

**Comments of the Government of Estonia  
(Tallinn, 25 September 2018)**

*Estonia attaches utmost importance to the protection of human rights and is committed to strengthening respect for human rights both globally and at the national level. Promoting and implementing the international human rights standards, including those drawn up by the Council of Europe, is of great concern to the Government of Estonia. The work of the Commissioner for Human Rights is an indispensable part of the European system of human rights protection.*

*The Government of Estonia therefore highly valued the visit of the Commissioner for Human Rights Dunja Mijatović to Estonia from 11 to 15 June 2018. Estonia welcomes the emphasis of the visit on the issues of gender equality and women's rights, the human rights of older persons and the independence and effectiveness of National Human Rights Structures, areas that Estonia, too, strives to improve. The Government, furthermore, appreciates the completion of her comprehensive and constructive report on Estonia and thanks her for the opportunity to be able to submit comments thereto. The Government values the ongoing co-operation with the Commissioner for Human Rights and reiterates its dedication towards tackling not only the challenges at the focus of the visit in June, but others pertaining to the values the European Convention for the Protection of Human Rights and Fundamental Freedoms stands for.*

*The Government of Estonia, hereby, submits its clarifications and slight corrections regarding some topics in the report.*

**Paragraph 11 of the report.** By way of specification, Estonia makes reference to the fact that the Welfare Development Plan 2016-2023 is coordinated by the Ministry of Social Affairs, it is not the plan of the ministry as such. We would like to clarify that the Welfare Development Plan 2016-2023 is a development plan on a Governmental level and thus includes activities which several ministries are responsible for. Furthermore, we would like to point out that although until recent years foreign funding has played an important role in providing resources for the gender equality field, this has now changed. As of the ongoing period of the European Structural Funds, there is no programme for gender equality in Estonia and therefore no funding on the gender equality topic. Norway Grants for the new period are still under negotiation. On the contrary, in negotiating the state budget in the area of gender equality from 2019 and onwards, a base funding of 500 000 euros per year was allocated in spring 2018. In addition, state funding for victim support, including support especially for female victims of violence, has increased significantly. For example, in 2016 women's shelter services received 500 000 EUR from the designated state budget, in 2017 the number was 620 000 EUR, in 2018 770 000 EUR and in 2019, 1 000 000 EUR per year is foreseen. In addition, the state budget includes more finances for services for victims of sexual violence, for supporting trafficking victims and persons in prostitution, as well as for victim support in general.

**Paragraph 33 of the report.**

In the light of feedback received from NGO-s, there is a need to clarify the process of the tender that was organised in 2016 by the Social Insurance Board. In 2016, the experience in helping female victims of violence and knowledge about the gender-based violence was one

of the main criteria. Thus, it was not possible to participate in the tender without having certain experience and knowledge. Therefore, it is the government's contention that it is inaccurate to say the tender had used the cost criterion rather than experience and other qualitative factors as the main selection criteria. The costs were taken into consideration only as one of the several criteria. More information (documentation and the requirements) about the tender held in the end of 2016, are available. In respect to the new tender organised in 2018 (to find service providers from 2019), the content and the quality of the services are set as main criteria, because the costs of the services are fixed by the Estonian Social Insurance Board.

**Paragraphs 49 and 50 of the report.** As a way of clarification, stating that the Equal Treatment Act prohibits discrimination based on racial or ethnic origin and colour in all areas of life is an exaggeration. While it is true that discrimination based on religion, age, disability and sexual orientation is prohibited in the area of employment, the wording of the Act only outlines *certain areas of life* when it comes to the prohibition of discrimination based on racial or ethnic origin and colour, and makes no reference to *all* areas.

Furthermore, the Commissioner was, during her visit, informed of the government's intent to amend the said Act to expand the prohibition of discrimination to a *broader range* of areas of life on all *already listed grounds*, including age, but not to all areas of life on all grounds.

**Paragraph 54 of the report.** It is necessary to specify here that it is in fact the *Minister* of Health and Labour who is considering tax incentives to encourage employers to hire older persons. This clarification is of significance as there is no Ministry of Health and Labour in Estonia, only the Ministry of Social Affairs, which is also the seat of the Minister of Health and Labour.

**Paragraphs 57 and 60 of the report.** The government would like to draw attention to the correct numbers in respect to poverty of older persons. "In 2016, 40.2% of people aged 65 or older were at risk of poverty in Estonia, which is considerably higher than the EU average of 14.6%<sup>1</sup>. The rate of older persons at risk of poverty has dramatically increased since 2013, when it stood at 24.4%<sup>2</sup>. Estonia has the worst poverty rate in the EU for persons aged 75 years or, with 48.2% of that category being at risk of poverty<sup>3</sup>."

... "the minimum national pension (which is paid to people who do not have the qualifying period required for receiving old-age pension, or as pension for incapacity for work, or survivor's pension) is 189,31 euros per month, which is below the absolute poverty rate (20 euros in 2016)."

**Paragraph 67 of the report.** For clarity, the government of Estonia notes that at-home health care and services of open social centres *are not* based on the Social Welfare Act.

### **Paragraph 69 of the report**

The statement – "*the majority of elderly social welfare institutions are large institutions built during the Soviet period*" – is arguable. In 1989 there were 21 general care institutions (some

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<sup>1</sup> Different indicators are used in the report: 41.8% - at risk of poverty rate for 65+; 17.4% - at risk of poverty or social exclusion rate for 65+. Eurostat, EU-SILC survey (at risk of poverty rate of older people by detailed age group)

<https://ec.europa.eu/eurostat/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=tespn050&language=en>

<sup>2</sup> *ibid*

<sup>3</sup> *ibid*

of them in buildings built already in the pre-Soviet era) for 1964 persons. At the end of 2016, the service was provided in 152 institutions with a total of 8,126 service points.

**Paragraphs 75 and 77 of the report.** The government feels compelled to specify the figures in the following sentence of paragraph 75 to read: “According to the Estonian audit service, there was an 80% increase in the number of *65 years old and older service users in social care homes between 2002 and 2012*, against an 8% increase only in home-based services. In respect to paragraph 77, Estonia draws attention to the fact it plans to *adapt*, not create per se, 900 places dedicated to persons with dementia in care institutions.

**Paragraphs 108 and 110 of the report.** The Estonian government notes the information provided in this paragraph contains inaccuracies and kindly asks the Commissioner to refer to table 1 annexed to the comments.

