

Frant National contribution to the Fundamental Rights Report 2023

Estonia

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Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	<p>New Gender Equality and Equal Treatment Commissioner appointed:</p> <p>On 30 November 2022, the Minister of Social Protection confirmed the appointment of Christian Veske as the new Gender Equality and Equal Treatment Commissioner based on the proposal of an expert committee. For the first time, the expert committee included a wide range of stakeholders, such as representatives of civil society organisations in the field of equal treatment and gender equality, the Office of the Chancellor of Justice, Top Civil Service Excellence Centre, and the Gender Equality Council.</p>
EU Charter of Fundamental Rights	<p>Supreme Court rules on a claim arising directly from the Charter:</p> <p>In case 3-20-1684, the Supreme Court discussed a violation of the applicant's right to an effective remedy arising from Article 47 of the Charter as the basis of the claim.</p>
Equality and non-discrimination	<p>Welfare Development Plan 2023-2030 to be sent for government approval:</p> <p>The Ministry of Social Affairs sent the draft of the Welfare Development Plan 2023-2030 (Heaolu arengukava 2023-2030) to the relevant ministries for approval in June 2022, the plan is to be submitted to the government once the consultation process is finalised. The plan covers thematic areas such as labour market, social protection, gender equality and equal treatment policies, child welfare and gender-based violence policies.</p>
Racism, xenophobia & Roma Equality and Inclusion	<p>Roma mentors continue work in Valga:</p> <p>The Integration Foundation has continued to fund and organise the work of the mentors offering support to the vulnerable young Roma in Valga. The foundation employs one mentor and one assistant mentor who mainly helps with work related to children and young people.</p>
Asylum & migration	<p>Legal amendments adopted to regulate the exchange of information on third-country nationals:</p> <p>On 26 October 2022, amendments to the Criminal Records Database Act (Karistusregistri seadus) were adopted to bring the law into line with the Directive 2019/884 regarding the European Criminal Records Information System (ECRIS). The amendments aim to regulate the exchange of criminal records between Estonia and other EU Member States regarding persons who are not EU citizens.</p>

Data protection and digital society	<p>New national AI strategy published:</p> <p>Estonia's national artificial intelligence strategy for the period of 2022-2023 (<i>Eesti riiklik tehisintellekti alane tegevuskava ehk kratikava 2022-2023</i>) provides an overview of the activities planned to increase the use of AI in Estonia and thereby increase the user-friendliness and accessibility of e-services and the efficiency of the state.</p>
Rights of the child	<p>Child benefits to be increased:</p> <p>On 28 December 2022, the Parliament adopted amendments to the Family Benefits Act (<i>Perehüvitiste seadus</i>) and Family Law Act (<i>Perekonnaseadus</i>), which provide for raising the amount of various child benefits in response to the increase in the cost of living and to support the birth rate.</p>
Access to justice, including victims of crime	<p>Victim Support Act amendments adopted:</p> <p>On 14 December 2022, the Parliament adopted a law to amend the Victim Support Act (<i>Ohvriabi seadus</i>), aiming to improve the availability of support to victims of violence, crime or crisis incidents, and clarifying the system for applying for benefits for victims of crime.</p>
Convention on the Rights of Persons with Disability	<p>European Accessibility Act transposed:</p> <p>On 30 May 2022, the Parliament adopted the Products and Services Accessibility Act (<i>Toodete ja teenuste ligipääsetavuse seadus</i>). With the Act, the European Accessibility Act was transposed into Estonian law. It stipulates the accessibility requirements for products and services within the scope of the European Accessibility Act, the obligations of companies to ensure accessibility, the assessment of compliance with accessibility requirements, as well as state supervision and responsibility.</p>

1 Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

The Equal Treatment Act (*Võrdse kohtlemise seadus*)¹ has been problematic in its scope of protection since adoption in December 2008. The Equal Treatment Act provides different legal protection against discrimination to individuals depending on whether the discrimination was based on nationality (ethnicity), race or colour, or on the basis of religion or belief, age, disability or sexual orientation. In the first case, the protection is more extensive than in the second case, i.e., the Equal Treatment Act has established a hierarchy of protection afforded against different cases of discrimination, depending on the basis of discrimination. Estonian NGOs have drawn attention to such differentiation numerous times and advised the state to harmonise protection based on all grounds mentioned in the Equal Treatment Act, and all areas of life.²

On 13 January 2022, the Ministry of Social Affairs (*Sotsiaalministeerium*) introduced a draft law to amend the Equal Treatment Act to the Government of Estonia. The draft law passed the first reading at the Parliament (*Riigikogu*) on 9 February 2022, but further process has been stalled ever since.³

In 2020, the Ministry of Social Affairs launched a consultation process for the new development plan that includes several topics in the field of equal treatment and non-discrimination. The Welfare Development Plan 2023-2030 (*Heaolu arengukava 2023–2030*) covers thematic areas such as labour market, social protection, gender equality and equal treatment policies, child welfare and gender-based violence policies. The Ministry of Social Affairs submitted the draft of the plan to the relevant ministries for approval or for submission of opinions in June 2022. The Plan is envisioned to be submitted to the government for approval once the consultation process is finalised.⁴

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

² Grossthal, K. (2018), [Human Rights in Estonia 2016 – 2017, Chapter on Prohibition of Discrimination](#), Tallinn, Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*).

³ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 11 October 2022.

⁴ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*) (2022), The Welfare Development Plan 2023-2030 ([Heaolu arengukava 2023-2030](#)).

Under the Chancellor of Justice Act (*Õiguskantsleri seadus*), the Chancellor of Justice (*Õiguskantsler*) carries out checks over conformity of legislation with the Constitution and laws as well as over the activities of representatives of public authority. The Chancellor also arranges conciliation proceedings in the case of discrimination disputes. Every year, the Chancellor resolves about twenty petitions in which people complain about discrimination. During the year 2021/2022, the total number of these petitions was 18. These included six petitions concerning discrimination on grounds of disability, three on grounds of ethnicity, three on grounds of race, two on grounds of age, other grounds received one or no petitions.⁵

On 1 July 2022, the Chancellor of Justice introduced her opinion about the limitations for gay men to donate blood. Until May 2022, men who had had sexual relations with another man were ineligible to donate blood for a period of one year. The Blood Centre at North Estonia Medical Centre updated its rules to reduce this period of ineligibility to four months. However, the Chancellor of Justice explained that the risks of sexual behaviour of a person willing to donate blood and their suitability as a blood donor should be assessed on an individual basis. It was further explained that only sexual intercourse between men in the last four months is not the best reasoned basis and may not be a suitable risk criterion for restricting blood donation.⁶

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance

On 13 December 2022, the results of the sixth gender equality monitoring were presented by the Ministry of Social Affairs and Kantar Emor.⁷ A total of 2147 Estonian inhabitants, aged 15 and older, were interviewed for the purpose of the study in 2021. The aim of the national monitoring is to measure opinions and attitudes regarding the situation and position of women and men in society and concerning gender equality. It covers different topics and areas of life, such as

⁵ Estonia, Office of the Chancellor of Justice (*Õiguskantsler*) (2022), Annual Report 2021/2022 (*Õiguskantsleri aastaülevaade 2021/2022*), September 2022.

⁶ Estonia, Office of the Chancellor of Justice (*Õiguskantsler*) (2022), Opinion about limitations to donate blood (*Õiguskantsleri arvamus. Veredoonorlusele seatud piirangud*).

⁷ Estonia, Kantar Emor (2022), The gender equality monitoring 2021 (*Soolise võrdõiguslikkuse monitooring 2021*).

power, economy, working life, private life, education and violence. In addition to gender issues, it examines attitudes towards sexual and gender minorities.

In general, compared to 2013 monitoring, a significant improvement in attitudes towards sexual minorities can be witnessed yet little or no improvement towards gender minorities. According to the results of the study, Estonian society is considered to be more tolerant towards sexual minorities (43%) (lesbian, gay, bisexual) than towards gender minorities (32%) (transgender people). Respondents presented a more positive outlook at the level of social relations. For example, approximately two thirds of the people feel comfortable dealing with sexual minorities in the workplace, slightly more than half feel comfortable with transgender people. At the same time, 83% of the people agree that people's character and attitudes towards other people are more important than their sexual orientation and gender identity. In addition, the willingness to vote for a person belonging to a sexual minority in the parliamentary or local government elections has increased significantly compared to 2013: from 40% to 65%.

Compared to 2013, the acceptance of maintaining a good attitude towards one's own child belonging to a sexual minority has increased from 67% to 74%. In the case of a transgender child, the attitude has not changed to that extent. The attitude towards a child's friend belonging to a gender or sexual minority has become more open, the share of people who accept a child's friend belonging to a sexual minority has increased from 38% in 2013 to 57% in 2021, and in the case of a transgender person, the share has increased from 35% to 49%.

2 Racism, xenophobia and related intolerance

2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

The legal framework on hate speech against different minorities remains limited. The Penal Code (*Karistusseadustik*) includes a provision for “incitement to hatred”, however, since the provision requires the existence of “danger to the life, health or property of a person”, it is not effective in practice. The legislation continues to lack provisions on racist and other hate motivations. Hate-motivated criminal incidents are investigated and prosecuted under the general provisions of Penal Code. At the same time, the police information system allows police officers to add bias motive and mark a case as hate crime by ticking one of three boxes: “hate – religion, race, ethnicity”; “hate – sexual orientation/identity”; “hate – other”.⁸

Since there is no comprehensive legal framework to provide protection against hate speech and hate crimes, only very few cases are being handled by the authorities. For example, in 2021, no hate speech criminal offences or misdemeanours were registered in Estonia.⁹

On 29 April 2022, the Parliament (*Riigikogu*) amended the Penal Code (*Karistusseadustik*) and added a provision that deals with supporting and justifying international crimes, according to which public display of symbols tied to aggression, genocide, crimes against humanity or war crimes merits a fine of up to 300 fine units or detention.¹⁰ A fine unit is the base amount of a fine and is equal to four euros.¹¹

According to the police, after the start of the war in Ukraine, they monitor online platforms regarding the spread of Russian aggression, and have imposed fines, for example, for videos calling for incitement to hatred¹². This in turn has partially

⁸ Grossthal, K. (2021), Human Rights in Estonia 2020 – 2021, [Chapter on Prohibition of Discrimination](#), Tallinn, Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*).

⁹ Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 20 October 2022.

¹⁰ Estonia, Riigi Teataja, Law to amend the Penal Code and Code of Misdemeanour Procedure ([Karistusseadustiku ja väärteomenetluse seadustiku muutmise seadus](#)), 29 April 2022.

¹¹ Estonia, Riigi Teataja, [Penal Code \(Karistusseadustik\)](#), 6 June 2001.

¹² Estonian Public Broadcasting (2022), ‘The police have fined publishers of hateful online posts’ ([Politsei on trahvinud vaenu õhutavate veebipostituste avaldajaid](#)), 28 April 2022.

changed the challenge of aforementioned underreporting and relevant Penal Code misdemeanours' provisions have been used actively compared to previous years¹³:

Misdemeanours, Penal Code	2022 (January-October)
Supporting and justifying international crime (Penal Code § 151'1)	240
Incitement of hatred (Penal Code § 151)	8

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

There were no legal or policy developments or measures in Estonia in 2022 relating to the application of the Racial Equality Directive.

The Equal Treatment Act (*Võrdse kohtlemise seadus*)¹⁴ was adopted in December 2008 to transpose the directive into Estonian legislation and since then areas protected against discrimination have been divided into two categories: discrimination based on race, ethnicity and colour is prohibited in all areas of life (employment, education, services, and social security), while discrimination based on religion or belief, age, disability and sexual orientation is only prohibited in the area of employment.

Between 1 September 2021 and 31 August 2022, the Chancellor of Justice (*Õiguskantsler*) received a total of 18 appeals regarding discrimination out of which three were based on the grounds of race and another three based on nationality (ethnic origin).¹⁵

Between 1 January 2022 and 31 August 2022, the Gender Equality and Equal Treatment Commissioner (*Soolise võrdõiguslikkuse ja võrdse kohtlemise volinik*)

¹³ Estonia, Police and Border Guard (*Politsei- ja Piirivalveamet*), Response to request for information, 30 November 2022.

¹⁴ Estonia, Riigi Teataja, [Equal Treatment Act \(*Võrdse kohtlemise seadus*\)](#), 1 January 2009.

¹⁵ Estonia, Office of the Chancellor of Justice (*Õiguskantsler*) (2022), [Annual Report 2021/2022 \(*Õiguskantsleri aastaülevaade 2021/2022*\)](#), September 2022.

reported receiving 146 appeals in total out of which two were related to race and/or skin colour and 14 to nationality (ethnic origin).¹⁶

The European Commission launched infringement proceedings against Estonia on 30 October 2020 and sent a formal notice to the government to fully and accurately transpose the EU rules on combating certain forms and expressions of racism and xenophobia by means of criminal law. It stated that Estonia has failed to transpose criminalisation of specific forms of hate speech, namely the public condoning, denying or gross trivialisation of international crimes and the Holocaust, when such conduct aims at inciting violence or hatred. Additionally, Estonia has not correctly criminalised hate speech, by omitting the criminalisation of public incitement to violence or hatred when directed at groups, and has not provided for adequate penalties. Finally, the Estonian Penal Code does not ensure that racist and xenophobic motivation of crimes is taken into account as an aggravating circumstance, so that such crimes are effectively and adequately prosecuted.¹⁷

Estonia has sent its position to the European Commission after the infringement procedure was launched. The next step of the infringement procedure (i.e. a reasoned opinion) has not been submitted to Estonia.¹⁸

On 9 June 2022, the European Commission against Racism and Intolerance (ECRI) published a report on Estonia. The report concludes that "legal framework on hate speech falling within criminal law remains extremely limited and criminal action is almost never taken. The legislation continues to lack provisions on racist and other hate motivations, including on motivation based on sexual orientation or gender identity, as an aggravating circumstance, which makes the responses of the Estonian authorities to hate incidents and hate crimes not fully adequate."¹⁹

¹⁶ Estonia, Gender Equality and Equal Treatment Commissioner (*Soolise võrdõiguslikkuse ja võrdse kohtluse volinik*), Response to request for information, 3 October 2022.

¹⁷ European Commission (2020), [Combating racism and xenophobia: The Commission calls on Estonia and Romania to fully transpose EU law criminalising hate speech and hate crimes, Infringement decisions](#), INF-20-1687, 30 October 2020.

¹⁸ Estonia, Ministry of Justice (*Justiitsministeerium*), Response to request for information, 20 October 2022.

¹⁹ European Commission against Racism and Intolerance, [Sixth report on Estonia](#), adopted on 29 March 2022, published on 9 June 2022.

3 Roma equality and inclusion

3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	According to the response received from the Ministry of Culture (<i>Kultuuriministeerium</i>), Estonia does not consider it necessary to develop a separate strategy for planning the integration of the Roma. Based on their assessment, the adjustment and integration services offered to all other residents of Estonia are also suitable for the Roma community. ²⁰ Estonia submitted to the European Commission the Cohesive Estonia Development Plan 2021-2030 (<i>Sidusa Eesti arengukava 2021-2030</i>), which covers the following sectors: adaptation and integration policy, civil society policy, policy of population procedures and diaspora policy. In addition to the lines of action that are aimed at the entire population, including the Roma, the plan also includes raising the awareness of the public, private and third sectors of the Roma community separately, empowering members of the Roma community to increase their social inclusion, and supporting and developing the Roma mentoring service. ²¹ It also includes the integration, including adjustment programme 2022-2025 (<i>Lõimumine, sh kohanemine 2022-2025</i>). The programme sets forth specific objectives and activities aimed at the Roma, i.e. the empowerment of the Roma civil society, support of cultural life, development of a mentor service in local governments and better

²⁰ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 29 September 2022.

²¹ Estonia, [Cohesive Estonia Development Plan 2021-2030](#) (*Sidusa Eesti arengukava 2030*), 15 September 2022.

	inclusion of local governments in integration activities. ²² The Ministry of Culture, the Integration Foundation (<i>Integratsiooni Sihtasutus</i>) and the only representation organisation of the Roma in Estonia, the European Roma Forum in Estonia (<i>Euroopa Romade Foorum Eestis</i>) ²³ , have an unofficial unpublished annual action plan that is updated on an ongoing basis and includes all activities that support integration and are targeted specifically at the Roma. ²⁴
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?	The European Roma Forum in Estonia (<i>Euroopa Romade Foorum Eestis</i>) was included in the preparation of the unofficial and unpublished annual action plan.
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?	Yes, the Gender Equality and Equal Treatment Commissioner (<i>Soolise võrdõiguslikkuse ja võrdse kohtlemise volinik</i>) was involved. NRHI was not.

²² Estonia, Cohesive Estonia: Integration, including adjustment programme 2022-2025 ([Sidus Eesti: lõimumine, sh kohanemine 2022–2025](#)), 2 November 2022.

²³ Estonia, Centre of Register and Information Systems, e-Business Register (*Registrite ja Infosüsteemide Keskus, e-Äreregister*), European Roma Forum in Estonia ([Euroopa Romade Foorum Eestis](#)).

²⁴ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 29 September 2022.

Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.	There are two annexes to the Cohesive Estonia Development Plan 2021-2030 (<i>Sidusa Eesti arengukava 2021-2030</i>), which outline the metrics of the development plan ²⁵ and the impact assessment. ²⁶
Implications of the war in Ukraine on the situation of Roma	
Have Roma from Ukraine entered your country?	Yes
If Roma from Ukraine entered your country how was this communicated in the media?	No
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	No

²⁵ Estonia, Cohesive Estonia Development Plan 2021-2030, Annex 2. Development plan metrics ([Sidusa Eesti arengukava 2030, Lisa 2. Arengukava mõõdikud](#)), 29 November 2022.

²⁶ Estonia, Cohesive Estonia Development Plan 2021-2030, Annex 3. Impact assessment ([Sidusa Eesti arengukava 2030, Lisa 3. Mõjude hinnang](#)), 29 November 2022.

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

No new activities or policy developments have been initiated in 2022. The activities planned as part of the ESTROM²⁷ project launched in 2021 and led by the Ministry of Culture (*Kultuuriministeerium*) have been continued. For instance, this included a cooperation seminar for young Roma and Estonian youth workers, organisation of another Roma culture festival ROMFEST2022, participation of the Estonian Roma in a Roma youth training event in Riga and in the summer school for Baltic Roma activists in Vilnius, the organisation of the Roma Holocaust Memorial Day event at Kalevi-Liiva, and a seminar for Estonian and Latvian Roma women 'Roma women in contemporary society. How to find your own way?'.²⁸

The Integration Foundation (*Integratsiooni Sihtasutus*) has continued to remunerate and organise the work of the mentors offering support to the vulnerable young Roma in Valga.²⁹ Currently, the foundation employs one mentor and one assistant mentor for the Roma. With the addition of new families, the assistant has mainly helped with work related to children and young people. The Integration Foundation also allocated financial support from the application round for cultural associations of national minorities to the European Roma Forum in Estonia (*Euroopa Romade Foorum Eestis*) for organising cultural events for the Roma.³⁰

²⁷ Estonia, Ministry of Culture (*Kultuuriministeerium*), Project ESTROM 3 ([Projekt ESTROM 3](#)).

²⁸ Estonia, Ministry of Culture (*Kultuuriministeerium*), Response to request for information, 29 September 2022.

²⁹ Estonia, Integration Foundation (*Integratsiooni Sihtasutus*), [Work with the Roma community](#) (*Töö roma kogukonnaga*).

³⁰ Estonia, Integration Foundation (*Integratsiooni Sihtasutus*), Response to request for information, 4 October 2022.

4 Asylum, borders, visas, migration and integration

4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

EUMS	Implementation of Article 3 of Directive 2002/90/EC	
Estonia	How has your EUMS implemented Article 3 of Directive 2002/90/EU	Hyperlinked legal provision in EN and national language Estonia, Riigi Teataja, Penal Code (Karistusseadustik) , § 259, § 259 ¹ , 6 June 2001. EN § 259: (1) Illegal transportation of an alien across the state border or temporary border line of the Republic of Estonia is punishable by a pecuniary punishment or up to three years' imprisonment. (2) The same act, if committed by placing or leaving an alien in a situation which is life-threatening or likely to cause serious damage to the health of the alien, is punishable by a pecuniary punishment or by one to seven years' imprisonment. § 259¹:

		<p>(1) Aiding the stay of aliens in Estonia without a legal basis for the purpose of proprietary benefits if the act does not contain the necessary elements of an offence provided for in §§ 133, 133¹, 175, 259 or 260¹ of this Code, is punishable by a pecuniary punishment or up to one year's imprisonment.</p> <p>EE</p> <p>§ 259:</p> <p>(1) Välismaalase ebaseaduslikult üle Eesti Vabariigi riigipiiri või ajutise kontrolljoone toimetamise eest – karistatakse rahalise karistuse või kuni kolmeaastase vangistusega.</p> <p>(2) Sama teo eest, kui see on toime pandud välismaalase eluohtlikku või tema tervist raskelt kahjustada võivasse olukorda asetamisega, – karistatakse rahalise karistuse või ühe- kuni seitsmeaastase vangistusega.</p> <p>§ 259¹:</p> <p>(1) Välismaalase ilma seadusliku aluseta Eestis viibimisele kaasaaitamise eest varalise kasu saamise eesmärgil, kui teos puudub käesoleva seadustiku §-s 133, 133¹, 175, 259 või 260¹ sätestatud süüteo koosseis, – karistatakse rahalise karistuse või kuni üheaastase vangistusega.</p>
	Cases [incident numbers] of criminalisation of humanitarian assistance	
	Number of cases recorded by the police in 2022	Number and details of cases (if available)

		None ³¹
	Number of investigations initiated in 2022	Number and details of cases (if available) None ³²
	Number of court decisions taken in 2022	<ul style="list-style-type: none"> • Number and type of court decisions, information if decision is final. None • Type of penalties imposed according to Article 1 2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence • Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)

³¹ Estonia, Police and Border Guard Board (*Politsei- ja Piirivalveamet*), Response to request for information, 6 October 2022.

³² Estonia, Police and Border Guard Board (*Politsei- ja Piirivalveamet*), Response to request for information, 6 October 2022.

4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

On 16 May 2022, a draft law to amend the Criminal Records Database Act (*Karistusregistri seadus*) (621 SE) was initiated by the government to bring the law into line with the Directive (EU) 2019/884 of the European Parliament and of the Council of 17 April 2019 amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards the European Criminal Records Information System (ECRIS). The amendments aim to regulate the exchange of criminal records between Estonia and other EU Member States regarding persons who are not EU citizens.³³ The amendments entered into force on 9 November 2022.³⁴

The Data Protection Inspectorate (*Andmekaitse Inspektsioon*) is conducting audits of the Schengen Information System and the Visa Information System in 2022. The purpose of the audits is, among other things, to analyse the problem areas of the IT systems.³⁵

In 2022, neither the Data Protection Inspectorate nor the Chancellor of Justice (*Õiguskantsler*) have published any recommendations or opinions on the use of large-scale IT systems in the area of asylum, migration and border control, nor have they received any related complaints.³⁶

³³ Estonia, Parliament (*Riigikogu*), Law to amend the Criminal Records Database Act 621 SE ([Karistusregistri seaduse muutmise seadus 621 SE](#)), 16 May 2022.

³⁴ Estonia, Riigi Teataja, Law to amend the Criminal Records Database Act ([Karistusregistri seaduse muutmise seadus](#)), 26 October 2022.

³⁵ Estonia, Data Protection Inspectorate (*Andmekaitse Inspektsioon*), Response to request for information, 28 September 2022.

³⁶ Estonia, Data Protection Inspectorate (*Andmekaitse Inspektsioon*), Response to request for information, 28 September 2022; Estonia, Chancellor of Justice (*Õiguskantsler*), Response to request for information, 7 October 2022.

5 Information society, privacy and data protection

5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Ministry of Economic Affairs	Other initiatives	Estonia's national artificial intelligence strategy for the period of 2022-2023 (<i>Eesti riiklik tehisintellektialane tegevuskava ehk kratikava 2022-2023</i>)	Yes, the strategy contains an action point specifically dedicated outlining a model for assessing the impact that a specific technology has on fundamental rights, and also for mitigating the risks entailed in the development or use of a specific AI-supported technology (p. 15). The action point is phrased quite broadly and does not mention any particular rights or specific methods for conducting fundamental rights impact assessments. It is stated in a similarly general manner that "promoting fundamental rights compliant AI development and deployment is one of the key aims of the strategy". (p. 35)	Estonia, Ministry of Economic Affairs and Communications (<i>Majandus- ja Kommunikatsiooniministeerium</i>), National artificial intelligence strategy for the period of 2022-2023 , January 2022.
Ministry of Economic Affairs	Other initiatives	Estonia's Digital Agenda 2030 (<i>Eesti digiühiskond 2030</i>)	Yes, the agenda sets as one of its objectives "to develop the legal space to enable a more widespread and reliable use of AI applications (including guaranteeing the protection of fundamental rights)" (p. 16). Protecting and promoting the fundamental rights of individuals is listed as the first guiding principle that will be	Estonia, Ministry of Economic Affairs and Communications (<i>Majandus- ja Kommunikatsiooniministeerium</i>), Estonia's Digital Agenda , 13 December 2021.

			regarded in the design and development of digital society (p. 6). On many occasions the strategy reiterates the importance of ensuring the availability and usability of privacy enhancing technologies. Majority of the references to fundamental rights are not made specifically in relation to AI-powered technologies, but rather in a technology-neutral context.	
The Consumer Protection and Technical Regulatory Authority	Application	Bürokratt – a virtual assistant in interacting with the Authority’s webpage, finding the right information and specialist	no	Estonia, Consumer Protection and Technical Regulatory Authority (<i>Tarbijakaitse ja Tehnilise Järelevalve Amet</i>), ‘Bürokratt on CPTRA’s webpage’ (Bürokratt TTJA kodulehel), 2 May 2022.

5.2 Legal and policy initiatives on data protection and private life

The automated biometric identification database referred to in the 2021 submission is still in development and has not yet been tested.³⁷ The law amending the Law of Obligations Act (*Võlaõiguseadus*) and the Consumer Protection Act (*Tarbijakaitseadus*) entered into force on 1 January 2022, the amendments include legal definitions of digital services, content and digital assets, and stipulate the consumer protection measures applicable to services and products that are

³⁷ Estonia, Ministry of Interior (*Siseministeerium*), Response to request for information, 3 October 2022.

provided in exchange for personal data similarly to these that are offered for a fee.³⁸ The amended Cyber Security Act (*Küberturvalisuse seadus*), which entered into force on 16 August 2022, prescribes measures for securing the integrity and security of all IT systems and thus marks a shift away from the database-focused approach of the previous redaction. Also, while the previous version applied first and foremost to private service providers, the amendments include a number of public authorities (e.g. judicial bodies, State Electoral Office and the Office of the Chancellor of Justice) into the Act's scope of applicability.³⁹ Even though the amendments are likely to contribute to better confidentiality and privacy, the amended law contains no provisions directly implicating the right to privacy and/or data protection. The act excludes all national security and defence institutions from its scope of applicability.

The armed conflict in Ukraine and the grassroots initiatives dedicated to helping the refugees arriving in Estonia evoked the question of ethical and legally compliant information sharing on social media and other channels. The Chancellor of Justice (*Õiguskantsler*) and the Data Protection Inspectorate (*Andmekaitse inspeksioon*) called for all involved parties to acknowledge that even when acting out of benevolence, personal data of refugees can only be collected and disclosed in accordance to the GDPR, in particular, they emphasised the importance of consent as the legitimate basis for processing.⁴⁰ This was the first instance when the Estonian authorities have publicly addressed privacy in the context of a humanitarian crisis.

Data retention

Even after the decision of the Supreme Court (*Riigikohus*) from March 2021, the work on the draft law amending the Electronic Communications Act (*Elektroonilise side seadus*) has to date not been finalised.⁴¹ However, the decision triggered amendments to the Code of Criminal Procedure (*Kriminaalmenetluse seadustik*), which as of 1 January 2022 sets forth that communications

³⁸ Estonia, Riigi Teataja, [Act Amending Law of Obligations Act \(*Võlaõigusseadus*\) and the Consumer Protection Act \(*Tarbijakaitse seadus*\)](#), §14².

³⁹ Estonia, Riigi Teataja, [Cyber Security Act \(*Küberturvalisuse seadus*\)](#), 16 August 2022.

⁴⁰ Estonia, Data Protection Inspectorate (*Andmekaitse inspeksioon*), 'In helping refugees, it is important to respect the privacy of the individuals in a particularly vulnerable position' (['Sõjapõgenikke aidates tuleb austada haavatavas olukorras olevate inimeste privaatsusvajadust'](#)), 7 March 2022.

⁴¹ Estonia, ERR (2021), 'The Economic Affairs Committee sent the Electronic Communications Act again to the Parliament' (['Majanduskomisjon saatis elektroonilise side seaduse uuesti riigikogu saali'](#)), 28 September 2021.

metadata can only be requested from service providers based on judicial authorisation.⁴² Prior to the amendments, such requests could also be authorised by the Prosecutor's Office.

⁴² Estonia, Riigi Teataja, [Act amending the Code of Criminal Procedure \(*Kriminaalmenetluse seadustiku muutmise seadus*\)](#), 1 January 2022.

6 Rights of the child

6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

Legislative changes	<p><i>e.g., any legislative development having an impact on children accessing health, education, social protection or other services</i></p> <p>On 7 December 2022, the Parliament (<i>Riigikogu</i>) adopted a law to amend the Family Benefits Act (<i>Perehüvitiste seadus</i>) and Family Law Act (<i>Perekonnaseadus</i>). According to the explanatory memorandum, the aim of the draft law is to improve the livelihood of families with children, especially considering the increase in the cost of living, and to support the birth rate. The amendments provide for raising the child benefits for the first and second child from € 60 to € 80 per month, and the benefit for one-parent families from € 19.18 to € 80 per month. The draft law increases the family benefits for families with three to six children from € 300 to € 600 per month, and the benefit for families with seven or more children from € 400 to € 800. The family benefit for multiple children will be paid until the youngest child in the family turns 24.⁴³</p> <p>However, on 22 December 2022, the President decided not to promulgate the law. In the decision, the President explained that the law includes a sentence that is legally unclear and therefore contradicts § 13 (2) of the Constitution, according to which the law shall protect everyone from the arbitrary exercise of state power. In addition, the President pointed out that the law provides for the indexation of the benefits for families with three or more children, which creates a difference</p>
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⁴³ Estonia, Parliament (*Riigikogu*), Law amending the Family Benefits Act and Family Law Act ([Perehüvitiste seaduse ja perekonnaseaduse muutmise seadus 703 SE](#)), 7 December 2022.

	<p>with other child benefits, which are not indexed, which raises the question as to how is it justified to leave all families with less than three children unprotected against the risk of price increases.⁴⁴</p> <p>In response, the Parliament removed the sentence from the Family Law Act which the President had seen as lacking legal clarity, but left the issue regarding the indexation of benefits unchanged. The Parliament adopted the revised law on 28 December 2022 and sent it to the President for promulgation. The President promulgated the law on 6 January 2023.⁴⁵</p>
Policy changes	<p><i>e.g., development of national action plan for the Child Guarantee, appointment of National Coordinator, etc</i></p> <p>The Estonian Child Guarantee Action Plan was published in April 2022. The plan identifies different groups of children in need and possible barriers of access to necessary services, based on national data as well as opinions of children and young people, advocacy organisations, and local governments. It lists measures for the implementation of the Child Guarantee, such as the provision and development of parental education and parenting support services; support measures for children with mental health problems; support measures for children with special needs and disabilities; protection measures for abused children, etc. Each measure includes a target group, indicators and planned activities for the period of 2022-2030.⁴⁶</p> <p>The official coordinator of the Estonian Child Guarantee is Hanna Vseviiov, Deputy Secretary-General for Social Affairs of the Ministry of Social Affairs. In order to coordinate, implement and monitor the national action plan for the Child Guarantee, a cross-sectoral working group will be set up under the direction of the Child Guarantee coordinator. In addition to representatives of the</p>

⁴⁴ Estonia, President of the Republic (*Vabariigi President*), Decision not to promulgate the Law amending the Family Benefits Act and Family Law Act ([Perehüvitiste seaduse ja perekonnaseaduse muutmise seaduse väljakuulutamata jätmine](#)), 22 December 2022.

⁴⁵ Estonia, Parliament (*Riigikogu*), Law amending the Family Benefits Act, Family Law Act and Employment Contracts Act 703 UA ([Perehüvitiste seaduse, perekonnaseaduse ja töölepingu seaduse muutmise seadus 703 UA](#)), 28 December 2022.

⁴⁶ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), [Estonian Child Guarantee Action Plan \(Lastegarantii Eesti tegevuskava\)](#).

	ministries, other partners and experts from interest groups, local governments and representatives of children and young people will be involved in the activities of the working group. ⁴⁷
Other measures or initiatives	<p><i>e.g., income support to single-headed families or based on number of children in the household; meals for children provided for free; other actions or measures linked to the implementation of the EU Child Guarantee.</i></p> <p>In 2022, under the leadership of the Ministry of Culture (<i>Kultuuriministeerium</i>), a support measure called "Kultuuriranits" ("Culture knapsack") is implemented, which allows children and young people to visit theatre performances, cinema screenings, museums or other cultural experiences as part of the educational programme. For this purpose, € 1 million of additional support has been allocated for basic school students, which, on average, is € 7.61 per school student (€ 6.64 in larger cities, up to € 13.56 in sparsely populated areas). The support is allocated to all schools and the schools must ensure that the support also reaches home-schooled children.⁴⁸</p>

6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

Legislative changes	<p><i>e.g., reform of the criminal code, new law on violence against children with procedural safeguards.</i></p> <p>On 14 December 2022, the Parliament (<i>Riigikogu</i>) adopted a law to amend the Victim Support Act (<i>Ohvriabi seadus</i>). The law specifies that when providing victim support to a child victim, the provisions of the Child Protection Act (<i>Lastekaitse seadus</i>) are applied. The law also makes one amendment to the Child Protection Act, adding a provision stating that if a local government</p>
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⁴⁷ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), [Estonian Child Guarantee Action Plan \(*Lastegarantii Eesti tegevuskava*\)](#), p. 3.

⁴⁸ Estonia, Ministry of Culture (*Kultuuriministeerium*), Culture knapsack ([Kultuuriranits](#)).

	<p>becomes aware of a child who is being raised by a person who is an adult victim of domestic violence, the local government must initiate a case management to provide assistance to the child and cooperate with the Social Insurance Board (<i>Sotsiaalkindlustusamet</i>) and other agencies.⁴⁹ In its opinion, the Estonian Union for Child Welfare (<i>Lastekaitse Liit</i>) supported the draft law and found that it has placed emphasis on the principles of the UN Convention on the Rights of the Child, especially that the child's interests must always be taken into account when helping a child victim, and a child-friendly approach must be used when offering support, taking into account the child's age, maturity, needs, concerns and opinions.⁵⁰</p> <p>In April 2022, a law amending the Social Welfare Act (<i>Sotsiaalhoolekande seadus</i>) and other related acts (510 SE) was adopted by the Parliament. The law also included amendments to the Child Protection Act (<i>Lastekaitse seadus</i>), specifying the tasks of the state and local governments in helping sexually abused children. According to the amendments, a local government agency must notify the Social Insurance Board immediately after becoming aware of a child in need of assistance in case there is a suspicion the child has been sexually abused, or the child is a suspect or a person subject to proceedings in a sexual offence case, or the sexual behaviour of the child threatens the wellbeing of other persons or the child. In these cases, the Social Insurance Board starts providing various necessary support services to the child and persons close to the child.⁵¹</p>
Policy developments	<p><i>e.g., guidance or training for law enforcement officers on the treatment of child suspects or victims; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection.</i></p> <p>On 31 March 2022, the government confirmed the decision to create a new joint government commission for cross-sectoral prevention, the Prevention Council (<i>Ennetusnõukogu</i>), instead of</p>

⁴⁹ Estonia, Parliament (*Riigikogu*), Victim Support Act 702 SE ([Ohvriabi seadus 702 SE](#)), 29 September 2022.

⁵⁰ Estonian Union for Child Welfare (*Lastekaitse Liit*), Opinion on Victim Support Act draft law ([Arvamus ohvriabi seaduse eelnõule](#)), 23 May 2022.

⁵¹ Estonia, Parliament (*Riigikogu*), Law amending the Social Welfare Act and other acts 510 SE ([Sotsiaalhoolekande seaduse ja teiste seaduste muutmise seadus 510 SE](#)), 13 April 2022.

	<p>the Council for Child Protection, the Council for Crime Prevention and the Government Commission for Drug Prevention. The Minister of Justice explained that the long-term goal of Estonian criminal policy is to prevent and reduce risk behaviour of children and young people, which can be achieved by collaboration. The goal of the new council is to establish common foundations for the development of cross-sectoral prevention together with an action plan to manage cooperation between different sectors. Among other things, the role of the Prevention Council will be to advise the government on these issues. The Prevention Council is set to meet twice a year, more often if necessary.⁵²</p>
<p>Other measures or initiatives</p>	<p><i>e.g., relevant activities to promote alternatives to detention; set-up of Barnahus houses or other specific programmes for children in the criminal system.</i></p> <p>On 19 October 2022, the Social Insurance Board (<i>Sotsiaalkindlustusamet</i>) opened a children's house (<i>lastemaja</i>) in Pärnu, where children who have been sexually abused or have harmful sexual behaviour can receive help. It is the fourth of this type of children's house in Estonia. In the children's houses, experts such as child protection workers, the police, prosecutors, psychologists and many others cooperate for the welfare of the child and for child-friendly criminal proceedings. Children's house can be turned to by children themselves as well as parents and people who work with children, including teachers, coaches and doctors, who are concerned about possible sexual violence or inappropriate sexual behaviour of a child.⁵³</p>

⁵² Estonia, Ministry of Justice (*Justiitsministeerium*), 'The government decided to create a new Prevention Council' ([Valitsus otsustas luua uue ennetusnõukoju](#)), 31 March 2022.

⁵³ Estonia, Social Insurance Board (*Sotsiaalkindlustusamet*), 'A children's house is opened in Pärnu to help sexually abused children' ([Pärnus avatakse lastemaja seksuaalselt väärkoheldud laste abistamiseks](#)), 17 October 2022.

7 Access to justice – Victims’ Rights and Judicial Independence

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

On 14 December 2022, the Parliament (*Riigikogu*) adopted a law to amend the Victim Support Act (*Ohvriabi seadus*), which aims to improve the availability of support to victims of violence, crime or crisis incidents, and to clarify the system for applying for benefits for victims of crime.⁵⁴ According to the amendments, victims of domestic and sexual violence will receive mental health care to support recovery from trauma regardless of criminal proceedings. In case of high-risk victims of domestic violence, the Social Insurance Board (*Sotsiaalkindlustusamet*) gains the right to exchange data with other institutions and specialists helping the victims. The law formulates the definitions of crisis support in case of sexual violence, support service for giving up violence, psychosocial support in case of a crisis, and the basic service for victim support. The content and conditions of the women's support centres, restorative justice and services provided to victims of human trafficking, and mental health care supporting recovery from trauma are updated.⁵⁵ The President promulgated the law on 29 December 2022.⁵⁶

The Ministry of Justice (*Justiitsministeerium*), in cooperation with Victim Support Europe, is implementing a project on Advancing Rights of Estonian Victims (AREV) from 2021 to 2023. AREV is a pilot project that is implemented in Ida-Viru and Lääne-Viru counties. The project aims to offer better protection for victims of crime and to improve victim support services in Estonia. During the project, the Ministry of Justice, the Police and Border Guard Board (*Politsei- ja Piirivalveamet*), the Social Insurance Board, the healthcare sector, and other stakeholders develop and deliver specific tools for assessing the needs of victims of crime, for the referral of victims from one service to another, and for better provision of information.⁵⁷ For example, one of the tools developed for assessing the needs of victims is a booklet

⁵⁴ Estonia, Parliament (*Riigikogu*), Victim Support Act 702 SE ([Ohvriabi seadus 702 SE](#)), 29 September 2022.

⁵⁵ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), 'The new Victim Support Act simplifies the availability of assistance' ([Uus ohvriabi seadus lihtsustab abi kättesaadavust](#)), 30 September 2022.

⁵⁶ Estonia, Parliament (*Riigikogu*), Victim Support Act 702 SE ([Ohvriabi seadus 702 SE](#)), 29 September 2022.

⁵⁷ Estonia, Ministry of Justice (*Justiitsministeerium*), [Advancing Rights of Estonian Victims \(AREV\)](#).

on "Sensitive treatment of victims" ("*Kannatanute sensitivne kohtlemine*")⁵⁸, which provides guidance on the needs and treatment of different groups of victims, such as traumatised victims, victims of domestic violence, victims of sexual violence, victims with special needs, etc. Another tool developed for the provision of information to victims is an interactive map application created for the Victim Support (*Abiks Ohvrile*) website, where victims can find organisations and specialists located in Ida-Viru and Lääne-Viru counties.⁵⁹ The project team will conduct an evaluation of the outcomes at the end of the pilot project and recommend improvements for a potential nation-wide roll-out of the tools after the project ends.⁶⁰

7.2 Measures addressing violence against women

On 25 May 2022, the Social Democratic Party faction of the Parliament (*Riigikogu*), in cooperation with the Parliament's Intimate Partner Violence Prevention and Victim Support Group and the Estonian Institute for Open Society (*Eesti Avatud Ühiskonna Instituut*) organised a discussion "Intimate Partner Violence – Problems and Solutions" with the participation of lawyers and politicians. The focus of the discussion was designing the Estonian law enforcement system in such a way that the protection of victims and their safety is at the forefront.⁶¹ During the discussion, report titled "Intimate partner violence in Estonia: practicing lawyers' assessments of the law enforcement system" was introduced.⁶² According to the author, three quarters of Estonian lawyers consider ensuring the rights of victims of intimate partner violence to be problematic or very problematic. In the view of the Estonian Bar Association (*Advokatuur*) one aspect of re-victimisation is the state's pressure to direct those in violent relationships to family reconciliation.⁶³

On 16 November 2022, the Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) published its baseline evaluation report on Estonia with regard to implementing the Istanbul Convention. As positive steps, the report highlights that Estonian Penal Code was amended in 2017 to criminalise new forms of violence against women, including stalking,

⁵⁸ Estonia, Ministry of Justice (*Justiitsministeerium*), Sensitive treatment of victims ([Kannatanute sensitivne kohtlemine](#)), Tallinn, 2022.

⁵⁹ Estonia, Abiks Ohvrile, [Viru service providers](#).

⁶⁰ Estonia, Ministry of Justice (*Justiitsministeerium*), [Advancing Rights of Estonian Victims \(AREV\)](#).

⁶¹ ERR (2022), 'Live on Wednesday at 10: How to protect victims of intimate partner violence?' ([Otse kolmapäeval kell 10: kuidas kaitsta lähisuhtevägivalla ohvreid?](#)), 24 May 2022.

⁶² Pettai, I. (2022), [Lähisuhtevägivald Eestis: tegevjuristide hinnangud õiguskaitse süsteemile](#), *Eesti Avatud Ühiskonna Instituut*, Tallinn 2022.

⁶³ ERR (2022), 'Estonian lawyers: victims of intimate partner violence are not adequately protected' ([Eesti juristid: lähisuhtevägivalla ohvrid pole piisavalt kaitstud](#)), 28 May 2022.

female genital mutilation and forced marriage. Furthermore, the Estonian Violence Prevention Agreement covering the years 2021-2025 identifies domestic and sexual violence as priority areas as well as some forms of violence against women in its digital dimension. The report also notes as positive that Estonia has sexual assault centres providing free support services on the basis of a victim-centred and gendered approach. On the other hand, the report draws attention to the fact that the Estonian Penal Code still defines rape based on the use of force or the resistance of the victim, and stresses the need for the adoption of a new comprehensive strategic document which covers all forms of violence against women. The report also finds that more training should be offered to all professionals addressing the different forms of violence against women. Finally, the report highlights the need for a stronger criminal justice response to all forms of violence against women and expresses concern over the frequent application of probationary measures and alternative sanctions in relation to several forms of violence against women, including domestic violence.⁶⁴

⁶⁴ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [Baseline Evaluation Report on Estonia](#), 17 November 2022.

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

8.1 CRPD policy and legal developments & implementation of the European Accessibility Act

On 30 May 2022, the Parliament (*Riigikogu*) adopted the Products and Services Accessibility Act (*Toodete ja teenuste ligipääsetavuse seadus*).⁶⁵ With the Act, the European Accessibility Act was transposed into Estonian law. It stipulates the accessibility requirements for products and services within the scope of the European Accessibility Act, the obligations of companies to ensure accessibility, the assessment of compliance with accessibility requirements and the presumption of conformity, as well as state supervision and responsibility. It also introduces terms that had not been legally defined until now but needed to be defined due to the transposition of the directive.⁶⁶

In April 2022, a law amending the Social Welfare Act (*Sotsiaalhoolekande seadus*) and other related acts was adopted by the Parliament.⁶⁷ The amendments aim to reduce bureaucracy and increase legal clarity, for example, by improving data exchange between the state and local governments. The changes were based, among other sources, on the observations of the UN Committee on the Rights of Persons with Disabilities on the initial report of Estonia. For example, the Estonian translation of the phrase "intellectual disability" in the law was corrected to be more dignified and respectful. In addition, the amendments

⁶⁵ Estonia, Riigi Teataja, [Products and Services Accessibility Act \(*Toodete ja teenuste ligipääsetavuse seadus*\)](#), 30 May 2022.

⁶⁶ Estonia, Parliament (*Riigikogu*), Products and Services Accessibility Act 511 SE ([Toodete ja teenuste ligipääsetavuse seadus 511 SE](#)), 30 May 2022.

⁶⁷ Estonia, Parliament (*Riigikogu*), Law amending the Social Welfare Act and other acts 510 SE ([Sotsiaalhoolekande seaduse ja teiste seaduste muutmise seadus 510 SE](#)), 13 April 2022.

stipulate that when organising care for persons with disabilities, local governments should give priority to assistance and support that enables a person to live at home and prevent the person from being sent to institutional care.⁶⁸

The draft law to amend the Equal Treatment Act (*Võrdse kohtlemise seadus*), prepared by the Ministry of Social Affairs (*Sotsiaalministeerium*), reached the Parliament in January 2022. The draft law harmonises the scope of application of the Equal Treatment Act in such a way that discrimination on the basis of disability, religion or beliefs, age, or sexual orientation would be prohibited to the same extent as on the basis of nationality, race and skin colour. Currently, the Equal Treatment Act addresses discrimination on the basis of disability only in the fields of employment and vocational training. With the expansion of the scope of application of the Equal Treatment Act, persons with disabilities would have significantly more opportunities to turn to the Commissioner for Gender Equality and Equal Treatment (*Soolise võrdõiguslikkuse ja võrdse kohtlemise volinik*) in case of suspicion of discrimination.⁶⁹ This amendment was recommended by the UN Committee on the Rights of Persons with Disabilities in its 2021 concluding observations on the initial report of Estonia to ensure compliance with the CRPD.⁷⁰ The first reading of the draft law took place in February 2022, however, there have been no developments since.⁷¹

Regarding displaced persons fleeing Ukraine, if a Ukrainian person with a disability has received a residence permit in Estonia (based on temporary protection or any other ground), they have all the same rights as an Estonian person with a disability. A Ukrainian decision on identification of disability does not apply in Estonia, so the process of identifying a disability has to be carried out upon arrival to Estonia, which then gives the right to social benefits and services in Estonia.⁷²

⁶⁸ Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 10 October 2022.

⁶⁹ Estonia, Parliament (*Riigikogu*), Law to amend the Equal Treatment Act and the Churches and Congregations Act 519 SE ([Võrdse kohtlemise seaduse ning kirikute ja koguduste seaduse muutmise seadus 519 SE](#)), in proceedings from 18 January 2022.

⁷⁰ UN Committee on the Rights of Persons with Disabilities, [Concluding observations on the initial report of Estonia](#), CRPD/C/EST/CO/1, 5 May 2021.

⁷¹ Estonia, Parliament (*Riigikogu*), Law to amend the Equal Treatment Act and the Churches and Congregations Act 519 SE ([Võrdse kohtlemise seaduse ning kirikute ja koguduste seaduse muutmise seadus 519 SE](#)), in proceedings from 18 January 2022.

⁷² Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), Response to request for information, 10 October 2022.

8.2 CRPD monitoring at national level

Since 2019, the Chancellor of Justice (*Õiguskantsler*) performs the functions of promoting the implementation, protection and monitoring of the CRPD.⁷³ Persons with disabilities are involved in the monitoring process through an Advisory Council for Persons with Disabilities (*Puuetega inimeste nõukoda*) founded by the Chancellor of Justice. The members of the council are selected by a committee formed by the Chancellor of Justice through a public competition. The council members are elected for four years and the council is set to meet twice a year. There are currently 37 members in the council.⁷⁴

In 2022, the council has met once. On 11 May 2022, a joint meeting of the Advisory Council for People with Disabilities and the Advisory Committee on Human Rights (*Inimõiguste nõukoda*) took place on the topic "How and how well is equal treatment ensured in Estonia?". The meeting was carried out in cooperation with the Commissioner for Gender Equality and Equal Treatment (*Soolise võrdõiguslikkuse ja võrdse kohtlemise volinik*) who introduced the legal framework of equal treatment and discrimination. Issues of accessibility and equal treatment were also discussed in the context of services, education, culture and healthcare.⁷⁵

In 2022, the Chancellor of Justice has resolved a number of complaints regarding rights of persons with disabilities. The problems have concerned accessibility of residential apartment buildings, accessibility of polling stations during elections, provision of support services to children with special needs, support needs assessment by the local government, social transport service fees, etc.⁷⁶

⁷³ Estonia, Riigi Teataja, [Chancellor of Justice Act \(*Õiguskantsleri seadus*\)](#), § 1 (11), 25 February 1999.

⁷⁴ Estonia, Chancellor of Justice (*Õiguskantsler*), Advisory Council for Persons with Disabilities (*Puuetega inimeste nõukoda*).

⁷⁵ Estonia, Chancellor of Justice (*Õiguskantsler*) (2022), Annual Report 2021/2022 ([Õiguskantsleri aastaülevaade 2021/2022](#)), September 2022.

⁷⁶ Estonia, Chancellor of Justice (*Õiguskantsler*) (2022), Annual Report 2021/2022 ([Õiguskantsleri aastaülevaade 2021/2022](#)), September 2022.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
Title (original language)	Anname üürisuhetes kõigile võrdse võimaluse
Title (EN)	Rental accommodation - equal opportunities for all!
Organisation (original language)	Soolise võrdõiguslikkuse ja võrdse kohtlemise voliniku kantselei
Organisation (EN)	Office of the Gender Equality and Equal Treatment Commissioner
Government / Civil society	Government
Funding body	Office of the Gender Equality and Equal Treatment Commissioner
Reference (incl. URL, where available)	https://volinik.ee/anname-uurisuhetes-koigile-vordse-voimaluse/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 October 2022 – ongoing
Type of initiative	Campaign
Main target group	Landlords and the general public

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The campaign included outdoor campaigns, ads in rental portals, and complementing articles in the media. The main message of the campaign: "Can you imagine a café refusing to sell cakes, for example, to red-haired or left-handed people?" The campaign explains that accommodation offered for rent on a portal, in a public social media group or via a real estate agent is a publicly available service. Such services cannot be provided with discrimination. A tenant's solvency and reliability do not depend on whether that person has children, is a war refugee or has a different skin colour, for example.
Highlight any element of the actions that is transferable (max. 500 chars)	The campaign explained the topic of housing discrimination. For example, what is a good rental arrangement and what does it give to parties involved? In addition to providing information about the topic, the campaign also called people to use the assistance of the Gender Equality and Equal Treatment Commissioner: "If you have been discriminated against in a rental arrangement, please describe the situation in your own words in an email to the Gender Equality and Equal Treatment Commissioner: avaldus@volinik.ee."
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The impact of campaigns can be difficult to assess yet the one in question received wide attention and opened an important topic in Estonian society. In addition, it sparked a discussion in the media, among landlords and civil society, therefore contributing to the understanding of the phenomenon of explicit and implicit housing discrimination.
Give reasons why you consider the practice as having concrete measurable impact	Housing discrimination has not been previously addressed in Estonia. The campaign addressed practices that have the effect of discriminating against a protected group whether or not that was their specific intent. The premise of underlying programmes that promote fair housing awareness is that increased awareness is a stepping-stone to reduced discrimination.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The topic of housing discrimination was partly addressed due to the war in Ukraine and the influx of Ukrainian refugees. Many countries potentially face challenges when supporting refugees in obtaining long-term, safe, secure and affordable housing. The Estonian campaign also explained that tenants who are war refugees are entitled to additional benefits to cover their residential expenses.

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

<p>Thematic area</p>	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
<p>Title (original language)</p>	<p>No promising practice has been identified for this thematic area</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
Title (original language)	No promising practice has been identified for this thematic area

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.
Title (original language)	Eesti riiklik tehisintellekti alane tegevuskava ehk kratikava 2022–2023
Title (EN)	Estonia’s National Artificial Intelligence Strategy or Kratt Strategy for 2022–2023
Organisation (original language)	Majandus- ja kommunikatsiooniministeerium
Organisation (EN)	Ministry of Economic Affairs and Communications
Government / Civil society	Government
Funding body	N/A
Reference (incl. URL, where available)	Estonia, Ministry of Economic Affairs and Communications (<i>Majandus- ja Kommunikatsiooniministeerium</i>), Estonia’s National Artificial Intelligence Strategy or Kratt Strategy for 2022–2023 (<i>Eesti riiklik tehisintellekti alane tegevuskava ehk kratikava 2022-2023</i>), January 2022.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2022 – ongoing

Type of initiative	Development plan
Main target group	Government institutions
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The development plan summarises Estonia's priorities and ambitions in becoming an efficient, innovative, fair and ethical leader in implementing AI-supported solutions in all sectors.
Highlight any element of the actions that is transferable (max. 500 chars)	N/A
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	As the first strategic document specifically dedicated to AI, it lays down the foundations of Estonia's AI policy for the next decades.
Give reasons why you consider the practice as having concrete measurable impact	Although broad in its wording, the document reflects an understanding of and concern over the potential fundamental rights implications of AI technologies. The strategy contains an action point specifically dedicated to outlining a model for assessing the impact that a specific technology has on fundamental rights, and also for mitigating the risks entailed in the development or use of a specific AI-supported technology. It also states, albeit in a similarly general manner, that "promoting fundamental rights compliant AI development and deployment is one of the key aims of the strategy". However, the strategy makes a clear contribution to acknowledging the importance of integrating fundamental rights consideration into the development and employment of new technologies.
Give reasons why you consider the practice as transferable to other settings	N/A

and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
Title (original language)	Kast lapsesõbralikku kohtumenetlust toetavate esemetega igas maakohtus
Title (EN)	Box of items that support child-friendly court proceedings in each county court
Organisation (original language)	Justiitsministeerium
Organisation (EN)	Ministry of Justice
Government / Civil society	Government

Funding body	Ministry of Justice and Norway and EEA Financial Mechanisms for 2014–2021 through the 'Youth-friendly legal system' project (2019–2024) ⁷⁷
Reference (incl. URL, where available)	https://www.postimees.ee/7615287/kohtud-varustati-laste-turvalise-keskkonna-tarvis-sobivate-esemetega
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	September 2022
Type of initiative	Provision of items for child-friendly court proceedings
Main target group	Children participating in court proceedings
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Ministry of Justice equipped county courts with a box of items that support child-friendly court proceedings. The box contains items that help the child to feel comfortable during the procedure – for example, there are toys, bottles of drinking water, snacks, tissues, drawing pencils and pictures to colour, a calming pop-it game and a magnetic construction kit. For older children, there are chargers to put their smart devices away during the procedure.
Highlight any element of the actions that is transferable (max. 500 chars)	Sending a box of items to courts is transferable, the list of items can be copied from place to place.
Give reasons why you consider the practice as	The items can be used repeatedly and replaced when necessary.

⁷⁷ Estonia, Ministry of Justice (*Justiitsministeerium*), [A youth-friendly legal system](#).

sustainable (as opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	<p>It is difficult to measure the impact of making court proceedings more child-friendly, but according to the Ministry of Justice, equipping courthouses with items creating a child-friendly environment helps the professionals working in the court to establish contact with the child and provides the child with as friendly and warm an environment as possible so they feel safe to give interviews.</p>
Give reasons why you consider the practice as transferable to other settings and/or Member States?	<p>The list of items that help to create a child-friendly environment can be copied from one Member State to another, and sending them to courts is simple and has the same impact everywhere.</p>
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	<p>N/A</p>
Explain, if applicable, how the practice provides for review and assessment.	<p>N/A</p>

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.
Title (original language)	Interaktiivne kaardirakendus Viru ohvriabi teenusepakkujate kontaktidega
Title (EN)	Interactive map application with contacts of Viru victim support services
Organisation (original language)	Justiitsministeerium
Organisation (EN)	Ministry of Justice
Government / Civil society	Government
Funding body	EU Structural Reform Support Programme
Reference (incl. URL, where available)	https://abiksohvriile.just.ee/en/contact/viru-service-providers
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	13 May 2022
Type of initiative	Online map application
Main target group	Victims of crime
Indicate level of implementation: Local/Regional/National	Regional
Brief description (max. 1000 chars)	As part of the Advancing Rights of Estonian victims (AREV) project, an interactive map application was created for the Victim Support (<i>Abiks Ohvriile</i>) website, where victims can easily find organisations and specialists located in Ida-Viru and Lääne-Viru counties. The map contains the contacts of over 300 service

	<p>providers from 29 different municipalities of Ida-Viru and Lääne-Viru counties. The service providers include contacts and locations of Social Insurance Board's victim support services, legal aid providers, police, family home services, psychologists, psychiatrists, social workers, health care providers, etc. For each service provider, the following information is listed in the map application: name of the organisation, county, municipality, type of service, type of specialist, name of the specialist, address, contact phone number, email address, website in Estonian, website in Russian, Facebook page.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The concept and the design of the online map application with contacts of victim support services providers can be transferred to any location, only the contacts have to be gathered locally.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>There is no end date to this application. While the application requires regular updating (in case the contacts have changed), the workload involved in the process of updating the map regularly is reasonable, therefore, it is achievable to maintain the map and keep it sustainable.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>More people have access to the victim support services, since the map allows victims to quickly find the contacts of the helpers closest to them. The impact could be measured through comparing the number of people contacting the service providers before and after the publication of the map.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Any Member States can use the concept and the design of the online map application nationally or locally, the contacts simply have to be gathered locally.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and</p>	<p>-</p>

stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	The map includes a "send feedback" button at the bottom of the webpage.

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
Title (original language)	Suunised turismiteenuste ligipääsetavuse parandamiseks psüühilise erivajadusega inimestele
Title (EN)	Guidelines for making tourism services more accessible for people with mental impairment
Organisation (original language)	Tartu Ülikool, partnerluses Läti Ülikooli ja Belgia Thomas More Rakenduskõrgkooliga
Organisation (EN)	Tartu University, in partnership with University of Latvia and Thomas More University of Applied Sciences in Belgium
Government / Civil society	University
Funding body	Erasmus+ Programme of the European Union

Reference (incl. URL, where available)	https://sisu.ut.ee/sites/default/files/mindtour/files/eng_mindtour_handbook.pdf
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Published in December 2022
Type of initiative	Handbook
Main target group	<ol style="list-style-type: none"> 1) Tourism service providers 2) Tourism organisations 3) Policy makers 4) Associations of/for people with mental impairment and/or disability 5) The wider public interested in improving tourism services for people with mental impairment and/or disability
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	A handbook which serves as a guide towards making tourism services more accessible for people with mental impairment and/or disability. It helps to better understand mental impairment in terms of various levels of mental functioning that may be affected, teaches about person-centred framework, service design, together with a set of step-by-step instructions for designing more inclusive tourism services, guidelines on how to investigate visitor needs, develop, improve and try out new prototypes, guidelines on communicating with the target groups, and a self-assessment tool, which highlights key phases during a visitors' experience.
Highlight any element of the actions that is transferable (max. 500 chars)	The handbook contains educational information and tools which can be translated into various languages and can be transferred to different EU Member States.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The guidelines and tools the handbook contains are sustainable as they can be used for an undetermined amount of time.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The handbook offers concrete instructions for improving tourism services for persons with mental impairment. It is possible to measure the impact by conducting surveys among the stakeholders regarding the changes they have made after reading the handbook, especially the ones who attended the events where the handbook was introduced.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Latvia and Belgium were already involved in the process of creating the handbook, which means the guidelines and tools in the handbook can be applied internationally rather than just being specific to Estonia.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Beneficiaries and stakeholders were involved in the creation of the handbook – the content of the handbook was built through surveys and interviews with several NGOs, conversations with tourism and mental disability experts, a field study with service users, and the development and testing of prototypes by various academic and tourism partners in Estonia, Belgium and Latvia.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>No information available.</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	No caselaw has been identified for this thematic area

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	No caselaw has been identified for this thematic area

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	17 August 2022
Reference details	Estonia, Tallinn Circuit Court (<i>Tallinna Ringkonnakohus</i>), Case No. 1-18-2946 , 17 August 2022.
Key facts of the case (max. 500 chars)	On 22 April 2022, Tallinn Prison submitted to Harju County Court materials for the conditional early release of Mr. X under electronic surveillance. The prison and the prosecutor did not support the

	early release of Mr. X. Harju County Court did not release Mr. X from prison with its ruling of 24 May 2022. Mr. X and his criminal defence lawyer appealed against the county court's ruling.
Main reasoning/argumentation (max. 500 chars)	Mr. X asks the court to annul the ruling as clearly unjustified and make a new ruling that correctly takes into account all of the facts and does not rely on mere assumptions. Mr. X finds that the county court has done him injustice by intentionally pointing out insignificant facts and points that characterise him negatively and misinterpreting various facts.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The arguments as to why Mr. X does not qualify for early release included that he has not been employed before and would not cope in society. The character reference prepared by the prison served as a basis for the county court's claim that Mr. X has not been officially employed. However, they add that: "At the same time, he confirms himself that he has never worked officially. /.../ According to him, he has been discriminated before on the basis of his appearance because employers do not believe that a person of his nationality (Roma) would be a good employee and nobody has wanted to hire him officially."
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The circuit court considered the complaints made in Mr. X's appeal against the court's ruling partially justified, but found that, overall, the arguments of both appeals provide no grounds for the annulment of the ruling and conditional early release of Mr. X.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Seega ei ole põhjust lugeda hr X-i elu- ja töökohaga seotud asjaolusid tema tingimisi vabastamise vastu rääkivateks asjaoludeks. See ei anna siiski automaatselt põhjust järelduseks, et ta tuleb vabastada. (p. 8)</p> <p>Therefore, there is no reason to consider the circumstances concerning Mr. X's place of residence and work as arguments against his conditional release. Still, this does not automatically give reason to conclude that Mr. X must be released. (p. 8)</p> <p>Estonia, Tallinn Circuit Court (<i>Tallinna Ringkonnakohus</i>), Case No. 1-18-2946, 17 August 2022.</p>

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Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
Decision date	No caselaw has been identified for this thematic area

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	4 April 2022
Reference details	Estonia, Supreme Court (<i>Riigikohus</i>), Case No. 3-21-2196 , 4 April 2022.
Key facts of the case (max. 500 chars)	<p>On 8 November 2021, Tallinn Circuit Court published a court ruling concerning a dispute between X and the Estonian Tax and Customs Board on its online public registry. Estonian national law allows for publication of final rulings, but as the ruling concerned interim protection, according to the applicant, it did not qualify as final. X filed an appeal with the Circuit Court, where he claimed that publication of the initial ruling was violating GDPR as there was no legal basis for disclosing the information, moreover the text of the ruling enabled to identify the applicant.</p> <p>The Circuit Court rejected the appeal, as it found that publishing the ruling was in line with the Code of Administrative Procedure (<i>Haldusmenetluse seadustik</i>). X lodged an appeal with the Supreme Court (<i>Riigikohus</i>).</p>

Main reasoning/argumentation (max. 500 chars)	The Supreme Court held that the law permits to disclose rulings that concern interim protection. However, it also confirmed that when not otherwise dictated by public interest, all decisions and rulings should be disclosed in a format in which the names and other identifying details of the involved persons are anonymised to the extent that they cannot be identified even through additional web searches. The court also reiterated that the fear of disclosure of personal details might become an obstacle in exercising the right to fair trial.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Publication of personal data in publicly available court records; anonymisation; identifiability; right to fair trial.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Anonymisation of the applicant's personal data
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Kuna andmed äriühingute juhatuse liikmete kohta on veebis avalikult kättesaadavad, siis juhul, kui kohtulahend sisaldab andmeid, mille avaldamine võib oluliselt kahjustada juhatuse liikme eraelu puutumatust, tuleb vajaduse korral asendada ka äriühingu nimi tähemärgiga ning jätta avaldamata registrikood või muud andmed, mis võimaldavad äriühingut identifitseerida. Füüsilise isiku eraelu puutumatuse tagamiseks ei tohi isik olla tuvastatav ka koostoimes muude veebiotsingutega. Kui andmete varjamine kohtulahendis eraelu puutumatuse tagamiseks on õigustatud, tuleb seda teha toimivalt. (para 14.3)</p> <p>Since information about the members of the board of companies is publicly available online, if the court ruling contains information the publication of which could violate the privacy of the member of the board, the name of the company must also be replaced with another signifier. Registration number and other information that allows the company to be identified must also not be published. In order to ensure the inviolability of a natural person's privacy, the person must not be identifiable even in interaction with other online searches. If the concealment of data is justified in a court decision to ensure privacy, it must be done effectively. (para 14.3)</p> <p>Estonia, Supreme Court (<i>Riigikohus</i>), Case No. 3-21-2196, 4 April 2022.</p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision for the related topics addressed in the chapter.
Decision date	28 April 2022
Reference details	Supreme Court (<i>Riigikohus</i>), Case No. 1-21-1652 , 28 April 2022.
Key facts of the case (max. 500 chars)	Defendant R.P. was accused of physical abuse against his partner and rape and acts of sexual nature committed against a child. Pärnu County Court found R.P. guilty of physical abuse, but not of sexual offences. The court found that the decisive evidence in the case of sexual abuse was the testimony of the child victims. The children first told the therapist K. J of the alleged abuse, who forwarded the information to victim support. The recordings of the interrogation showed that the therapist intervened in the interrogation and took over the questioning of the children, recalling what the children had said earlier in therapy.
Main reasoning/argumentation (max. 500 chars)	According to the Supreme Court, the courts solved the issue of the defendant's guilt flawlessly but unreasonably rejected the defence lawyer's request for compensation for the damage caused in the criminal proceedings. In its argumentation, the Supreme Court focused mostly on the issue of questioning of children, in order to develop a unified judicial practice in this matter.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Supreme Court explained that several important principles of procedural law were violated when questioning the child victims. For example, the requirement that a person involved in a procedural action may not interfere with its progress was completely neglected. The investigator allowed the therapist to essentially take over the investigation process, the children were interviewed by the therapist, not by the investigator trained to interview children. Also, the technique of questioning children was completely detached from the principles of questioning children, since mainly leading questions were asked.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Supreme Court annulled the decision of the Pärnu County Court and the Tallinn Circuit Court regarding the rejection of R.P.'s defence lawyer's request for compensation for the damage caused in the criminal proceedings, made a new decision by which the Republic of Estonia was sentenced to pay R.P. € 4,300 as compensation for non-pecuniary damage. Otherwise, the Court left the judgments unchanged.

Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Muu hulgas tuletas terapeut aktiivselt lastele meelde, mida nad olid varem öelnud, tuues ülekuulamise käiku uut infot, mida lapsed ise ei avaldanud. Kui lapsed ei osanud mõnele küsimusele vastata, pakkus K. J. ise sobivaid vastuseid või kordas küsimusi mitu korda. (p. 29.3)</p> <p>Among other things, the therapist actively reminded the children of what they had said before, bringing new information into the course of the interrogation that the children did not reveal themselves. If the children could not answer some questions, K. J. offered suitable answers themselves or repeated the questions several times. (p. 29.3)</p> <p>Estonai, Supreme Court (<i>Riigikohus</i>), Case No. 1-21-1652, 28 April 2022.</p>
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Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
Decision date	No caselaw has been identified for this thematic area

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	15 March 2022
Reference details	Supreme Court (<i>Riigikohus</i>), Case No 5-19-29 , 15 March 2022
Key facts of the case (max. 500 chars)	The applicant worked in Tartu Prison as a guard since 2002. In 2013, the government adopted Regulation No. 12 on health requirements of prison service officers, which established that hearing impairment is an absolute contraindication which excludes a person from being employed in prison service. In 2017, the applicant was released from service when a medical examination revealed

	that their hearing did not meet the health requirements established by the regulation. The applicant asked the court to declare the dismissal unlawful and to award compensation.
Main reasoning/argumentation (max. 500 chars)	The applicant argued that Regulation No. 12 violates the Constitution and the Equal Treatment Act, due to discrimination on the ground of disability. The Supreme Court first analysed the relationship between Estonian Constitution and EU law to decide whether constitutional review is allowed in this case, finding that the fact that the disputed provisions are also in conflict with EU law does not preclude constitutional review. Then the Court analysed whether the disputed provisions of Regulation No. 12 are unconstitutional, especially considering the principle of proportionality.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Supreme Court found that both the Estonian Constitution and the EU law obligate Estonian authorities to take reasonable measures to ensure equal treatment of persons with disabilities. Before dismissing a person due to a disability, the state has an obligation to look for solutions that would allow them to continue working, provided that this does not impose a disproportionate burden on the employer.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Supreme Court ruled that the disputed provisions of Regulation No. 12 are disproportionate and unconstitutional on the grounds that they completely excluded the prison's decision-making room to implement reasonable measures to continue the applicant's service. The court recognised § 4 and § 5 of Regulation No. 12 and Part 1 of its Annex 1 as unconstitutional.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Isegi juhul, kui haldusastjas oleks tõendatud, et kaebaja kuulmisvaegus takistas tal oma teenistusülesannete nõuetekohast täitmist, ei saanud see vältimatult kaasa tuua kaebaja ametist vabastamist. Riigil oli kohustus tagada kaebajale teenistusest vabastamise asemel asjakohaste, konkreetset juhul vajalike meetmete rakendamise, et võimaldada tal oma teenistust jätkata. (p. 78)</p> <p>Even if it had been proven in the administrative case that the applicant's hearing impairment prevented them from properly performing their official duties, this could not inevitably lead to the applicant's dismissal. The state had an obligation to ensure that the applicant, instead of being released from service, was given appropriate measures necessary in the specific case to enable them to continue their service. (p. 78)</p> <p>Estonia, Supreme Court (<i>Riigikohus</i>), Case No 5-19-29, 15 March 2022.</p>