 1995 the Council of Europe Tallinn Information Office was created at the National Library of Estonia in order to introduce the activities and aims of the Council of Europe in Estonia and to make available the organisation's documents and publications. The functions of the Information Service also include translating the Council of Europe documents and publications into Estonian and distributing in Estonia the organisation's publications and

organising lectures, seminars, conferences and exhibitions. The Information Service has published in Estonian various human rights reference books and collections with the case law of the European Court of Human Rights.

In all major higher educational institutions students are taught international law and protection of human rights.

Awareness of human rights in general

Laws for ratifying and denouncing international treaties and international treaties themselves are published in Part II of the *Riigi Teataja* (the State Gazette), which is an official publication of the Republic of Estonia. For use of the electronic database of the *Riigi Teataja*, the relevant address of the database is published in the *Riigi Teataja* providing access to published texts and user information. Everyone has the right to use free of charge the issues of the *Riigi Teataja* available in the Estonian National Library and public libraries, rural municipalities and city governments, and to use the electronic database of the *Riigi Teataja* available through computer network.

The National Library fulfils the function of the parliamentary library whose tasks are to provide information services to the parliament, government and other constitutional institutions. For this purpose legal, economic and political information is gathered and databases are prepared. Nine international organisations have granted the library the status of a depot collection. In 1998 the European Union Information Centre was opened.

Texts of the laws are available via different legal databases on the Internet. The texts of some laws are also available in Russian and English.

On 31 March 1998, the Government of the Republic created the Foundation for the Integration of Non-Estonians. The Foundation aims to initiate and support projects oriented towards integration of the Estonian society and to coordinate effective use of different resources in this area. In 2000, 5.7 million EEK was allocated from the state budget to the Integration Foundation to implement activities fostering integration. The Foundation, entrusted with the task of co-ordinating the use of relevant resources, has to date supported more than 50 integration-related projects from these resources.

Several non-governmental organisations are also involved in distributing of information and informing of the public. The most important of them are the President's Roundtable, the Legal Information Centre for Human Rights, the Institute of Human Rights, Jaan Tõnisson Institute and others. NGOs are promoting constructive dialog and enhancing the awareness of human rights in Estonian society. They are collecting and disseminating information about human rights and many of them are providing legal advice.

Article 2. 2. Non-discrimination

8. Please comment on the following observation of the Committee on the Elimination of Racial Discrimination (CERD) of April 2000 on Estonia: "The definition of national minorities in the 1993 National Minorities Cultural Autonomy Act applies only to Estonian citizens. In the light of the significant number of non-nationals and stateless persons residing on the territory of the State party, it believes that such a restriction and narrow definition may limit the scope of the State Programme on Integration."

The National Minorities Cultural Autonomy Act provides that all aliens residing in Estonia may participate in the activities of national minorities' cultural and educational establishments and religious congregations. The only restriction is that non-citizens cannot vote or be elected or appointed to the governing bodies of cultural autonomies.

It should also be noted that the basic integration documents do not link integration activities with the definition of a national minority or citizenship, thus the definition of a national minority used in Estonia does not hamper implementation of the integration programme.

On the basis of the National Minorities Cultural Autonomy Act, only Ingrian Finns have so far initiated the creation of the cultural council provided by the Act. The Society of Ingrian Finns has also been able to prepare the list of persons belonging to the minority (approved by the Minister of Culture on 12 June 2001) which is the precondition for applying for cultural autonomy. This has raised a concrete need for improving the Act and presently the conditions of elections to the council are being prepared.

Pursuant to the Act, the cultural council can be formed by 3000 representatives of the particular ethnic minority who have Estonian citizenship. For several ethnic groups it is probably difficult to reach the threshold of 3000 people (Jews, Ukrainians, Belarusians, etc). The Ministry of Culture in cooperation with the Cultural Council of Ethnic Minorities initiated a bill in 1999 to improve the cultural autonomy law but due to big differences in the number, level of organisation, etc., of different ethnic minorities living in Estonia it has not been possible to find a consensus that is needed to pass the amendments. It has also been discussed that the Act could be amended to lower the necessary threshold for forming the cultural council. The State Integration Programme provides that an analysis of the National Minorities Cultural Autonomy Act will be performed in co-operation with the President's Roundtable and other parties.

Although on the basis of the National Minorities Cultural Autonomy Act no cultural societies of national minorities have been founded thus far, a number of various national societies have been formed on the basis of the Non-Profit Associations Act. The Non-Profit Associations Act does not set any significant restrictions for getting organised and forming national societies in the form of non-profit associations. If national societies are formed as non-profit associations they also become eligible for various tax incentives. Forming of non-profit associations is described in more detail under the answer to article 8.

Currently, there are about 160 national cultural societies and art collectives and most of them have joined under four unions and associations of national cultural societies: the International Union of Associations of National Cultural Societies "Lüüra" (28 societies and 5 art collectives), the Estonian Union of Nationalities (22 societies), the Union of Slavic Educational and Charity Associations in Estonia (46 societies and 20 collectives), the umbrella organisation of national cultural societies in Ida-Viru county the Roundtable of Ida-Viru County National Cultural Societies (22 societies). These associations are partners to the state in the promotion of educational and cultural life of national and ethnic minorities.

9. The Committee on the Elimination of Racial Discrimination in its Concluding Observations of April 2000 on Estonia also expressed its concern that the provisions

for restricted immigration established by the 1993 Aliens Act apply to citizens of most countries in the world, except those of the European Union, Norway, Iceland and Switzerland. Please give the reasons for this obvious discrimination.

In drafting the Aliens Act, Estonia's historical and current developments as well as future perspectives were used as the starting point, considering the long occupation period, building up the legal system on the basis of principles of democracy, etc. The aim of the immigration quota is first of all to balance demographic and migration processes in Estonia. Considering that according to Estonian migration statistics immigration to Estonia in the case of the European Union, Norwegian, Icelandic and Swiss citizens has been extremely small, it is not justified to apply the immigration quota to the citizens of these countries as it would not further the purpose for which the immigration quota has been established.

It should also be noted that in every individual case with regard to every individual non-citizen who wishes to stay in Estonia the state considers all the circumstances that affect the decision either to grant the person the quota limit or refuse from it. The person's ethnic origin is not a basis for making the individual decision.

As compared to the Report, there have been certain developments both in legislation and administrative practice. In April 2000, the Aliens Act was amended and the scope of persons exempted from the immigration quota was extended. According to the amendments, the immigration quota does not apply to:

- 1) a spouse of an Estonian citizen who applies for a residence permit if the spouses have a common child under 15 years of age or if the woman's pregnancy has lasted for more than 12 weeks.
- 2) an under 15-year-old child of an Estonian citizen for whom a residence permit is applied.

In certain cases, domestic courts have interpreted the imposition of the immigration quota as unconstitutional. For example, the Supreme Court decision of 12 June 2000 (No. 3-3-1-15-00) in Svetlana Kopylova's cassation concerning application of the immigration quota and the Supreme Court decision of 18 May 2000 (No. 3-3-1-11-00) concerning Valentina Ushakova's administrative matter. The Citizenship and Migration Board refused to grant a residence permit to Valentina Ushakova and her minor son due to the fulfilment of the immigration quota. The Supreme Court was of the opinion that an alien's right to live in Estonia derives not only from the Aliens Act but also from the Constitution and the European Convention on Human Rights. If an alien has a family life in Estonia in the meaning of the Estonian Constitution and the Convention then his or her right to reside legally in Estonia may also derive from the Constitution and the Convention, not only the Aliens Act.

Article 3: Equality between men and women

10. Please explain what measures have been taken or are being taken by the State party to address the problem of equality between men and women in view of the fact that Estonian women were hit hardest during the radical economic restructuring of the 1990s. About two-thirds of persons employed part-time were women. The overall unemployment rate for women has been higher than for men since 1995. Long-term unemployment is more widespread among women.

11. Please discuss and explain what measures are being taken to correct the wage inequality between men and women. According to the United Nations Development Programme (UNDP) HDR for Estonia 2000, the average wage for women has been lower than that of men workers for work of equal value throughout the independence decade. The difference continues to grow. The average wage for women constituted 80% of that of men's wages. In Estonia in the 1990s there was not a single occupation in which women received the same wage as men.

10-11

For the promotion of equal opportunities and the creation of employment opportunities, the National Employment Action Plan 2002 is under implementation. It is based on the four main guidelines of the European Union's labour policy, including gender mainstreaming, increasing the employment of women, reconciling work and family life, supporting women as entrepreneurs, and increasing the competitiveness of their businesses.

Since 1998, measures at promoting equality between women and men have formed part of the Government's action plan. The Government's National Plan for the Adoption of the *acquis* for integration with the EU contains a separate sub-chapter on equal treatment for men and women focusing on equal pay, equal treatment for women and men at work and in access to employment as well as balanced distribution of work-related and family duties. The sub-chapter in the National Plan concerning gender equality involves measures, such as training of civil servants, dissemination of information for wider public and setting up a structure for the implementation of those requirements.

A major step forward in this respect is the draft Gender Equality Act, which was drawn up by the Ministry of Social Affairs in 2001. The Gender Equality Act will aim at establishing equality on the labour market, employment and occupation, education, social security and other spheres. Discrimination in employment advertisements and training shall be prohibited. It clarifies the terminology and definitions with regard to gender equality, explicitly prohibits direct discrimination, and provides measures against indirect discrimination. The Gender Equality Act further obliges authorities and employers to promote equality between men and women, thus strengthening the legislative basis for promoting gender equality *de jure* and *de facto*.

The Act provides an institutional framework for ensuring its effective implementation by establishing the Gender Equality Council and Gender Equality Commission. Gender Equality Commission will be created, which is an institutional body to observe the implementation of the tasks set forth in the Act. The commission will also discuss the complaints received from persons, analyse the impact of legislation on men and women, make proposals to change the legislation with regard to the gender equality issues, distribute information to society, etc. Also the Gender Equality Council will be established. It will consist of 15 members appointed for three years by the Government. Among the members there will be representatives of employers, trade unions, also specialists of other issues concerning the gender equality. The Council will elaborate the general guidelines for gender equality policies and will be an advisory body to the Government in questions of strategies of the promotion of gender equality. The Draft Gender Equality Act passed the first reading in Estonian Parliament on 13 March 2002.

In order to guarantee equal payment for men and women the Wages Act was amended by the Parliament on 16 May 2001 and entered into force on 1 January 2002. The Act guarantees equal pay for the same work or work of equal value for both men and women. The principle of equal pay contributes to the elimination of discrimination between men and women. The worker has a right to receive equal pay and in case of discrimination file a claim for compensation.

III. Issues relating to specific rights recognized in the Covenant (Articles 6-15)

Article 6. Right to work

12. Please provide updated information on the measures adopted by the State party in order to address the problem of unemployment which has grown from 10% in 1998 to 12,1% in 1999.

On 1 October 2000 two laws entered into effect: the Social Protection of Unemployed Persons Act and the Employment Service Act. On 1 January 2002 the Unemployment Insurance Act entered into effect. The new Social Protection of Unemployed Persons Act extended the period of paying the unemployment benefit from six to nine months. The Employment Service Act extended the possibility of applying for employment services (training, labour market subsidies, occupational counselling, etc.) to all registered unemployed persons. In addition to unemployed persons who seek work, the new law allows also workers who have received notice of termination of the employment contract to apply for employment services.

The Employment Action Plan for 2002 outlines the problems connected with the Estonian labour market, implementation of the labour market policy and at the same time lists concrete steps to improve the situation. The action plan was prepared in cooperation of the ministries, social partners and other institutions and it is structured in conformity with the employment guidelines of the European Union.

13. The CCPR's Concluding Observations of 1995 expressed concern that the conditions of appointment in any government position, in particular, the automatic exclusion of persons unable to satisfy the requirements of the knowledge of Estonian language as well as the written oath of conscience regarding the applicant's previous activities under the former regime, may give rise to an unreasonable restriction of the right of access to public service without discrimination. Please explain whether those or similar requirements are still applied to applicants for state jobs and whether the State party is considering to abolish this discriminatory practice.

According to article 6 of the Constitution of the Republic of Estonia Implementation Act until 31 December 2000, a candidate for the position of President of the Republic, to the Riigikogu or to a local government council, or a person who seeks the position of Prime Minister, minister, Chief Justice of the Supreme Court, justice of the Supreme Court, judge, Legal Chancellor, Auditor General, President of the Bank of Estonia, Commander or Commander-in-Chief of the Defence Forces, or any other elected or appointed position in a state or local government body, was obliged to take a written oath that he or she had not

been in the service or an agent of a security organisation, or of an intelligence or counterintelligence service of the armed forces of a state which has occupied Estonia, nor participated in the persecution or repression of persons because of political beliefs, disloyalty, social class or service in the civil or defence service of the Republic of Estonia. Therefore, since 1st January 2001, the candidate is not obliged to take a written oath regarding the candidate's previous activities under the former regime.

In September 2001, members of the Parliament initiated a bill to eliminate the language requirement from the Riigikogu Election Act and the Local Government Council Election Act. The proposal for the bill derives from the premise that there is no practical need for such a provision. Integration process in society is the best guarantee for achieving the necessary language proficiency. Excluding the provision from the Act would also be in conformity with Article 25 of the International Covenant on Civil and Political Rights according to which every voter must have the right to decide who of the Estonian citizens running for the Riigikogu or local council best represents his or her interests in the relevant representative body, regardless of the knowledge of language of the candidate. The Parliament adopted the amendments to eliminate language requirement from the Riigikogu Election Act and the Local Government Council Election Act on 21st November 2001.

In accordance with Article 3 of the Language Act, the language of public administration in the Riigikogu and local governments as well as in all state agencies is Estonian. The working language of the Riigikogu can be regulated with the Riigikogu Rules of Procedure Act. In addition to the Language Act, the use of language in local government bodies is also regulated with the Local Government Organisation Act. Article 41 of the Act stipulates that the working language of local government bodies is Estonian. The use of foreign languages, including the use of languages of national minorities in local governments is also established with the Language Act.

14. Please explain how disabled persons' right to work – a right already guaranteed by the Constitution and other legislation – is being respected and protected in practice in daily activities. Please cite examples.

Estonia's National Employment Action Plans have placed special emphasis on the integration of disadvantaged groups such as disabled people. In the specific area of support to disabled people, two activities under the 2002 Action Plan are targeted at raising employment levels (1) by setting up 120 subsidised workplaces for disabled young people in six regions (a similar initiative was carried out in Hiiumaa region in 2001) and (2) by training employment consultants to work with disabled young people. Disabled persons' right to work is being mainly promoted through several project-based activities.

Labour market services provide for active labour market measures such as vocational counselling, labour market training, employment subsidies and community placements. Employers, who employ disabled persons, are granted a wage subsidy. The subsidy is paid for 12 months of employment. The subsidy is equivalent to a minimum wage for the first six months.

Social benefits for disabled persons are designed to promote independent living, social integration and equal opportunities of people with disabilities through partial compensation

of additional disability-related costs such as costs associated with medical and social rehabilitation; special educational needs, vocational training, retraining and employment; the need for personal assistance or special technical aids; use of transport, communication and other public services. The benefits are designed to recognise the individuality of disabled people's needs, first and foremost rehabilitation and employment needs.

The scheme of social benefits of disabled people is a fairly new one (fully operational since January 2001). Several changes were, however, introduced to the scheme by the amendments to the Social Benefits for Disabled Persons Act (came into force on 1 January 2002). The amendments are aimed at strengthening a link between the benefits and rehabilitation provisions that are, in turn, closely connected with employment opportunities of disabled people.

Further improvements to secure the protection of the disabled persons' legal right to employment are required in following key areas:

1. Rehabilitation and labour market provisions: measures designed to help disabled people enter employment or keep them in work are provided in isolation. Relevant institutions and experts need to cooperate more effectively in order to address disabled persons' individual needs and provide for tailor-made measures and strategies.
2. Workplace adaptations: Employers are neither obliged nor motivated to make necessary adjustments to the working environment; financial incentives need to be developed for employers to adapt work places, provide technical aids or job assistance for disabled employees.
3. Disability management at work: employers are not always aware of the existing resources of support available for them when employing a disabled person; there is lack of knowledge and experiences regarding disability management at work.

15. Please provide information on the effective measures that have been taken to address the problem of uneven distribution of the benefits of the economic recovery since 1992, especially with reference to the lot of the low-skilled workers, women and those who have poor command of the Estonian language.

Employment policy is implemented in accordance with the Employment Action Plan and based on the Social Protection of Unemployed Persons Act and the Employment Services Act.

The priority of employment policy in Estonia is to increase the proportion of all active employment measures in accordance with the needs of risk groups and the labour market. The employment action plan identifies as risk groups people aged 16-24, disabled people, long-term unemployed persons, mothers with small children, job seekers who have lost their qualification, people in pre-retirement age, pregnant women, persons released from prison and unemployed persons who do not speak Estonian. Special attention is paid to young people, long-term unemployed and disabled people.

To integrate the long-term unemployed persons to the labour market the project "Promoting employment of long-term unemployed persons through employment training and employment support to employers" was launched in employment offices. The project aims

at offering various employment services to long-term unemployed, considering the uniqueness and individual needs (individual counselling, employment training, employment subsidy to employer) of the relevant group. An individual plan for finding employment was drawn up for long-term unemployed persons participating in the project. There were overall 160 long-term unemployed persons participating in the project.

In the course of implementing the employment action plan, on 1 October 2001 pilot projects for young people were launched in nine employment offices, the aim of which is to reduce unemployment among young people by adapting and implementing in compact manner the existing employment services (vocational counselling, information about training possibilities and situation on the labour market, employment training, job mediation). Total 267 unemployed people participate in the project, for all of them an individual plan for finding work is drawn up.

In five counties subsidised jobs have been created for disabled young people, altogether 89 people. The aim of the project was to integrate disabled young people better into daily and working life, strengthen the contacts between the parties and improve cooperation between the representatives on different levels and different sectors to better solve the problem.

Employment training organised by employment offices includes teaching the state language to unemployed people who lack the knowledge of the language.

Improving the situation of women on the labour market

The first two studies of women's entrepreneurship were conducted in 2001, the first of them mapping the situation and the other identifying the barriers to women's business activities, supported by ILO. The results of the survey have been published and discussed in the media. Based on the results of the studies the Ministry of Social Affairs is currently preparing special instruments, measures and programmes to increase the creation of businesses by women, in particular in rural areas.

The idea of equal opportunities is strongly upheld by the ongoing ILO programme "More and Better Jobs for Women" which was launched in Estonia in 1999. The programme, which is coordinated by the Bureau of Equality of the Ministry of Social Affairs, seeks to improve women's employment in quantitative as well as qualitative terms. It focuses on job-creation via business creation and improvement of the status of women. The programme provides comprehensive measures for women's increased legal literacy, self-confidence building, partnerships between local authorities, social partners and women's networks for two counties. Up until the end of 2001, nearly 1,000 participants, mostly rural women, have attended the courses.

As of the beginning of 2002, there are a small number of smaller-scale foreign-funded female entrepreneurship promotion projects for rural women. The projects have a strong element of regional and international networking, also through mentorship programmes and participation in international exhibitions and trade fairs, which help to integrate Estonian female entrepreneurs into the international community of businesswomen.

The Ministry of Agriculture is also involved in organizing the network of rural women entrepreneurs, training courses and the micro-credits systems are planned.

According to the Employment Action Plan, in 2001-2003 a strategy and methods will be worked out to integrate gender equality into the areas of employment and occupational life. On the basis of the Employment Action Plan, strengthening of the policy to guarantee equal opportunities for women and men is one of the priority activities. In order to make these important decisions, information has been collected and analysed by researchers, officials, scientists and NGOs. An important role in the process has also been played by UNDP, in co-operation with whom the annual Human Development Reports and also the report concerning gender issues "Towards a Balanced Society. Women and Men in Estonia" were published. Various research has been carried out in co-operation with the Nordic countries, the practical training programs for civil servants and NGOs have been carried out in co-operation with ILO and EU Phare programme.

Promoting of gender equality is based on extensive government and foreign-funded research of the economic and social situation of women and men, for example regular Labour Market surveys; regular Hourly Wages of Women and Men surveys; quarterly Family Budget surveys; the first regular Time-Use survey (2001); the Working Life Barometer survey (1999); the Living Conditions survey (1999); Estonian Families in the 1990s: Winners and Losers (1999); a representative survey of violence: Violence against Women: Attitudes and Stereotypes in Estonian Society (2001) and numerous others.

Continuous attention is being given to increasing public awareness. In 1997, training of civil servants, government officials, local authorities and social partners was started with the aim of creating a network of specialists trained in gender issues on all levels for improved administrative capacity for dealing with gender mainstreaming. In preparing and carrying out the programme, the government's efforts have been supplemented by large-scale international programmes like the UNDP programme "Promoting Gender Equality" which delivered gender training for over 1,000 persons and the ILO programme "More and Better Jobs for Women" - gender courses that have attracted more than 400 government officials, local government leaders, social partners and women themselves.

Numerous joint projects have been undertaken between Estonian women's organisations on the national as well as international levels with counterparts throughout Europe, the US, etc. There is well-developed cooperation between rural women's organisations in Estonia and abroad.

Article 7: Right to just and favourable conditions of work

16. Please indicate whether the current minimum wage has been raised and whether it is sufficient to provide a worker and his family with a decent standard of living, especially in view of the fact that the average monthly wage is only USD 82 whereas the national average wage is USD 296.

The minimum wage has been raised every year. In 2001 the minimum wage was 1600 kroons per month. After submitting the report (2001) the minimum wage was increased and this year it is 1850 kroons a month. As compared with 1998, for example, the minimum wage has risen 1.45 times by 2001, the average wage has risen 1.34 times and the consumer prices increased 1.14 times.

Article 8. The right to association

17. Please provide updated information with regard to the exercise of freedom of association for long-term permanent residents in Estonia, particularly in the political sphere. Are long-term permanent residents still denied certain rights such as membership of political parties or appointment on the boards of directors of some social or labour organisations?

Non-profit associations

Although the right of association does not require formal registration by a public authority, in the majority of cases it is in the interests of the founders to found a legal association as a legal person (in order to own collective property and to be liable for their actions collectively). In accordance with the General Principles of the Civil Code Act, a legal person in private law may be founded pursuant to the Act concerning the corresponding category of legal persons (Non-profit Associations Act, Political Parties Act, Churches and Congregations Act, Commercial Code, Co-operatives Act, etc.), and a legal person in public law may be founded pursuant to the Act directly concerning that legal person.

The Estonian Constitution makes a distinction between forming non-profit and profit-making associations. The Constitution establishes that "Everyone has the right to form non-profit undertakings and unions" (Article 48). Article 31 further stipulates that "Estonian citizens have the right to engage in enterprise and to form commercial undertakings and unions. Conditions and procedure for the exercise of this right may be provided by law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law".

Pursuant to the Non-profit Associations Act, every natural or legal person who complies with the requirements of the articles of association of a non-profit association may be a member of the non-profit association. A non-profit association has to comprise at least two members unless the law or the articles of association prescribe a greater number of members. The management board decides on membership in a non-profit association unless this is placed in the competence of the general meeting or some other body by the articles of association. The founders may be natural or legal persons. In order to found a non-profit association, the founders enter into a memorandum of association. Upon conclusion of a memorandum of association, the founders also approve the articles of association of the non-profit association as an annex to the memorandum of association. Non-profit association must have a management board that manages and represents the association. The management board may have one member or several members. Members of the management board must be natural persons with active legal capacity and at least one-half of the members of the management board must be persons whose residence is in Estonia.

Pursuant to the Commercial Code, any natural person may be a sole proprietor (self-employed person). If a person is without active legal capacity, a legal representative shall conclude transactions in the name of the person to the extent provided by law. If the active legal capacity of a person is restricted, he or she may, under the conditions provided by law, conclude transactions with the consent of a legal representative. According to the Commercial Code, both natural and legal persons may be founders of commercial undertakings.

Political parties

The Political Parties Act that entered into force on 16 June 1994 regulates the foundation and organisation of activities of political parties and financing of political parties. Article 1 of the Act gives the definition of political party: A political party is a voluntary political association of Estonian citizens which is registered pursuant to the procedure provided for in this Act and the objective of which is to express the political interests of its members and supporters and to exercise state and local government authority. A political party shall be a non-profit association.

Article 4 of the Act sets the restrictions for activities of political parties. Political parties whose objectives or activities are directed at changing the constitutional order or territorial integrity of Estonia by force or are otherwise contrary to criminal law are prohibited. Organisations or alliances which possess weapons, are militarily organised or perform military exercises shall not operate as a political party or structural unit of a political party. Interference in the internal matters of a political party, except in special cases permitted by law, is prohibited. The formation and operation of political parties or their sub-units or of other political associations or their structural units of other states is prohibited within the territory under the jurisdiction of the Republic of Estonia.

An Estonian citizen with active legal capacity who has attained eighteen years of age may be a member of a political party. A person may be a member of only one political party at a time. A citizen is admitted into a political party on the basis of his or her personal written application. The conditions and procedures for admittance to and resignation and exclusion from a political party shall be provided for in the articles of association of the political party.

A political party shall be founded by a memorandum of association in unattested written form. The provisions of the Non-profit Associations Act apply to the memorandum of association of a political party unless otherwise provided by this Act.

Trade unions

Since the submission of the Report in July 2001, there have been certain developments in legislation concerning trade unions. On 14 June 2000, the *Riigikogu* passed the Trade Unions Act that provides the general rights of and bases for the activities of trade unions, and their relations with state and local government agencies and employers.

A trade union is an independent and voluntary association of persons which is founded on the initiative of the persons and the objective of which is to represent and protect the employment, service-related, professional, economic and social rights and interests of employees. Trade unions achieve their objectives acting as social dialogue partners to employers, associations of employers, local governments and the Government of the Republic in mutual informing, consulting and collective bargaining and in other issues involving the interests of employees.

Pursuant to the Trade Unions Act, persons have the right to found trade unions freely, without prior permission, and to join or not to join trade unions. The rights of employees or persons who seek employment may not be restricted on grounds of their membership in trade unions, on being elected representatives of trade unions or on other legal activities related to trade unions. Members of the armed forces who are in active service in the Defence Forces may not found or join trade unions.

Trade unions have the right to form and join federations and central federations in order to represent the rights and interests of employees. Trade unions have the right to join international organisations of employees.

In their legal activities, trade unions are independent of employers, associations of employers and representatives thereof, state agencies and local governments and other organisations. Trade unions have the right to independently organise their activities and management, to prepare their articles of association, action plans and freely elect their representatives.

Employers, associations of employers and representatives thereof, state agencies and local governments may not dissolve, restrict or prohibit the activities of trade unions, or intervene in the internal matters of trade unions. The activities of a trade union may be terminated only voluntarily or by a court judgment.

Article 9: Right to social security

18. Please explain how the new three pillar pension system which began in 1997 works in practice and in what ways can it be considered an improvement over the old system. What percentage of the workforce is covered by the new pension system? What other social security acts or protection cover those who are not covered by the new pension system, including the elderly, women and the disabled.

According to the *Conceptual Framework for the Pension Reform*, approved in June 1997, the existing public pay-as-you-go financed one-pillar system is replaced by the new pension system, which includes three pillars:

I pillar – the reformed PAYG financed public pension scheme;

II pillar – quasi-compulsory privately managed funded scheme;

III pillar – voluntary funded private pension schemes.

First pillar - the renewed PAYG tier – The State Pension Scheme was set by the State Pension Insurance Act, passed in June 1998, and the new Social Tax Act, passed in April 1998. The new State Pension Scheme has been fully implemented since April 1, 2000.

The main principles of the State Pension Insurance Act are:

- equalisation of the same pensionable age of men and women by 2016 at 63 years of age;
- provision for early retirement (pension shall be reduced by 0.4% for each relevant month);
- provision for deferred retirement (pension shall be increased by 0,9% for each relevant month);
- implementation of a standard basis for the calculation of old-age, incapacity and survivors' pensions;
- division of the pension formula into three units: basic unit, length of service unit and insurance unit;
- calculation of pensionable length on the basis of calculated or paid social tax;

- establishment of pension eligibility and length of pension insurance requirement for incapacity pensions and survivors' pensions;
- setting up a pension insurance register;
- the possibility to accumulate pension from earnings also when retired;
- no ceiling neither for contributions or benefits.

The State Pension benefits can be divided into two groups: employment-related and national pensions. The employment-related benefits are the old-age pension, the pension for incapacity for work and survivor's pension. Until now the state pension has been generous to low income earners, because the pension has not been depending on the earnings. From the year 1999 on, the employment-related benefits are gradually moving from a benefit related to the pensionable length of service, to an earnings-related and contribution-related benefit.

The purpose of the social or national pension is to guarantee a minimum income for persons who are not entitled to an employment-related benefit.

Thus state pensions are almost universally provided: national pensions to economically non-active and the employment-related pensions to economically active persons. The take-up ratio and coverage is almost 100%.

The financing of the first pillar is provided for by the social tax (20 % of payroll) paid by employers. According to the Social Tax Act the contributions paid on behalf of each employee are accounted individually. It enables to link pension benefits to individual contributions made on behalf of each person during his/her whole career. Still the accumulation part cannot be expressed as a replacement rate of wages. The reason is that the pension accrues according to the individual salary in proportion to the average salary, but the level is fixed by a pension insurance coefficient, which will be adjusted yearly by the halfway index. The final benefit depends on how the value of the pension insurance coefficient changes compared to the average salary. If the proportion remains constant also in the future the accumulation part will correspond to an accrual rate of 0.6% of wages (0.8% of net wages).

During the transition period the benefit formula also takes into account the length of service without individual recording.

There is no income ceiling of the contributions and the accumulation part of the benefits, with the exception that for self-employed persons the contribution and benefit are based on an income ceiling, which is 15 times the minimum salary. The contribution is compulsory and pension accrues for all gainful employment. The minimum contribution for full-time work is based on the minimum salary, which is EEK 1,600 a month. For part-time employment and for self-employed persons the minimum contribution is based on minimum earnings equal to EEK 700 a month.

Second pillar - the quasi-mandatory funded scheme – was set by Funded Pensions Act adopted by the Parliament on September 12, 2001. The Act came into force on October 1. It constitutes rules for operations of second and third pillar funds, order of making contributions and payout from the fund and insurance companies.

The main aims of introducing the second pillar of the pension system are:

- to secure adequate level of old age protection and avoid the reduction in the average replacement rate due to unfavourable demographic developments;
- to protect the political and financial sustainability of the pension system by diversification of the risks endangering the pension system
- to increase individual interest and responsibility in the pension system.

The second pillar is focused around the individual rather than the employer and is characterized by the following features:

- mandatory participation for people born in 1983 or later after they have become 18;
- voluntary participation for other employees and self-employed up to the age of 60 (born in 1942);
- people are not allowed to switch back from the second pillar;
- in the case of an employee or self-employed person participating in the second pillar it has to pay 2% of its gross wage, which is withheld by the employer;
- the employer will redirect 4 percentage points of the current pension insurance part of the social tax (20%) together with the 2% to the Tax Board (from where through the CDS they are allocated to pension funds);
- fully-funded financing principle;
- private asset management with state supervision.

The new system is transparent in the sense that the benefit is calculated on the basis of actually paid contributions and returns from the invested contributions. Collection of contributions to the second pillar pension funds will start on 1 July 2002.

The second pillar covers only old age pensions. The scheme does not at all cover the social risks of unemployment and disability and only partially covers the death of a breadwinner. These risks are covered only by the first pillar scheme. On the other hand, the state pension in the case of disability or death of breadwinner is calculated as if a contribution equal to 20% had been paid to the State Pension Scheme all the time.

The taxation of the second pillar contributions will be based on the EET scheme with the normal rate of income tax (26%). Three times income tax deductible amount of income (currently EEK 1000 * 3) taking into account both I and II pillar pensions is applicable.

Third pillar – voluntary private pensions – is also regulated by the Funded Pensions Act since 1 October 2001. From 1 August 1998 till 1 October 2001 voluntary private pensions were regulated by the Pension Funds Act, which was revoked by the abovementioned Funded Pensions Act.

Participation in supplementary voluntary pension schemes can take two forms:

- pension insurance policies offered by licensed private insurance companies;
- units of pension funds managed by private fund managers.

To encourage participation in the voluntary private pension schemes, the following tax incentives have been introduced:

- contributions (premiums paid on the bases of pension insurance policy or sums paid for purchasing the units of a private pension fund) are deductible from the income taxable with the income tax up to the limit of 15 % of the annual income;
- benefits paid on the bases of a private pension insurance policy or from redemption of the units of a pension fund are taxable at a lower rate (10%) of income tax, instead of the normal rate of 26%;
- benefits paid regularly lifelong on the bases of the defined-benefit type pension insurance policy in equal or increasing amounts are not taxable.

When participating in the voluntary schemes, the pension age is a matter of contract between the person and the insurance company, except that the minimum contractual age, in which case the tax exceptions apply, is 55 years.

Since August 1998, when the pension insurance scheme with the income tax incentive was launched, until the end of 2001, 34 818 effective insurance contracts have been concluded. Thus about 3.5% of the working age population, or 5.1% of the labour force, is covered by the funded pension insurance contracts. On the basis of these contracts 172.2 million kroons worth of insurance premiums were received in 2001, which is 47% more than in 2000 (117.24 million kroons). Thus the average insurance premium is 412 kroons a month, which makes up about 7% of the average gross wage.

Practically the whole population in retirement age is covered by the first pillar of the pension insurance system, i.e. state pension insurance. On the basis of international agreements pension is paid to subjects of social insurance agreements concluded with Finland, Latvia, Lithuania and Ukraine. With Russia there is an agreement concerning social guarantees for retired military officers.

In addition to the above, the Social Welfare Act stipulates the right to receive social benefits for an Estonian citizen who has settled in Estonia from a foreign state, a person of Estonian origin and the spouse, children and parents who have settled in Estonia together with him or her and who have attained the pensionable age but who lack the pensionable service or accumulation period needed to receive the old-age pension and if the person does not receive a pension from any other state. Monthly social benefit is paid in the amount of the national pension. At the end of May 2001 there were 59 persons who received this type of social benefit.

Article 10: Protection of the family, mothers and the children

19. Please provide information on the measures taken by the State party to combat domestic violence, especially violence against women, including spousal abuse as well as child abuse.

The Estonian Union of Child Welfare organized the campaign with the objective of influencing Estonian public opinion to accept that the raising of children without the use of violence is considered the norm and that any, particularly physical, violence towards children is condemned. The slogan of the campaign was "Don't hit the child". The campaign involved TV, radio and print media. The result of the campaign showed that 92 per cent of the adult population has noticed the campaign (with the support of the Open Estonia Foundation).

In 2001 the Estonian Union of Child Welfare carried out the programme "The Child and Violence". The programme was aimed at changing the attitudes of the population in shaping a violence-free environment through preventive activities and carrying out a survey on the essence of child violence and its locational distribution together with the implementation of intervention measures. The programme consisted of different sub-projects like "Friendly and safe school" the aim of which was identifying forms of violent behaviour and possible intervention measures at school and thereby developing a violence-free and safe school environment. In the framework of the programme a series of conferences under the title "No to violence" was carried out in order to raise the awareness of pupils and teachers about the essence of school bullying and the possibilities for its prevention.

In June-July 2001 the first national survey of violence against women was conducted in Estonia and a special strategy is being drafted. The results of the survey have been presented at 16 training sessions with 800 participants, among them the police, social and medical workers, specialists engaged in the victim support system, women's organisations, etc.

A large-scale project has been initiated with a view to elaborate a cooperation scheme between the police and social workers to jointly launch preventive activities and provide help to victims. Active participation of the press, radio and TV has helped to provoke a public debate on the issue of violence against women. A manual for the victims of rape has been published and distributed via women's organisations. Also a 400-page book "Silenced Voices", containing interviews with victims, officials and specialists as well as articles by outstanding scientists, was published.

A government action plan for the mitigation and prevention of violence against women is being drafted. The plan envisages work along 5 strategic objectives:

1. Convincing the public of the danger of violence against women and launching a programme "No to domestic violence".
2. Improving the existing legislation, which will criminalize also minor cases of domestic violence.
3. Raising the capacity of the police officials by specifying their rights and adding responsibilities to improve the handling of cases of domestic violence.
4. Introducing the victim-centred approach, i.e. providing immediate medical, legal, psychological assistance to the victims of violence.
5. Increasing inter-agency cooperation including preparation of a joint action plan and developing a network of all relevant persons, institutions and authorities.

Various expert interviews have been carried out and information has been gathered concerning the activities of police officers, investigators, judges and other lawyers in handling cases of family violence and violence against women.

Extensive cooperation projects have been started between the police and social workers aimed at designing a cooperation model for preventing family violence and violence against women and for helping the victims. 16 training events and seminars on family violence and violence against women have been held:

- four training events for the police. The training was organised by the UN Institute for Crime Prevention, the Estonian Open Society Institute and the Estonian Ministry of Social Affairs. Altogether 110 police officers participated in the training;
- four training events for social workers and specialists of the victim assistance system. The training was carried out by the Finnish Ministries of Labour and Health and the Estonian Open Society Institute. Altogether 120 people participated in the training;
- one training seminar for medical workers. The training was organised by the Estonian Society of Medical Nurses in cooperation with the Estonian Medical Association, the Estonian Open Society Institute and Tallinn Pedagogical University. Altogether about 300 people participated in the training;
- one training seminar for the Family Union. The training was organised by the Estonian Family Union in cooperation with the Estonian Ministry of Social Affairs and the Estonian Open Society Institute. 40 people participated in the training;
- three training events for women's organisations. The training was organised by the non-profit association Civil Training Centre and Lääne-Virumaa Women's Roundtable in cooperation with the Estonian Open Society Institute. About 150 people participated in the training.
- three training events for sociologists, psychologists and interviewers in the survey. The training sessions were carried out by the UN Institute for Crime Prevention (HEUNI) in cooperation with the Estonian Open Society Institute. About 70 people participated in the training.

Estonia is participating in the joint project "International Violence against Women Survey" promoted and launched by The United Nations Interregional Crime and Justice Research Institute, the European Institute for Crime Prevention and Control and Statistics Canada. Within the framework of the joint project a comparative survey methodology on violence against women was developed in March 2001. A pilot study was conducted in November 2000.

20. Please provide information on how has family reunification of asylum seekers benefited from the application of the newly amended Aliens Act?

The legal status and basis of stay of asylum seekers and refugees in Estonia is regulated by the Refugees Act, proceeding from the UN Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees of 31 January 1967.

Asylum seekers and refugees are ensured the rights and freedoms arising from the Estonian Constitution, laws and other legal acts, the Convention and the Protocol and generally recognised norms of international law.

Family reunification of asylum seekers and refugees is regulated with the Refugees Act and the Aliens Act. A residence permit may be granted to the spouse of a refugee who is not an Estonian citizen or a refugee on the same grounds as to the spouse of a person permanently resident in Estonia, in accordance with the Aliens Act. The government agency shall grant to the minor child of a refugee who is not an Estonian citizen or a refugee the same type of residence permit with the same expiry date as to the refugee.

21. Please provide information on the measures that are being taken by the State party in order to deal with the problem of street children, estimated at 4000-10000 children in 1998.

Based on a roundtable discussion convened in 1998 by the Minister of Social Affairs, involving child protection workers of local authorities and county governments and representatives of different ministries and non-governmental organisations, there are about 10 children in Estonia without home or family and who live their life in the streets, 500 children who constantly wander in the streets but who have a home and parents and 3000-4000 children who are in danger of falling to a situation where they would go to the street.

As a result of a roundtable on the topic of street children organised by the Open Estonia Foundation in 1999 the estimated situation is as follows: there are about 4000-5000 children in the streets in Estonia. The number seems high because it includes also children who are evading the obligation to attend school and children deprived of parental care. Speaking about "street children" as children who have no home and who live "in the streets", the number would be approximately 100-200. More problematic regions are Tallinn, Tartu, and Ida-Virumaa (in the latter case, more exactly the city of Narva).

A concrete step for improving the situation of street children was taken in Estonia at the beginning of summer 1998 when project competition "Street children/ children in the street" was announced. The competition called upon different non-governmental organisations active in the field and also day centres of local governments to submit projects related to the subject of street children. Financiers and launchers of the programme were Open Estonia Foundation, King Baudouin Foundation and also the World Bank. Total cost of the programme was 2.5 million Estonian kroons. The duration of the programme is two years and during the programme financial support is provided to different non-profit associations and welfare institutions. The programme also includes joint training offering necessary skills and knowledge to project leaders for a better implementation of their ideas.

Since 2000 the Estonian Union of Child Welfare is carrying out a comprehensive programme "Child and the free time". One of the aims of the programme is to reduce vagrancy in 2000-2005. In the framework of the programme also family camps and counselling groups are organised which are aimed at promoting the principles of joint activities within the family.

Children who live in the streets due to poor conditions at home are under the daily focus of local government child welfare specialists. Child welfare activities are targeted at finding out the need for assistance in problematic families and offering the possibilities for assistance. As the work done with the child's family may have little positive results due to its complexity, it often happens that children continue wandering in the streets until they are found possible replacement care or referred to a special school.

Article 11: Right to an adequate standard of living

22. In connection with paragraphs 495-503 of the State party's report, please provide information on the measures taken by the State party to alleviate the poverty of 65% of families with two or more unemployed persons.

On the basis of the Social Protection of Unemployed Persons Act all unemployed persons receive the unemployment benefit on an equal basis, regardless of how many unemployed persons are in the family.

With the Unemployment Insurance Act that entered into force on 1 January 2002 a system of unemployment insurance was created that ensures benefits to workers in the case of unemployment, collective redundancy and insolvency of the employer. The amount of the unemployment insurance benefit during the first 100 days of unemployment is 50 per cent and as of the 101st day 40% of the previous wage of the person. The benefit is paid either during six months or one year depending on the length of the period the person has been covered by insurance. Because of the 12-month qualification period the payment of the benefits begins one year after the launching of the scheme, i.e. as of 2003.

Unemployment insurance will significantly improve the protection of unemployed persons in Estonia, bringing it in line with the requirements of the European Social Insurance Code and the European Social Charter. The benefit that depends on the previous income will ensure sufficient replacement income for the unemployed person for the period of searching for work and will reduce poverty among households with unemployed members of family.

Aside from the unemployment insurance also the national system of unemployment benefits will be retained in a changed form. Pursuant to the Social Protection of Unemployed Persons Act the unemployment benefit will be paid to those unemployed persons who do not have the right to the unemployment insurance benefit (e.g. because of the lack of required length of insurance period or due to voluntarily leaving work) or if the person refuses to accept a suitable job offer during the period of payment of the insurance benefit or has not found work during the maximum period when unemployment insurance benefit can be paid. The amount of the unemployment benefit in 2002 is 400 kroons.

In alleviating poverty among unemployed persons, in addition to unemployment insurance benefits and unemployment benefits an important measure is also paying of subsistence benefits from the state budget. The payment of this benefit depends on the income of the family, the number of family members and the subsistence line. In 2001 subsistence benefits were paid to 41 thousand families that had one or more job seekers, long-term unemployed persons or recipients of unemployment benefit. Such families made up 58% of all the families receiving subsistence benefits and 7% of all families in Estonia.

From the point of view of reducing poverty arising from unemployment an important role is played by active employment measures. Since 2000 Estonia has drawn up and implemented annual employment action plans. The priority of action plans implemented so far has been the reintegration of risk groups (young people, long-term unemployed, disabled persons) to the labour market, promoting of entrepreneurship and creation of new jobs. The implementation of the measures laid down in the employment action plan is supported by the national programme "Increasing employment, preventing long-term

unemployment and exclusion from employment of persons belonging to risk groups". The aim of the programme is to reduce unemployment and prevent social exclusion through active labour market policy.

23. Please provide information about the percentage or number of persons or families benefiting from the Social Welfare Act for their housing under which local government authorities are required to provide housing to persons or families who are unable or incapable of securing housing or leasing social housing or of using some shelter.

Pursuant to the Social Welfare Act less secured persons living alone and less secured families are paid the subsistence benefit if their monthly income is below the subsistence line established by the Riigikogu. In accordance with the conditions of granting the benefit established by law, also the costs of permanent housing of the above persons or families are covered either partially or fully.

In 2001 about 37 000 families every month received subsistence benefit, for 42.2% of them also housing costs were covered. The amount of money used to cover housing costs made up 20.2% of the total sum used for subsistence benefits.

At the end of 2001 there were 1935 persons living in a social apartment or social housing. Social apartments are mainly used by elderly people and disabled persons who were unable to pay the high rent or unable to cope alone/without outside help in their previous housing or because they lacked their own housing.

In 2001 there were 500 places in 23 shelters and overnight accommodation facilities for homeless people. During the year, 1200-1300 persons stayed there for a shorter or longer time due to the lack of housing; most of them were men.

In addition to the above, to some extent shelter and overnight accommodation services are also provided by other welfare institutions.

24. Please provide information on the number of homeless people and what measures have been taken by the State party to find shelter or social housing for the homeless, especially among the elderly.

Pursuant to the Social Welfare Act, provision of social welfare services, including the housing service, is the task of the local governments. Local governments are also required to provide emergency social assistance to a person without sufficient means of livelihood at least in the form of clothing, food and temporary shelter.

From year to year the number of social apartments has risen. In two years (2001 as compared to 1999) the number of persons living in social apartments increased approximately 1.3 times. The number of shelters has stabilised in the recent time, however the number of smaller overnight accommodation facilities has grown.

To solve the problems relating to poverty and social exclusion Estonia cooperates with the European Union; this year Estonia is beginning to prepare the Joint Memorandum on Social Inclusion. The memorandum will observe the goals and trends relating to social inclusion in the European Union, defining the key areas for increasing social inclusion (employment, education, housing, social protection) and measures oriented to risk groups (children, unemployed, elderly and disabled persons, marginal social groups). The memorandum should be signed at the latest at the end of 2003.

Article 12: Right to physical and mental health

25. Please provide information on the widespread problem of alcoholism in the State party and what has the State party done to reverse or stop this trend and to what effect?

On 25 November 1997, the Government of the Republic approved the alcohol and drug prevention programme for 1997-2007. The programme is mostly aimed at reducing the damage from the consumption of alcohol and drugs and developing an alcohol and drug policy which guarantees co-ordinated preventive activity on international, national and local level based on international conventions, national programmes and other national documents.

The sub-goals of the programme are the creation of a national information system for assessing alcohol and drug consumption and the damage arising from it, as well as better information to the society about harmful effects of the consumption of alcohol and drugs, and improved preventive work with children and youth, more effective treatment for addicts and better availability of the treatment, and restraining the rise of alcohol and drug-related legal offences.

Within the framework of the programme, in 1998 a database of the treatment of drug dependency was created, recording and accounting of drug-related offences will be brought in line with international requirements, a sociological survey will be carried out among the population on the consumption of alcohol and drugs and a qualitative survey among drug users. Assessment of the spread of drug use in prisons was started in 1998 with a pilot study in Viljandi juvenile prison. Under the administration of the Ministry of Education, a training course on drugs for teachers of higher educational institutions will be developed. Among special schools, the drug prevention programme will be first launched in Kaagvere special boarding school. The Estonian Drug Prevention Foundation will organise training seminars for teachers, social and health care workers. One fifth of this year's programme budget will be used for supporting primary referral for treatment of drug users without medical insurance.

At the end of 2001 the Government approved the national alcohol policy prepared by the Ministry of Agriculture. The policy is aimed at reducing the current liberal attitude of society towards alcohol consumption.

26. Information available to the Committee points to the environmental hazards which adversely affect the health of Estonians and the degree of their enjoyment of their human rights under the Covenant. Please provide information on the actual

situation regarding the environmental hazards and what measures have been undertaken by the State party in order to deal with this problem.

The environmental hazards affecting the health of Estonians have been defined in the **National Environmental Health Action Plan** of Estonia which was approved by the Government in June 1999. The action plan is the first programme in Estonia that surveys all the major environmental components that may affect people's health and defines possible improvement measures and is based on the current situation in Estonia. In defining the tasks, the assessment of the exposure of the population to hazardous environmental factors and the health risk analysis were used as justification for setting the priorities.

Environmental factors that affect public health

Among the causes for primary morbidity the external factors are dominant, first of all pathogenic micro-organisms which are a cause of more than half of all the cases of illness. In the cases of death the importance of lifestyle (wrong diet, smoking, etc.) is higher, at the same time lifestyle is inseparable from the environment, hereditary disposition and medical care.

In connection with major socio-economic transformations substantial changes have taken place in people's environment and lifestyle in recent years, many of which have been unfavourable for health: *spreading of poverty* (accompanied by deficiency of food components, unhygienic living conditions, etc.), *increased mobility of population* (accompanied by increased number of traffic accidents), *tourism* (spreading of pathogenic micro-organisms), *deterioration of domestic conditions* (homelessness, low temperature in living rooms, and deterioration of room air in winter due to poor ventilation, etc.), *increased health risk at workplaces*, *increased air pollution from transport*, *lagging of waste treatment*, *insufficient supervision of imported food*, *spreading of household chemicals*, *synthetic building and finishing materials*, *food additives etc.*, *increased psychological stress*, *spreading of alcohol consumption*, *smoking*, *use of drugs*, *spreading of crime and prostitution*.

Thus the impact of environmental factors on the organism is directly connected with people's lifestyle and habits as well as social factors, and therefore the plans for improving the situation have to be complex. There is also no doubt that in eliminating hazardous environmental factors, alleviating their impact and preventing them the accessibility and quality of medical care is often important.

In Estonia the following environmental health hazards are more widespread:

in ambient air – exhaust gases of vehicles, emissions from industry/power engineering and heating of buildings;

in room air – insufficient ventilation, unhealthy microclimate, smoking, heating, use of gas stoves and cooking, absorption of radon from the soil, building and finishing materials and furniture materials, insufficiently controlled household chemicals and other consumer goods, noise and emissions that infiltrate the rooms from street traffic, pathogenic micro-organisms, pets and indoor plants;

in drinking water – leaks from pipes, soil pollution, natural qualities of the soil, disinfection residues, soft water, toxins from algae;

in food – chemical and microbiological pollution, deficiency of essential components;

in working environment – pathogenic micro-organisms, noise, vibration, chemicals, unhealthy microclimate, ignoring of safety requirements, intensive work tempo and insufficient rest time;

traumas – ignoring of safety requirements, alcohol consumption, project and building flaws, crime.

Environmental health promotion

The National Environmental Health Action Plan is aimed at stopping further deterioration of public health and setting the trend back towards improvement with the help of improving the environment, reducing the exposure of the population to hazardous environmental factors and applying health protection measures.

In 1993 the Estonian Centre for Health Education and Promotion was created. Its functions include the analysis of the needs of health promotion, coordinating health promotion activities on national level, implementing the main and priority strategies, developing the health promotion network in Estonia, raising the health promotion competence and project appraisal.

In October 1995 the Public Health Training Centre was founded and in Tartu University Health Institute the chair of health promotion was opened and master's programme in public health was launched.

In Estonia health promotion is oriented towards supporting regional development and promoting active participation and involvement of people. In 1994 the Heart Project was started that contains sub-programmes for blood pressure, cholesterol, physical exercise, overweight, nutrition and affecting of other risk factors, the project "Smoking or health", Trauma Project, Family Planning Project and National Health Programme for Children and Youth until 2000, which contains sub-programmes for activities for mental health, physical exercise, school food, school environment and prevention of child traumas.

In 1997 the Riigikogu approved the Estonian Environment Strategy that defines ten main goals of the Estonian environmental policy:

- (1) raising environmental awareness and promoting environmentally sustainable consumption;
- (2) developing environmentally sustainable technologies;
- (3) reducing the negative environmental impacts of power engineering;
- (4) improving air quality, including reducing emissions to ambient air from motor fuels;
- (5) developing waste handling, reducing waste creation, stimulating recycling of waste;
- (6) eliminating residual pollution;
- (7) sustainable use and protection of ground water reserves;
- (8) protection of surface water bodies and coastal sea and rational use of water bodies;
- (9) maintaining the diversity of landscapes and biodiversity;
- (10) making artificial environment more human-friendly.

To achieve these aims, in June 2002 the Government approved the Estonian Environmental Action Plan 2001-2003 which is aimed at improving the condition of the environment and reducing environmental hazards to people's health.

27. According to the State party's report the number of diseases diagnosed by health care units has been increasing: adults most often suffer from circulatory system diseases; children are most often hospitalized because of respiratory diseases; incidents of tuberculosis have increased as have sexually transmitted diseases. Please discuss and explain the reasons for the above phenomena and the State party's policies to face this situation and how successful they have been.

The data in Estonia's report in 2001 concerning the general increase of the primary morbidity needs specification. Proceeding from the published data of Estonian health statistics for the period 1997-2000 the following trends in different disease categories can be noted. Constant increase of primary morbidity in these years has occurred in the categories of psychological and behavioural disorders, certain infectious and parasitic diseases, eye and ear diseases, diseases of the digestive organs, diseases of muscles and bones and connective tissue, and urogenital diseases. In other disease categories the stabilisation or certain decline of primary morbidity can be noted.

In the structure of child morbidity (children aged 0 – 14) the first place is occupied by respiratory diseases, which is similar to other developed countries. In Estonia the number of first-time incidences of these diseases in the abovementioned years was relatively stable.

The level of primary morbidity of circulatory diseases has been constantly high but without significant growth trend as compared to 1997.

Reliable statistics on malignant tumours is available from the Estonian Cancer Register after two years from first-time diagnosing of cancer, which is due to specification of the register's database and is a widespread practice also in the cancer registers of other countries. Reliable comparative data for the period 1992-1997 show an increase of the incidence of breast mammary glands cancer and skin cancer among women, at the same time the incidence of stomach cancer has declined. Among men there is increase of the incidence of prostatic cancer and skin cancer, incidence of other types of cancers was stable.

The increase of the incidence of tuberculosis has slowed down thanks to the effective implementation of the national tuberculosis programme, and the primary morbidity of 650 cases per 100 000 inhabitants in 1998 has remained the highest figure in the last decade.

Incidence of gonorrhoea (since 1994) and syphilis (since 1997) has also decreased.

To reduce morbidity the Ministry of Social Affairs has launched various national programmes, for example the alcoholism and drug prevention programme for 1997-2007, national programme for child health until 2005, new national programme to prevent HIV/AIDS and other sexually transmitted diseases for 2002-2006, the national tuberculosis programme 1998-2003, as well as national preventive projects for improving environmental health (NEHAP) and reducing cardiovascular diseases and traumas.

Regular monitoring of the public health behaviour since 1990 makes it possible to carry out constant monitoring of health promotion activities and to plan the monitoring, and evaluate the implemented intervention measures.

In the recent years a significant change towards healthy lifestyle has occurred in people's awareness and behaviour, but its results will become apparent in the reduced incidence of preventable diseases only after a certain number of years.

28. Despite an increase in the use of birth control devices, abortion remains the main means of birth control in Estonia. Do the State party's future policies envisage changing this practice in order to avoid or reduce the number of abortions and unwanted pregnancies?

In 1999, the programme of reproductive health for 2000-2009 was started. One of the aims of the programme is to achieve a constant decline of prenatal and infant mortality, and mortality of mothers, bearing in mind that good reproductive health is the basis for the birth of healthy children.

Women's reproductive rights are protected by the Termination of Pregnancy and Sterilisation Act. Abortions are allowed during the first 11 weeks from the presumed date of conception.

Although the number of abortions is still high, it is worth mentioning that in 2000 the number of abortions was smaller than the number of births, respectively 98 abortions to 100 births. Within 8 last years the number of abortions per 1000 fertility age females has dropped from 70 to 37. Several educational programmes and campaigns, like "Safe Sex" and state support for free contraceptives have had positive influence in that respect.

At the beginning of 2002 the Government discussed the state programme of reproductive health until 2010. The main aims of the programme are reduction of the abortions and the awareness raising.

According the information of the Family Planning Federation access to contraceptives is provided to everybody at affordable prices. The Family Planning Federation monitors the situation of access. Free contraceptives, mainly condoms, and free counselling are available at special centres that provide counselling on family planning issues with an emphasis on young people.

29. Please provide information on the effective measures undertaken by the State party to help the elderly and the disabled people.

Measures to improve the situation of elderly people

The Estonian community has realised that the ageing of population must be accompanied by the implementation of the respective ageing policy and senior citizen policy on both national and local level.

In September 1999, in connection with the international year of senior citizens, the Government of the Republic approved the conception "Fundamentals of Estonian Senior Citizen Policy", developed by the senior citizen policy committee of the Ministry of Social Affairs. The Policy is aimed at the following fields: family and environment; health care

and welfare; employment and coping; education, culture, and sports; non-profit associations and self-assistance; regional and international co-operation.

The priorities are:

- offering of assistance to people in order to ensure that they remain active in old age; promotion of preventive health care measures in order to ensure good health even in great age;
- promotion of possibilities for activity and creativity;
- creation of the possibility to participate, decide, and bear responsibility on political levels;
- promotion of the value of voluntary work;
- offering to families help associated with coexistence of different generations and care of family members in need of nursing.

The objective of Estonian senior citizen policy for the next years is the supporting of activity of elderly people, as well as re-integration into Estonian society of senior citizens who no longer participate actively in social life.

Implementation of the conception has commenced the “National Programme for the Implementation of Estonian Senior Citizen Policy for the years 2002-2005” (subject to goal-oriented financing) that has been developed and approved by the Government in January 2002.

The purpose of the programme is to prevent social exclusion of senior citizens and to provide them with equal possibilities for active participation in social life. The programme is intended for the improvement of coping skills of senior citizens in the changing world, improvement of social welfare services offered to them, improvement of the competence of people rendering welfare services, and notification of the general public about the issues associated with senior citizens.

The “Target Programme of the Ageing of Estonian Population” has been initiated. The objective of the programme is to design a social life arrangement model promoting better implementation of the potential concealed in the age structure of Estonian population, as well as in its transformation.

“Estonian Nursing Care Network Development Plan” is currently under composition.

In case of welfare, the objective is to develop social services supporting independent coping. The development of *open care* increases the need for day centres - currently there are about 60 day centres in Estonia.

During the next years, greater emphasis shall be laid on voluntary work and senior citizen self-assistance movement (the strong support the weak). The activities of various senior citizen organisations shall be supported. In the field of senior citizen welfare, care in their usual environment, i.e. at home, shall be prioritised. Nursing care shall be developed, as well as provision of social welfare services at home (in 2001, various home services were provided to over 4000 senior citizens at least 65 years old).

Considering the rapid ageing of population, and the situation where the public pension alone is often not sufficient to ensure adequate replacement income for the retired, the Government has initiated a pension reform, whereby the state pension system will be supplemented with privately funded pensions. As a part of the reform of the state pension insurance system, a regular indexation of state pensions has been introduced.

Additional measures regarding disabled persons

In 2000-2001 an inter-ministerial committee was convened for the purpose of drafting necessary legislation for integrating disabled persons into society and ensuring them equal opportunities and for coordinating the implementation of the legislation. The committee prepared an implementation action plan until 2010 for the general concept of disability policy (based on the UN "Standard Rules on the Equalisation of Opportunities for Persons with Disabilities") that had been approved by the Government on 16 May 1995. In the course its work the committee also solved current urgent issues (financing the training of sign language interpreters and financing the use of sign language interpreters in TV news broadcasts, issuing of parking cards for vehicles of disabled persons, amending the Defence Forces Service Act that allows to use recruits not participating in the armed military service as assistants for disabled persons, and other issues).

The action plan adopted by the Government in 2001 outlines necessary legislative amendments and other measures for improving the situation of disabled people. For example, in the Social Welfare Act the role of the local government concerning support services has to be specified. Drawing up of the basis for assessing the need for social welfare services has to be completed and the criteria have to be established for eligibility to services and the national rehabilitation concept has to be developed.

In recent years the suitability of the physical environment and accessibility for disabled persons have improved, but according to the action plan supervision measures over what has been provided in the Building Act need to be specified. As concerns accessibility of information and communications, the system of sign language interpreting, availability of the Internet and information materials for people with various disabilities has to be developed.

On the basis of the action plan, in education the policy of integrating disabled children has to be developed and solutions have to be found for solving problems of pre-school, basic, secondary and vocational education of disabled children. General problems relating to the education (incl. vocational training and retraining) of disabled children have to be solved. Emphasis is laid on the revision of training and further training programmes of specialists who deal with disabled persons and their problems, by adding to the programmes relevant parts concerning disabled persons.

In the field of employment, the action plan contains proposals to raise the interest of employers for hiring disabled persons, adapting workplaces, applying secured workplaces, dealing with the problems of disabled persons in the system of vocational counselling.

As regards medical aid, the emphasis is on continuous systematic rehabilitation of disabled persons, early detection of disabilities, and intervention programmes.

An important part of integration of disabled persons is their own participation in decision-making. According to the action plan, organisations of disabled persons also have to be involved in making all decisions that affect the economic and social situation of disabled persons.

Articles 13 and 14: Right to education

30. Please provide information on the high percentage of upper secondary schools drop-out rate amongst boys between 10-12 years of age despite the improvement in the level of education and the budget allocated to educational system.

Considering Estonia's socio-economic and educational policy situation in the previous years, the high percentage of upper secondary schools drop-out rate among boys can be justified with the following reasons:

- Vocational counselling in the basic school has so far been insufficient. Young people make the choices concerning their future life without having sufficient information. Without having clear preferences for the choice of profession it is easier to continue studying in the upper secondary school in order not to interrupt education. Later, however, many decide to opt for entering employment or acquiring vocational education.
- On the upper secondary school level, education has so far been with strong academic orientation, i.e. seen as a preparation for entering a higher education institution. For many boys the upper secondary school curriculum has turned out to be not in compliance with their abilities or interests. With the implementation of the new curriculum in autumn 2002 schools have more possibilities for drawing up the school's own curriculum in accordance with the regional possibilities and needs and considering the abilities and interests of its pupils. On account of the increased scope of optional and elective subjects it is also possible to apply basic vocational training, vocational and career counselling.
- The image of vocational schools has been unacceptably low for many years. The newly launched vocational education reform gives reason to believe that in the nearest years the prestige of vocational schools will rise and after finishing of the basic school more pupils will choose to continue education in vocational schools.
- Continuing of studies after completion of basic education or when pupil has attained 17 years of age is not mandatory by law. But unfortunately personal educational responsibility of some young people is low and therefore they too easily make a decision to interrupt their education.
- Due to economic difficulties many families cannot afford to send their children to study in a vocational education institution far away from home although the institution would be more suitable for the child's interests and abilities. Thus, there exists a possibility for continuing education but in reality pupils do not cope.

Table 1. Drop-out rate in upper secondary schools 1995/96-2000/2001 (except children with special needs)

	year 10		year 11		year 12	
	Girls	Boys	Girls	Boys	Girls	Boys

1995/96						
Pupils	6598	4627	6208	4265	5984	3868
Drop-outs	227	214	123	109	93	
%	3,4%	4,6%	2,0%	2,6%	1,6%	0,0%
1996/97						
Pupils	7184	4892	5993	4139	5879	4003
Drop-outs	186	191	99	113	63	50
%	2,6%	3,9%	1,7%	2,7%	1,1%	1,2%
1997/98						
Pupils	7164	4797	6675	4466	5703	3917
Drop-outs	253	215	114	114	81	71
%	3,5%	4,5%	1,7%	2,6%	1,4%	1,8%
1998/1999						
Pupils	6335	4426	6522	4260	6357	4127
Drop-outs	198	203	125	134	77	62
%	3,1%	4,6%	1,9%	3,1%	1,2%	1,5%
1999/2000						
Pupils	7224	5083	5789	3969	6211	4012
Drop-outs	259	229	135	109	71	67
%	3,6%	4,5%	2,3%	2,7%	1,1%	1,7%
2000/2001						
Pupils	7441	5078	6591	4528	5495	3699
Drop-outs	246	231	104	84	39	47
%	3,3%	4,5%	1,6%	1,9%	0,7%	1,3%

Source: Ministry of Education

The percentage is calculated from the total number of girls and boys at the beginning of the school year. As the number of boys in upper secondary schools is considerably smaller than girls, the percentage among boys is higher. In total numbers more girls drop out than boys.

On the basis of statistical reports submitted by schools the following reasons for dropping out can be defined:

- expulsion
- taking up employment
- other reasons

To improve compulsory school attendance a number of various programmes have been implemented. The length of the "Child in school" programme, carried out by the Union of Child Welfare, is five years. The general aim of the programme is to support compulsory school attendance – alternative study forms and extracurricular activities help to involve

problematic children in study, offering considerable motivation also for more academic efforts. As the responsibility for ensuring compulsory school attendance rests to a large extent on the school, one possibility to relieve this burden is with the help of projects. In addition to the educational and legislative impact, the planned programme promotes feeling of social security among problematic children, partly fulfilling even the function of criminal prevention. Essentially the programme is aimed at preventing dropping out: children are provided assistance with learning combined with psychological counselling. Alternative groups for children with learning and adaptation difficulties are created at schools.

31. Please provide information on the educational facilities for pupils with special needs.

The integrated studying possibilities in the Estonian educational system are as follows:

- ordinary schools, if necessary an individual curriculum may be drawn up; appropriate classes are organised for the correction and rehabilitation of a disability;
- special classes at ordinary schools;
- ordinary schools, whereas rehabilitating and compensating subjects are studied under the instruction of a special teacher at a special school;
- special schools where general educational subjects are taught while classes of vocational training take place in parallel at an ordinary vocational school;
- forming of special schools in counselling centres providing special schooling.

The following classes may be established, if necessary, in a state or municipal school by the Ministry of Education or the rural municipality or city government:

- 1) classes for children with physical and sensory disabilities, speech impairments, and mental disorders;
- 2) remedial groups (group size 6-8 pupils) to provide learning support outside of lessons for pupils with learning difficulties in acquiring the national basic education curriculum;
- 3) separate classes (class size 12-16 pupils) for pupils with behavioural problems in years 7-9 in acquiring the national basic education curriculum;
- 4) opportunity classes (up to 16 pupils in a class) for teaching children with learning difficulties in acquiring the basic education national curriculum;
- 5) supplementary learning classes (up to 16 pupils in a class) for teaching children with slight learning disabilities in acquiring the simplified national basic education curriculum;
- 6) coping classes (up to 7 pupils in a class) for teaching children with moderate learning disabilities in acquiring the national coping curriculum;
- 7) nursing classes for teaching children with severe and profound learning disabilities.

According to the Pre-School Child Care Institutions Act, a rural municipality or city government will guarantee all children living in its administrative territory a possibility to attend a child care institution in the service area of their place of residence. A pre-school child care institution provides children with care and a possibility to acquire pre-school education. On the proposal of the head of a child care institution, a rural municipality or city government may form adjustment groups in a child care institution where disabled

children are together with other children, or special groups where disabled children are on their own. Special kindergartens may also be created for disabled children.

According to the Basic and Upper Secondary Schools Act, a school is required to guarantee a possibility to study to every child subject to attend school who lives in the service area of the school. Obligation to attend school may also be fulfilled by studying at home. The procedure for organising study at home is established by the Ministry of Education. Depending on the pupils' need for special schooling, special assistance, special conditions for raising and for treatment, basic schools and upper secondary schools may be organised into special schools or sanatorium-schools. Schools for children with health problems and children with disabilities are established by the Ministry of Education or by an executive body of a local government. A special school for children with disabilities is meant for pupils with physical, speech, mind or mental impairments or for pupils needing special conditions for raising. A sanatorium-school is meant for pupils with health problems. Depending on the character of a disability, children will receive special schooling, medical assistance, rehabilitation, correction and compensation of disability. When there is no need to further attend a sanatorium-school or a special school for children with deviations, the pupil may continue studying at his or her previous school.

Several special training and day centres for disabled children and youth have been created. In 1995, Astangu Coping Centre was opened in Tallinn, which is becoming a vocational training and counselling centre for disabled young people in Estonia. According to the Vocational Educational Institutions Act, vocational educational institutions admit people with basic or secondary education. In co-operation with county governments and local authorities, educational institutions create possibilities for students to acquire vocational secondary and vocational higher education, considering the student's wishes, peculiarities and possibilities to find suitable jobs.

Since 1992 there have been significant positive changes in the education policy in Estonia. By now, the inclusion of the majority of children in the education system is guaranteed. The national curriculum for basic education and general secondary education that is in effect since 1997 establishes as the underlying principle that every child must have a possibility to receive education in accordance with his or her abilities. Arising from this principle the Minister of Education has established the curriculum for simplified study and curriculum for coping. In general, it is possible to acquire compulsory basic education on three different levels. Thus, the present situation is that no pupil is released from obligation to attend school due to his or her disability or insufficient abilities; every child has the right to receive education at his or her place of residence regardless of the child's peculiarity.

In all counties and cities, counselling committees of experts have been formed whose task is to set a curriculum or form of study that a child with a disability is able to fulfil and then refer the child with the consent of a parent (guardian) to a sanatorium-school, special school or class for children with disabilities, and, on the application of a parent, to decide postponement of obligation to attend school. A parent of a child who has attained seven years of age may request that a counselling committee postpone obligation to attend school by one year. The conditions and procedure for granting this request have been established by the regulation of the Minister of Social Affairs. A new provision gives a rural municipality or city government a right to form separate classes at school for children with teaching problems in years seven to nine if necessary. The procedure and conditions for

forming such classes have been established with the regulation of the Minister of Education.

Public schools and municipal schools have been created for pupils with special needs. If a local government is unable to guarantee teaching of children with special needs, it is possible for a counselling committee of experts to refer a child to a public school. Children are referred to all these schools (classes) with the decision of a counselling committee and with the consent of a parent (guardian). The existing network of private schools is being reorganised in accordance with current legislation. New coping and care schools (classes) have been created where children with moderate and severe mental disabilities are taught according to the coping curriculum.

There is the biggest number of special schools for pupils with mental disabilities (18 public schools and 8 municipal schools). 1.8% of the total number of pupils in basic schools attend these schools. Since 1993 there is an increasing tendency to joint teaching, i.e. integrating of children with special needs to ordinary schools. This poses a new challenge – for continuous integrating of special teaching.

In the school year 2001/2002, 21 086 pupils with special needs attend ordinary schools, which makes up 12.1% of the pupils in basic school. 5038 pupils attend special schools, which makes up 2.9% of the pupils in basic school. The number of classes for pupils with behavioural problems has risen from 26 to 33 as compared to last year, the number of pupils in these classes has risen from 283 to 436. The percentage of pupils attending remedial groups has risen from 0.9 to 2.2 in all school levels during five years.

In recent years also the number of vocational institutions has risen that have created the conditions for admitting students with special needs. In the school year 2001/2002 students with special needs can acquire vocational education in 19 vocational education institutions under the area of administration of the Ministry of Education. The number of students studying there was approximately 1000 (available vocations – sewing technology, information technology, building, home service and cleaning service, agriculture, social service, catering and economic services, wood technology). In addition, students with special needs have also been involved in ordinary groups in vocational schools but there is no separate statistics on the number of students with special needs in such groups.

In Astangu Vocational Rehabilitation Centre under the area of administration of the Ministry of Social Affairs there were 64 students with special needs in the school year 2001/2002 (available vocations – informatics, woodwork, cleaning service, sewing work, baker-confectioner, 14 students attended preparatory and coping courses). The aims of Astangu Vocational Rehabilitation Centre are to assist in the improved vocational rehabilitation of people with special needs. Astangu Centre employs specialists with high qualifications who are well familiar with the specific features of work with people with special needs. Astangu Centre has good cooperation with all vocational education institutions in Estonia where people with special needs study. As study classes in Astangu Centre have been built and furnished considering the special needs of the students, Astangu Centre also serves as a further training centre for teachers from other vocational education institutions and is a practical training base for university students.

In Tallinn City Education Centre for Disabled Young People 48 young people with disabilities receive training. Better students can also continue acquiring a vocation in Astangu Centre or other vocational education institutions.

32. Please provide explanation of the widespread phenomenon of street children in spite of their parents' legal obligation to have their children attend school.

There is currently no substantial statistics available about children who evade compulsory school attendance. The creation of a relevant database should become possible upon launching of an Internet-based Estonian Education Information System that the Ministry of Education is intending to achieve in a year.

Children who live with parents who are unable to ensure the children's compulsory to school attendance are under the special attention of local government child welfare workers and teachers. Unfortunately, such children, due to their low learning ability, need various possibilities of special study which are not available sufficiently. Failure to comply with compulsory school attendance is also one of the reasons on the basis of the Juvenile Sanctions Act when various disciplinary measures can be applied. If the failure to attend school is only due to the family's poor coping ability, the family is provided assistance and if necessary replacement care is applied.

Article 15: The right to take part in cultural life

33. The State party has been forced to withdraw from many of its previous functions in the cultural field despite the elaborate infrastructure which existed before the economic transition. Please provide information as to how this has affected the Estonian citizens' enjoyment of their cultural right; and what measures have been taken by the State party in order to reverse this trend and to increase its cultural budget.

The business sector has begun to support culture more actively. In 2001 in Estonia the most modern multiplex cinema in Nordic countries with 11 movie theatres was opened and it has significantly raised the number of cinema goers. There were 1 303 846 visits to cinemas in 2001. Compared with the corresponding figures of 1999 (874,560 visits) the attendance of cinemas has increased by 33%.

In 2001 the mobile cinema project was restarted, in the framework of which a cinema bus tours around in rural areas in Estonia. Both artistic, entertainment and propaganda films are shown.

Also a private-initiative based show theatre, ballet theatre and other projects have been started. The number of theatres has risen from 19 in 1999 to 25 in 2002. Various internationally recognised festivals are held (Black Nights Film Festival, Viljandi Folk Music Festival, Jazzkaar, etc.).

Black Nights Film Festival

Every year the Black Nights Film Festival is held in Estonia which is a kind of film party where one can stay in the cinema 12 hours a day, 7 days a week without getting tired. The

pleasant weariness that follows this film feast is a sign that watching films is fun and hard work together. And that is one of the aims of the Black Nights Film Festival – to present films that offer light entertainment, but also give food for thought.

More than 250 films (137 of which were full-length feature films) were screened during the 5th BNFF in 2002. Many screenings were sold out, although some screenings got less attention from the audience. The number of more than 36 200 admissions at the 5th BNFF is quite similar to the figures of last years.

Restructuring of the economy also brought along changes in the attraction centres and therefore some of the established structures became non-functional and some need to be renovated. This concerns clubs, community centres, recreation centres. Therefore expenses for investments are justified (80.5 million in 2001, 94.5 million in 2002, in addition also investments from city and rural municipality budgets). Comparing the last two years a rise can be noted in most areas under the administration of the Ministry, which is due to the wage adjustment agreement between trade unions and the state.

In 2002 the national culture awards and scholarships grew significantly. The award for long-term outstanding creative activity has risen from 200 000 kroons to 300 000 kroons. Also other national culture awards have increased.

In 2002, 85.7 million kroons is distributed as project support, and preferences based on social consensus undoubtedly enrich the cultural environment. As the State continues to support the cultural press, theatre goers, etc., the majority of people have had no reason to change their consumption habits. In the budget plans of the Ministry of Culture, priority should be given to creating additional opportunities for creative persons – both as growth of direct income as well as support for international communities. The primary level of culture, i.e. valuing of the tradition's of one's homeplace, is extremely important and therefore there are high expectations in connections with the Folk Culture and Popular Creation Act that is currently under drafting. The law will solve the issue of responsibility on the level of the State and local government and it is aimed at the activities which provide people the possibility to engage in pastimes close to their home and to come under the influence of professional art. Libraries are becoming information centres and investments in information technology are one of the priorities of the Ministry. Today, 215 public libraries have Internet connection.

34. Please provide information on the practical everyday usage of minority languages and whether they are used in newspapers, radio and television programs.

In accordance with the National Minorities Cultural Autonomy Act (article 4) and the Language Act, persons belonging to a national minority have the right to use their mother tongue in public administration and to distribute and exchange information in their mother tongue. There is daily round the clock radio broadcasting in the largest national minority language – Russian – on Radio 4 which is the fourth programme of the public Estonian Radio (Eesti Raadio). In addition to Russian, Radio 4 also broadcasts in Ukrainian (1.3 hours a week), Belarusian (1 hour a week), Armenian (2 hours a month), there are also programmes for the Estonian Jewish community (1 hour a month). Radio 4 operating in the framework of the Estonian Radio is a radio channel oriented to non-Estonian audience. The

aim of Radio 4 is to help to inform non-Estonians about Estonian political, social, cultural and daily life. Estonian Television (Eesti Televisioon) has about 35 minutes of Russian-language programmes (news, talk shows) a day, in addition there are Russian-language programmes on Saturdays on private channels.

In introducing the cultures of national and ethnic minorities in society, an important role is played by the public media, incl. the public Estonian Radio and Estonian Television. Estonian Television, incl. through its Russian-language programming department, broadcasts regularly series and programmes about the activities of different cultural communities in Estonia, for example programmes "Saatused" (Destinies), "Eetris on Eesti" (Estonia on the air), "Unetus" (Sleeplessness), and others. In addition to public television, also several private television channels have programmes introducing the traditions of national and ethnic minorities – e.g. "Subboteja", "Persona", "Mitte-estlased Eestis" (Non-Estonians in Estonia), "Eestlased, keda ma armastan" (Estonians I love) on Kanal 2.

In Estonia two daily Russian-language newspapers with national coverage are published (Molodjozh Estonii and Estoniya) and there are also several local newspapers (Pohjarannik in Ida-Virumaa, Krenholmiski Prospekt and Narvskaya Gazeta in Narva, a free of charge weekly newspaper Panorama in Pärnu, Stolitsa in Tallinn), in addition to these there are weekly newspapers (Delovye Vedomosti, Utshitelskaya Gazeta). Several national cultural societies also publish their own newspapers in their own language and some of them also have a homepage on the Internet. Publications in national languages serve not so much the purpose of distributing information as maintaining the minority's language and culture.