IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

INITIAL AND SECOND REPORT SUBMITTED BY THE REPUBLIC OF ESTONIA UNDER ARTICLES 16 AND 17 OF THE COVENANT

2001

Introduction

1. This report contains information on legislation and practices relevant to the Covenant until the date of 31.12.1999. The information about the later developments will be given in the next periodic report..

2. This report has been compiled by the Ministry of Social Affairs and Ministry of Foreign Affairs on the basis of contributions from the relevant ministries and offices.

PART 1

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

3. Estonia is the party to the International Covenant on Civil and Political Rights. The instrument of accession to the Covenant on Civil and Political Rights was deposited by the Republic of Estonia with the UN Secretary General on October 21, 1991. The Covenant entered into force in respect to the Republic of Estonia pursuant to Article 49 (2) on January 21, 1992. On April 30, 1993 the Covenant was published in the State Gazette (RT II 1993/10-11/11).

4. The Republic of Estonia has submitted its Initial Report of the International Covenant on Civil and Political Rights (CCPR/C/81/Add.5) which the Human Rights Committee considered at its 1455th and 1459th meetings, on October 23 and October 25, 1995, and adopted Concluding Observations/Comments (CCPR/C/79/Add.59*)*. Reference is made to the Initial Report presented under ICCPR about this Article.

5. In addition to the above, Article 2 of the Constitution stipulates that the land, territorial waters and airspace of the Estonian state are an inseparable and indivisible whole. Pursuant to Article 5, the natural wealth and resources of Estonia are national riches which shall be used economically.

6. With a view of implementing the principles enshrined in the Constitution, a number of legal acts have been adopted to protect nature and natural resources. Also,

several national programmes have been prepared in the field of natural protection. A selection of legislation concerning the natural environment is provided below.

7. According to the *Sustainable Development Act*, the national strategy on sustainable development is based on the resolutions of the UN Environmental and Sustainable Development Convention (Article 1). The *Sustainable Development Act* also includes the principle of the Convention provided in Article 1 (2) that the objective of sustainable use of natural environment and natural resources is to provide a suitable environment for the human being and the necessary resources for economic development without harming the natural environment and preserving natural diversity (Article 2). This legal act is also based on the principle provided in the Constitution by which everyone is obliged to preserve the living and natural environment and to avoid damaging it. The freedom to control property and carry out entrepreneurial activities has been restricted pursuant to the need to protect nature as common resource of mankind and as a national richness. One of the main requirements for economic activities is to minimise pollution of the natural environment and to use natural resources only in quantities that ensure the preservation of natural balance. The planning of activities with a cross-border impact or with a potentially major impact on the natural environment and a joint organisation of environmental protection is carried out in international co-operation. The natural environment and the use of natural resources are regulated by usage and fee rates that are established by taking account of the impact of natural use to the environmental situation (Article 3). Environmental protection obligations arising from international agreement are carried out on the basis of national programmes approved by the Government of the Republic. Respective development plans are prepared for economic sectors and in regions where environmental pollution and the use of natural resources may endanger natural balance or biological diversity the development is being guided by national development plans.

8. The *Protected Natural Objects Act* lays down the procedure for placing natural objects under protection, explains the essence of protection and establishes the rights and obligations of land owners, land users and other persons towards protected natural objects.

9. The purpose of the *Water Act* is to ensure the purity and ecological balance of inland and border waters and groundwater. The *Water Act* also regulates the use and protection of water.

10. The *Forest Act* regulates the management of forest as a renewable natural resource to ensure a human environment which satisfies the population and the resources necessary for economic activity without unduly damaging the natural environment.

11. The *Right to Use Natural Resources Act* lays down the basis for the usage and rates of usage of natural resources.

12. The *Environmental Supervision Act* lays down the principles for environmental supervision. Environmental supervision involves constant monitoring of the environmental situation and factors affecting it with the objective of forecasting the environmental situation and obtaining data for preparing programmes and development plans. The *Environmental Supervision Act* establishes the rights and

obligations of persons who exercise and manage state environmental supervision, the rights and obligations of persons who are subject to state supervision, and the procedure for supervisory operations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Prohibition to discriminate

13. Basic human rights and freedoms form Chapter II of the Constitution.

14. The Constitution states that the rights, liberties and duties of everyone and all persons, as listed in the Constitution, shall be equal for Estonian citizens as well as for citizens of foreign States and stateless persons who are sojourning in Estonia (Article 9). In accordance with Article 12, all persons shall be equal before the law. Discrimination on the bases stipulated in Article 2 (2) of the Covenant is prohibited. Article 11 of the Constitution states that rights and liberties may be restricted only in accordance with the Constitution. Such restrictions must be necessary in a democratic society, and their imposition may not distort the nature of the rights and liberties.

15. The incitement of national, racial, religious or political hatred, violence or discrimination shall be prohibited and punishable by the law. The incitement of hatred, violence or discrimination between social strata shall equally be prohibited and punishable by law (Article 12 of the Constitution).

16. All persons shall have the right to the protection of the State and of the law.

17. The accordance between the Constitution and the Covenant is further guaranteed in the Constitution which states that “if Estonian laws or other acts contradict foreign treaties ratified by the Parliament, the provisions of the foreign treaty shall be applied” (Article 123).

18. The protection of rights and liberties is fully guaranteed to all persons, both citizens and non-citizens (Articles 11, 13, 14, 15 of the Constitution). The main instrument for this protection is the courts, which are independent in their activities (Article 146 of the Constitution).

19. Every person shall have the right to bring a case before the courts if his or her rights or liberties have been violated (Article 15 of the Constitution). Aliens and stateless persons in Estonia have the right to protection by the courts, equal to the right for Estonian citizens, if not otherwise established in international treaties entered into by the republic of Estonia (Article 4 (2) of the *Courts Act*).

20. Pursuant to Article 72[1] of the *Criminal Code*, direct or indirect restriction of individual rights or establishing direct or indirect preferences to an individual subject to his or her nationality, race, colour, native language, gender, language, social origin, religion, political or other opinion, material or social status or other circumstances is punishable with a fine or detention.

21. The legal acts of Estonia contain no legal definition of discrimination nor a definition of direct and indirect discrimination. Pursuant by law, discrimination is:

- inequality before law;
- unequal rights;
- allowing and granting illegal advantages and restriction of rights;
- restriction of individual rights or establishing preferences[1].

22. There are no provisions providing special compensatory measures in the case of discrimination. Article 25 of the Constitution provides that everyone has the right to compensation for moral and material damage caused by the unlawful action of any person.

23. The Constitution establishes that only laws, which have been published, shall have obligatory force (Article). All legal acts of Estonia are regularly published in the *Riigi Teataja* (*State Gazette*), which is readily available to the public. The most significant legal acts are also often published in the press. Estonian legal acts are also issued in Russian and regularly published in Estonian Legislation in Translation, containing translation into English of Estonian legal acts.

24. The text of the Covenant was published in 1993 in the International Treaties section (II) of the State Gazette. The text is available in all libraries, as is the Russian text of the Covenant.

25. In 1994 the Human Rights Centre published a textbook on human rights and social work for schools providing training in social work and for social workers. The annex of this textbook contains, among others, the text of the UN International Covenant of Economic, Social and Cultural Rights.

26. Most libraries, educational institutions, state agencies, private companies and organisations are connected to the Internet, enabling easy access to international documents, including the UN International Covenant of Economic, Social and Cultural Rights.

[1] On the basis of the Constitution, Child Protection Act, Employment Contracts Act, Wages Act, Criminal Code.

Equal treatment of persons with disabilities

27. Pursuant to Article 28 of the Constitution, families with many children and persons with disabilities shall be under the special care of the state and local governments. Therefore, the central and local government need to implement additional measures to enable persons with disabilities to exercise the same rights as other people. The objective of the *General Concept of Disability Policy of Estonia* is to implement measures that compensate for the disability. These measures are not aimed at granting the disabled special treatment or benefits but instead to provide them with the same starting position and equal opportunities.

28. According to the *General Concept of Disability Policy of Estonia*, disability is defined as the loss or a disorder of some anatomic, physiological or psychological structure or function of a human being. The definition of disability as provided in the *Social Benefits of Disabled Persons Act* is practically the same, stating that disability is the loss or abnormality of physiological, psychological or anatomical structure or function (Article 2). The *State Pension Insurance Act* contains the notion of "permanently incapacitated to work" (Article 11).

29. Both the *Employment Contracts Act* and the *Wages Act* contain provisions prohibiting discrimination. While neither legal act prohibits discrimination on the basis of disability or invalidity, it does not mean that discrimination is allowed.

30. In recent years the central and local government have initiated several projects aimed at improving the opportunities of disabled persons and at reducing their exclusion from society. Action has been taken towards raising public awareness on persons with disabilities, on their situation and the problems they face, and towards preventing and reducing discriminative attitudes. In this work, associations, societies, unions and other organisations of disabled persons play a significant role. As of January 1, 1999 there were 27 national and nearly 250 local disabled persons' organisations. One of the main objectives of these organisations is to improve public attitude towards disabled persons. With a view of increasing the contribution of disabled persons in solving their problems, the Estonian Board of Disabled Persons was set up. This Board is made up of representatives of disabled persons' organisations. Similar Boards have been set up locally.

31. One of the examples of such efforts is also an EU Phare Consensus Program "Social Protection of Persons with Disabilities" that was conducted in Estonia in 1997-1998 and which included a media awareness campaign component.

Equal treatment of the elderly

32. The committee on elderly policy that is set up at the Ministry of Social Affairs has prepared the conceptual principles of the policy for the elderly. The concept is used to draft further legal acts and to amend existing legislation. Pursuant to the concept, a development plan for the next few years will be prepared containing specific measures to ensure the protection of economic, social and cultural rights of the elderly.

33. The Estonian legislation contains no specific provisions prohibiting discrimination by age. According to the definition provided in the *National Concept on Elderly Policy*, the elderly is a person who is 65 years old or older.

34. In practice, discrimination by age may occur in seeking employment (employer chooses a younger applicant even when the older applicant has higher education and more experience). However, at this time there are no court rulings addressing this issue.

35. Labour legislation contains provisions which restrict employment in certain professions if the person has reached a certain age. Pursuant to Article 108 of the *Employment Contracts Act*, an employer has the right to terminate the employment contract of an employee if the employee has attained sixty-five years of age and he or she has the right to receive full old-age pension. The *Public Service Act* states that an official may be released from the service due to age when he or she attains sixty-five years of age (Article 120.)

36. The *Adult Training Act* lays down the possibilities to obtain education at any age, including for the elderly. Supplementary educational activities among the elderly are provided through various hobby clubs, so-called third youth universities, daily study centres, training courses, etc.

37. Since Estonia is in transition, the elderly living in Estonia have been forced to adapt to new political, economic and social conditions. Although no systematic studies have been done on the situation of the elderly, selected surveys and research has been conducted by the Tallinn Pedagogical University and the Tartu University. Research has shown that persons of retirement age who are both earning wages and receiving a state allowance are satisfied with their lives. Those elderly who only receive state allowance and subsistence benefits find their lives below satisfactory level. When they reach retirement age, these persons are likely to be forced to give up several cultural services, make changes in diet, and reduce spending on clothing and household goods in order to make ends meet without external financial support. At the same time they will be able to apply for social benefits, social counselling and home care. Day-centres for the elderly, modern nursing homes and hospitals have also been set up.

38. Organisations that have been set up in Estonia on private initiative for the elderly include:

- pensioners' organisations (Estonian Pensioners' Association, Estonian Pensioners' Society);
- dance and song societies;

- hobby clubs;
- sports societies, etc.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

39. Estonia has ratified and submitted a report on the fulfilment of C100 *Equal Remuneration Convention (Equal Remuneration of Men and Women Workers for Work of Equal Value).*

40. Estonia ratified the *UN Convention on the Elimination of All Forms of Discrimination against Women* in 1992.

41. The principle of equality of men and women is provided in Article 12 of the Constitution by which everyone is equal before the law. No one shall be discriminated against on the basis of sex.

42. Estonia has not yet special legislation regulating gender equality.

43. Pursuant to the *Employment Contracts Act*, it is illegal to give preferences or to restrict rights on the grounds of the sex, nationality, colour, race, etc. of employees or employers (Art. 10). At the same time it is not illegal to allow and give preferences based on pregnancy or the raising of children, to take into account the sex of an employee in hiring or assigning duties if this is unavoidable due to the nature of the work or working conditions.

44. The *Employment Contracts Act* provides that it is prohibited to hire and employ women for heavy work which poses a health hazard, or for underground work (Art. 35).

45. Pursuant to the law, the Government of the Republic has established a list of heavy and health-hazardous works that are prohibited for women. It has also compiled a list of underground work related to sanitary and other services that women are allowed to provide. The list contains works and professions of more than 40 production activities dating back to the Soviet time. The *Employment Contracts Act* is being amended in connection with the forthcoming accession of Estonia to the European Union. Upon adoption of the amendment, all provisions that contradict the principle of equal treatment will be repealed or amended, including those provisions that are no longer valid from the viewpoint of protecting women.

46. Pursuant to the *Wages Act*, it is prohibited to increase or reduce wages on the grounds of an employee's sex, nationality, colour, race, native language, social origin, social status, etc. It is prohibited to reduce wages on the grounds of marital status and family obligations (Art. 5).

47. In handling more than 993 individual labour disputes, no cases of discrimination have been detected either by labour dispute committees or courts.

48. In 1990s the Republic of Estonia held three Parliamentary elections, in 1992, 1995 and 1999. The share of women among candidates has been increasing gradually. Women made up 14 per cent, 17.4 per cent and 26.9 per cent of the candidates, respectively. The share of women MPs was 13 per cent, 11.9 per cent and 17.8 per cent, respectively.

49. Out of fifteen cabinet members two are women: : the Minister of Culture and the Minister of Ethnic Affairs.

50. There are more than 160 women's organisations in Estonia. Gender research centres operate in Tartu and Tallinn. The Equality Bureau was set up in the Ministry of Social Affairs in 1996.

51. Estonia is developing a legislative and socio-economic environment that promotes equal opportunities. The national policy on equal opportunities and relevant legislation are being drafted. The strategy of promoting gender equality is based on the equality concept focusing on partnership, uniform rights, responsibility and mainstreaming. The long-term objective of the national policy on equal opportunities is to change outdated stereotypes on the role of social genders and in the general mentality of Estonian society. In parallel with this strategy, activities are directed at individual gender-based groups with the goal of ensuring equal opportunities in the field of employment, conciliation of working and family life, education and promotion. The objective of the draft *Equality Act* is to create the preconditions for developing national structures in the field of equality.

52. Permanent co-operation contacts have been established with other state institutions and non-governmental organisations. Activities organised in the framework of various projects include training workshops for public servants, analysis of legislation of other countries and Estonia, research work, international projects, exchange of information with international organisations (UNDP, Swedish International Development Agency SIDA, ILO, Nordic Council of Ministers, etc).

53. The ministers of the Baltic and Nordic countries approved a co-operation plan in the field of gender equality in 1997. Projects implemented in 1998-2000 were predominantly aimed at strengthening co-operation between officials.

54. National institutions have benefited most from the provision of training and support activities that help Estonia fulfil its international obligations in the field of legislation, development of national structures and information procedures. Other important sectors are dissemination of information, development of a research network, support of male and female studies, and the reduction of violence (in particular, family violence.)

55. The development made in guaranteeing equal rights of men and women in using the economic, social and cultural rights provided in this UN International Covenant are described separately in each section of this report.

Co-operation projects in the Ministry of Social Affairs

56. Sweden:
- "The Narva Project"; Project Cost: 529 292 SEK; Project Duration: 1999. The project envisages to set up a local and national network of women's organisations, organisation of seminars during the Women's Week and vitalisation of co-operation between Estonian and Russian women.

57. UNDP:
- "Capacity Building in Gender Policy" (EST/94/Q05); Project Cost: 58 950 USD; Project Duration: 1995-1997.
- "Promotion of Gender Equality Mainstreaming" (EST/98/Q05); Project Cost: 75 790 USD; Project Duration: 1998-1999.

58. ILO:
- "More and better job for women" (EST/98/MO1/FIN); Project Cost: 59 200 USD; Project Duration: 1999-2000. The first phase of the project is directed to shaping favourable environment for entrepreneurship and training of about 200 civil servants, representatives of local government and women – future entrepreneurs.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Right to employment

59. As a Member State of the United Nations, the Republic of Estonia observes the provisions of the UN Universal Human Rights Declaration under Article 23 of which everyone has the right to employment and to freely choose work.

60. Estonia ratified the *C29 Forced Labour Convention* and *C105 Abolition of Forced Labour Convention in 1996. C2 Unemployment Convention* and *C2 Night Work of Young Persons (Industry) Convention* were ratified in 1922-1938.

61. Estonia has ratified the European Convention on Human Rights Article 4 (2) of which prohibits forced labour or mandatory work.

62. On 4 May 1998 Estonia signed the amended European Social Charter the Article 1 of which "Right to Employment" guarantees the right for free choice of employment.

63. Pursuant to Art. 29 of the Constitution, an Estonian citizen has the right to freely choose his or her sphere of activity, profession and place of work. Citizens of foreign states and stateless persons who are in Estonia share this right with Estonian citizens, unless otherwise provided by law. No one shall be compelled to perform work or service against his or her free will, except in certain internationally recognised special cases pursuant to ILO Conventions No. 29 and No. 105. During a state of emergency or a state of war, the rights and freedoms of a person may be restricted, and duties may be placed upon him or her in the interests of national security and public order. This will only occur under conditions and pursuant to procedure prescribed by law.

64. Article 29 of the Constitution stipulates that the state shall assist persons who seek employment in finding work.

65. Pursuant to Article 10 of the *Employment Contracts Act*, it is illegal to allow or give preferences or to restrict rights on the grounds of the sex, nationality, colour, race, native language, social origin, social status, previous activities, religion, political or other opinion, or attitude towards the duty to serve in the armed forces of

employees or employers. It is also illegal to restrict the rights of employees or employers on the grounds of marital status, family obligations, membership in citizens' associations, or representation of the interests of employees or employers.

66. Minors enjoy equal rights with adults in employment relationships and disputes, and they have benefits prescribed by law, administrative legislation and collective agreements (Article 12).

67. *Social Protection of the Unemployed Act* regulates the provision of employment services and payment of state unemployment benefits through state employment offices in cases of unemployment. All jobseekers have the right, without charge, to information on vacant jobs and on opportunities for employment training, employment mediation and information on legislation concerning protection of the unemployed. In addition, persons who are registered as unemployed and persons who receive disability pension and are partly incapacitated for work have the right to employment training, employment subsidies and community placement. Employers also have the right to apply for employment subsidies (Articles 9 and 11).

68. Pursuant to Article 9 of the *Aliens Act*, aliens require a work permit and a residence permit in order to work in Estonia. Temporary residence permits are issued for a term of up to five years. A permanent residence permit may be issued to aliens who have resided in Estonia on the basis of a temporary residence permit for at least three years within the last five years. Aliens who hold a permanent residence permit do not require a work permit.

69. A temporary work permit is issued to an alien for employment with a specific employer if in the course of two months no sufficiently qualified person has been found in Estonia in a public tender for the job applied for by the alien. If the employment contract with the specific employer is prematurely terminated, the work permit is revoked and, after three months, the residence permit is also revoked.

70. The Estonian legislation contains certain provisions that are aimed at providing employment for disabled persons who are unemployed. The *Social Protection of the Unemployed Act* and its implementing act provide for an employment subsidy payable to employers who employ a person with a disability.

Employment

71. The situation of the Estonian labour market has changed notably since 1989. This has been partially due to the transition from a centrally planned economy to a market economy, causing economic restructuring and partly demographic changes.

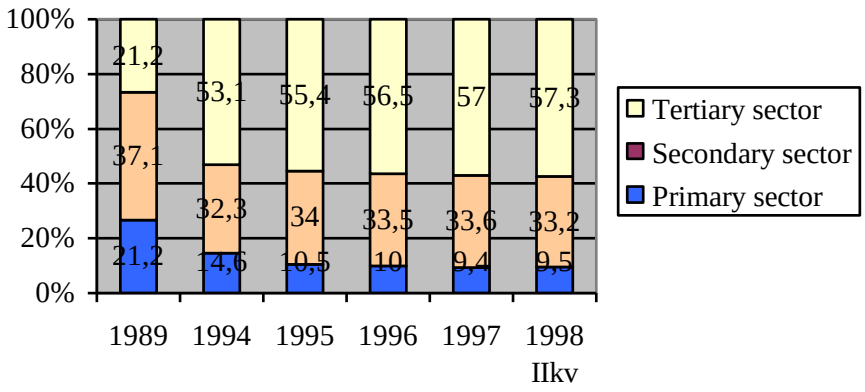
72. The number of population dropped by 27 000 persons because of the negative birth rate and by more than 83 000 persons because of migration from 1989-1997. The percentage of economically active population aged 15-69 fell from 77 per cent in 1989 to 68 per cent in 1997. At the same time, the number of employed persons decreased by more than 190 000 persons. Starting from 1 January 1994, the number of persons at working age has been increasing year-by-year because of the increase in the retirement age. The retirement age of men has been raised from 60 years to 63

years. The retirement age of women has been raised from 55 years to 58 years, and will be further increased to 63 by the year 2016.

73. The number of employed persons has fallen predominantly in the primary sector (agriculture, fishing, mining), but also in the secondary sector (industry and construction). The number of employed persons has risen in the tertiary sector (services) and the social sector. This has been primarily due to the rapid development of trade and financial services sector.

Figure 1. Employment by three main sectors 1989-1998

Tertiary sector – service sector.
Secondary sectors – mining, processing industry, energy, gas and water supply, construction.
Primary sector – agriculture, hunting, forestry and fishing.



Source: Labour Force Surveys

74. Since 1995, a fall in employment and unemployment growth was replaced by a more stable development. In 1995-1998 the number of workers fell by 13 000 persons. The level of employment stabilised at 61-62 per cent and the unemployment rate at 10 per cent.

Table 1. Population by employment (aged 15-69)

	1989	1994	1995	1996	1997	1998
Employed (th)	837.9	692.6	656.1	645.6	644.1	636,2
Unemployed (th)	(4.7)	56.7	70.9	71.9	69.4	70,2
Non-active (th)	253.8	320.1	334.6	336.5	333.6	337,8
Employment rate (%)	76.4	64.8	61.8	61.3	61.5	60,9
Unemployment rate (%)	(0.6)	7.6	9.7	10.0	9.7	9.9

Source: Statistical Office

75. The role of agriculture and industry in employment has decreased and the importance of service sector has grown. The biggest changes have taken place in the primary sector where the percentage of agricultural workers from the total number of

employed has fallen from 18 per cent in 1989 to 8.4 per cent in 1998. In the tertiary sector, the role of trade, financial mediation, real estate, public government and education sector in employment has increased. It is estimated that the biggest number of new jobs will be created in the service sector and the number of employees in this sector will continue increasing.

76. In the second quarter of 1998, 9.3 per cent of the employed were interested in working more hours and were looking for additional work. Part-time workers made up 8.6 per cent of the employed. In comparison with 1989, the popularity of part-time work has increased by almost three times.

Working on multiple jobs

77. Pursuant to Article 17 (1) of the *Working and Rest Time Act*, a person may work in multiple jobs. By law, the statutory working time is 40 hours a week, in addition to which a person may work in the second job for 20 hours a week. On the one hand, the second job in many cases is held by top specialists and experts who deliver lectures or prepare expert opinions in those fields where there are very few specialists in Estonia. On the other hand there are many people who have more than one job do so to increase their income level.

78. According to the 1997 Labour Force Survey, 57 000 employees, representing 9 per cent of the total number of employed, had a second job. Of them, 70 per cent had permanent second jobs. More than a quarter of those who had a second job were entrepreneurs. Most second jobs were in the service sector (70%). More than half of those who had a second job earned in addition up to one-third of their income from the main job. Of 57 000 workers who had a second job in 1997, 26 000 were women and 30 000 were men.

Table 2. Employed persons by sex and number of jobs, 1989-1997 (annual average, per cent) (Persons aged 15-69)

Number of jobs	1989	1990	1991	1992	1993	1994	1995	1996	1997
Total									
One job	90.3	89.7	89.4	89.5	88.9	88.1	91.8	90.6	92.2
Two or more jobs	9.7	10.3	10.6	10.5	11.1	11.9	8.2	9.4	7.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Males									
One job	89.7	89.1	89.0	89.1	88.5	87.7	91.1	89.6	91.6
Two or more jobs	10.3	10.9	11.0	10.9	11.5	12.3	8.9	10.4	8.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Females									
One job	91.0	90.3	89.9	89.9	89.5	88.5	92.6	91.7	92.9
Two or more jobs	9.0	9.7	10.1	10.1	10.5	11.5	7.4	8.3	7.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Statistical Office

Unemployment

79. The registration of unemployed began in 1991. The number of long-term unemployed has grown constantly from 28.1 per cent of all unemployed in 1993 to 45 per cent in 1998. The situation is particularly serious in rural areas where there are practically no vacant jobs.

80. Until 1992 unemployment was higher in urban areas, but in recent years rural unemployment has grown more rapidly. In 1997 the unemployment rate in the countryside was 11 per cent and in urban areas it was 9 per cent.

81. Unemployment rates in different regions may differ by two to three times. According to Labour Force Surveys and registered statistics, unemployment has been the largest in Ida-Viru county and in Southeast Estonia for years. This is partly attributable to the low mobility of Estonians – in the case of loss of work, Estonians are reluctant to look for a new job in other counties.

82. Estonians represent 68 per cent of the employed people and 51.5 per cent of the unemployed. One of the reasons why non-Estonians find it difficult to find work is their lack of command of the Estonian language.

83. A comparison of the employed and unemployed shows that the unemployed have a lower level of education, as well as a more general education. For instance, persons with higher education made up 20.6 per cent of employed and 7.2 per cent of the unemployed in 1997. 18 per cent of the employed and 25.6 per cent of the unemployed had elementary or basic education. This demonstrates that the higher the education level of an individual, the better his or her chances to compete in the labour market.

84. Although unemployment remains relatively high, there is also a substantial lack of qualified workforce. Therefore, the unemployment in Estonia is mostly structural, indicating a mismatch between labour supply and demand. Since a growing economy needs highly qualified specialists and skilled workers, education obtained years ago is no longer competitive in the modern labour market. In addition, young basic school graduates who register as unemployed have no vocational education. Labour market training is therefore very important. While in 1993 only 3.2 million EEK were spent on organising labour market training, the amount had increased to 21 million EEK by 1994.

Table 3. Expenditure of social protection of the unemployed (th. EEK), 1993-1998

	1993	1994	1995	1996	1997	1998
Benefits paid	36 181.4	32 411.7	27 366.6	39 278.0	50 052.8	57 113.6
Training costs	3 276.8	21 084.5	17 546.9	23 063.9	27 899.0	27 759.7
Training grants paid	634.2	2 906.8	4 724.3	4 959.1	5 371.6	4 071.4
Paid for community placement	362.0	1 986.5	1 100.4	2 228.7	2 310.6	1 881.6
Employment subsidies paid for starting a business	368.9*	1 792.0	3 636.3	3 744.5	3 947.2	3 703.6
Employment subsidies paid		198.3	341.6	802.7	961.3	1 085.9

for employer						

* Total employment subsidies payable to employers and to the unemployed.
Source: Statistical Office

Employment of Men and Women

85. Surveys show that in the 1990s the employment rate of women[1] fell slightly faster than that of men. In 1989, 71 per cent of women aged 15-69 and 82 per cent of men were employed. In 1997, the figures had fallen respectively to 62 per cent and 67 per cent.

86. Analysis shows that the rate of employment fell predominantly as a result of older workers leaving the labour market, particularly women. The number of economically active women in retirement age fell more than that of men. The closure of large enterprises triggered a wave of layoffs that at first mainly concerned women.

87. The fact that young women were excluded from working life at the end of 1980 was attributable not only to redundancies, but also to the increase in birth rate and extension of parental leave.

88. These general trends show the following. The employment rate of women up to 34 years of age is considerably lower than the employment of men of the same age group. This demonstrates the particular role of women in the Estonian family. A decision to have children inevitably means that women will stay away from the labour market for a shorter or longer period. Traditionally, nursing for infants is mainly the duty of women in Estonia. In the age group of 35-54 years, the employment rate for men and women is roughly the same (83-85 per cent). However, in older age groups the employment rate of women is notably 1.5 to 2 times lower than that of men. There are several explanations for this decline including women's lower retirement age, their difficulties in finding work at this age, as well as other personal reasons.

89. It should be noted that employment has been falling among both men and women. Whereas the fall in involvement in the labour force was notably bigger among women than men, the fall in employment was similar for both groups. Men's employment fell 14.5 per cent from 82.1 per cent in 1989 to 67.6 per cent in 1997. The respective fall among women was 15.3 per cent, from 71.3 per cent to 56 per cent. The most dramatic change in the employment rate took place in 1992-1993 when the Estonian economy began its final restructuring process. It reshaped the situation of the labour market as shown by the following figures. In 1991 the employment rate was 80.5 per cent among men and 66.6 per cent among women. Three years later the rates were 72.2 per cent and 58 per cent, respectively. In a very short period, employment fell dramatically in both sex groups.

90. Throughout the whole transition period described above, employment in rural areas has been lower than in towns. In recent years, it has fallen particularly rapidly,

[1] There are major differences in the employment rate of men and women (share of employed in employable population): men’s employment rate is notably higher than women’s. In 1997 men's employment rate was 67.6 per cent as opposed to women’s 56 per cent. It should be noted, however, that the employment rate of men and women is in clear correlation with age.

especially among rural women. In 1997, only 45.5 per cent of them were employed. Gender-related differences in employment are bigger in rural areas than in towns.

91. Economic restructuring and job cuts also triggered other processes in the labour market, such as the proliferation of part-time work. This has been more popular among women, who make up two-thirds of all part-time workers. For some people this switch to part-time work has been unavoidable, while for others it was a voluntary decision. The latter are mainly pensioners wishing to retain full pension and younger people who are often trying to integrate paid work with studies. In comparison with women in the same age group, younger men tend to work more often in full-time positions on the basis of long-term employment contracts. On the other hand, there were more younger women than men in the group that worked part-time or had a temporary or contractual work.

92. Estonia is a society of wage earners. Although the first private undertakings had already begun in the mid-1980s, the combined share of entrepreneurs was only around 6 per cent ten years later. Men, as a rule, have been more active in entrepreneurship than women. In 1997 the share of entrepreneurs among men was 9.1 per cent, three times more than among women (3 per cent). In the last decade, this ratio has generally remained stable.

93. In terms of entrepreneurship, the most activity has occurred in the fields of agriculture and trade. Among men, these sectors are followed by industry and construction, while for women they are followed by catering and industry.

94. According to Labour Force Surveys, the unemployment rate of men is higher than that of women (55 per cent among men and 45 per cent among women in 1997.) Among the registered unemployed, however, there are more women than men.

Unemployment of young people

95. Unemployment is highest amongst young people, aged 15-24. In 1997, it was 14 per cent. Amongst the 25-49 age group it was 10 per cent. Within the last five years (from 1994 to 2nd quarter of 1998), the unemployment rate amongst young people has increased from 11.6 per cent to 14.5.

96. The employment of young people is often complicated because of their lack of vocational skills and professional experience.

Unemployment among persons with disabilities and pensioners

97. According to the Social Insurance Board, 12 per cent of recipients of disability pension and 17 per cent of recipients of old-age pension were employed in 1997. By the end of 1997, retirement age was 56.5 years among women and 61.5 years among men.

Table 4. Disability pensioners, 1995-1998

	Total	of which in working age	of which employed
January 1, 1999	62 522	38 639	8 189

January 1, 1998	59 938	36 942	7 428
January 1, 1997	57 636	35 514	6 763
January 1, 1996	55 250		6 231
January 1, 1995	52 339		5 718

Source: Statistical Office

98. Of all employed disability pensioners, up to 1 000 are employed in undertakings owned by disabled persons' organisations and in other forms of sheltered work. Approximately 4 800 persons are employed in an open labour market.

99. The unemployment rate amongst the older age group, 50-69 years, has increased more slowly than in other age groups. In comparison with the two previous years, the unemployment rate fell amongst 50-69 year-old in 1997.

100. Many non-working older people stay at home to take care of their grandchildren, sick people or disabled family members.

Increasing employment

101. The main objective of Estonia's economic policy is to provide the conditions and opportunities for the development and functioning of entrepreneurship and for the creation of new jobs. According to the *State Support to Entrepreneurship Act*, self-employed persons and undertakings that employ up to 80 workers are eligible for a state entrepreneurial subsidy (Art. 1).

102. Pursuant to Article 9 of the *Income Tax Act*, state direct subsidies are not subject to income tax. In addition to entrepreneurship subsidies, direct subsidies were also paid to agricultural producers in 1998 and 1999, and these producers are exempt from income tax. A capital subsidy for the acquisition of fixed assets or for financing construction is not considered income for tax purposes and the amount of capital subsidy is not deducted from the acquisition cost of fixed assets when calculating tax depreciation or entering in costs.

103. The Estonian government has approved a support programme for small and medium-sized enterprises. Support will be given either in the form of a loan (for up to 75 per cent of investments), a loan guarantee or as a capital support. A number of foundations have been set up for supporting employers: Enterprise Credit Foundation, Regional Development Foundation, Agriculture and Rural Life Credit Foundation.

104. In the course of economic reforms, Tallinn and its environs have become the biggest business centre in Estonia. To reduce regional differences, the government approved six regional development plans. It also gave its approval to regional political loans and to a regional system for supporting entrepreneurship. Regional development programmes are aimed at supporting the development of the islands, monofunctional settlements, Ida-Viru county (mostly non-Estonian residents), village movement, border areas and marginal areas. The loan is aimed at developing undertakings that will play a key role in the region, as well as at improving business opportunities and creating new jobs in areas with high unemployment. Applications for subsidies may be submitted by private persons, non-governmental organisations, local governments and employers.

105. The first regional employment agreements and other forms of co-operation are being developed between regional authorities and social partners, specifically in Ida-Viru county.

106. The National Labour Market Board was established in 1990. A network of 21 local employment offices was set up in 1991 in all administrative centres of 15 counties and 6 bigger towns. By 1994, a state employment office network was created from local government and county government employment offices. There were 33 state employment offices in 1998.

107. State employment offices work in parallel with private employment agencies.

108. According to the *Employment Services Act*, a state employment office provides jobseekers and employers with free employment services. Private employment agencies are required to apply for a license and to submit regular statistical reports of their activities. By law, employers are required to notify state employment offices of vacant jobs.

109. Preparations to ratify *C181 Private Employment Agencies Convention* have begun.

110. In 1998 a project was launched to increase the activity of persons who are less competitive on the labour market. In the framework of this project, in eight counties activization centres will be set up in regions with higher unemployment. The duty of an activization centres is to increase the activity of persons who are less competitive on the labour.

111. The activization centres:
- help persons who cannot find employment without external support;
- create and restore the working habits of persons who have been without employment for a longer period;
- activize employable persons who apply for a subsistence benefit and at the same time are not interested in finding employment;
- increase employment by helping local employers to create new jobs.

112. This programme is a part of the National Development Plan that is prepared in the framework of the Phare Special Preparatory Programme for Structural Funds (SPP), a programme that was initiated in 1998 for EU candidate countries. The draft of the National Development Plan was prepared in 1999 and is financed by the state budget and SPP funds.

113. In 1999, a national programme aimed at increasing employment, avoiding long-term unemployment and preventing exclusion of persons at risk from the labour market was prepared. The main objective of the programme has been to prepare a National Employment Action Plan and related sub-programmes. The National Employment Action Plan is based on four principles that the EU Member States have adopted:
- increase employment;
- develop business approach;

- support adaptation to changes in enterprises and workers;
- strengthen equal opportunities' policies.

114. Labour market policy is being developed taking into account the different situations of women and men in the labour market. A project to increase and improve workplaces for Estonian women has been launched in the framework of the ILO international programme "More and Better Jobs for Women."

115. In 1999, the EU Phare Consensus Project "Prevention of Social Exclusion of Disabled Persons" was carried out. It was aimed at promoting the increase of employment among persons with disabilities.

116. Preparations to set up a national qualification system have begun. It includes drafting internationally recognised vocational standards and the procedure for evaluation, certification and issue of vocational certificates. This system is expected to satisfy the employers' requirements on the quality of labour and motivate workers to develop their skills to compete on the labour market.

Vocational training

(Please see also paragraphs 749-753 under Article 13).

117. The Child Protection Act, the Adult Training Act, the Vocational Education Institutions Act and the Applied Higher Education Institution Act regulate vocational training opportunities. According to the *Income Tax Act* the training costs are deducted from income.

118. Students have the right to continue studies that were commenced in one school in the same vocation, profession or occupation in a second school if vacant places exist. Vocational education institutions provide both vocational secondary education and vocational higher education. Vocational higher education may also be obtained in an applied higher education.

119. In organising the practical training of students, the relations between a school and a state agency or a local government agency, a legal person in public law or a legal person in private law or a sole proprietor are regulated by a contract entered into by them. Positions created for conducting practical training, including positions in the school workshop and the school farm, shall allow compliance with the requirements established by the curriculum. Legislation related to occupational health and safety applies to students during practical training.

120. Professional councils consisting of the representatives of the Government of the Republic and of associations of employers and unions of employees are formed in order to agree on the needs of the society and the labour market. The duties of the professional councils include approval of vocational standards and curricula based on vocational standards. Members of a professional council mainly include representatives of associations of employers and unions of employees.

121. In the 1997-1998 academic year, there were 90 institutions providing vocational education. They had 31 316 students of whom 18 563 were obtaining

secondary vocational education, 12 753 students were in secondary vocational or technical education. In 74 educational institutions there were 28 774 students, 357 students in 4 municipal educational institutions and 2 185 students in 12 private schools[1].

Adult training

122. Pursuant to the *Adult Training Act*, adults have an opportunity for lifelong learning. Adult training institutions are institutions and organisations that provide adult training. By law, local governments are obliged to support participation of disabled persons and socially vulnerable students in training courses (Articles 1, 2, 7).

123. According to the *Vocational Education Institutions Act*, the schools may provide continuing vocational training for a fee (Article 23). Continuing vocational training is provided by courses. The courses for obtaining a new vocation, occupation or profession may be organised as primary training or re-training and supplementary training.

124. Pursuant to the *Applied Higher Education Institution Act*, the provision for supplementary training is one of the main duties of applied higher schools (Article. 2). The act defines supplementary training as supplementing vocational, occupational and professional knowledge and skills in the obtained vocation, occupation or profession.

125. According to Article 11 of the *Applied Higher School Act*, all persons with secondary education have an equal right to compete for enrolment in an applied higher school. This provides adults with an opportunity to learn a vocation, occupation or profession of their choice, provided they have the necessary means.

126. The Adult Training Survey, conducted in October-December 1997, showed that since the beginning of 1996, approximately 18 per cent of the interviewed had undergone professional training. The number was particularly high amongst women (respectively 20 per cent of women and 16 per cent of men). Persons up to 40 years of age were more likely to participate in professional training. Professional training has been undergone by more than one-third of persons with higher education and nearly one-fourth of persons with secondary education.

127. The Labour Force Survey indicated that during four weeks of the survey in the second quarter 1998, approximately 3 per cent of persons in the age group 15-74 took part in professional training.

[1] Vocational Schools 1998. Assistance to decision-makers. Joint publication of the Ministry of Education and the Vocational Education and Employment Monitoring Centre.

Table 5. Participation in courses during the last 4 weeks by sex, economic status and type of a course, 2nd quarter 1998

	Males		Females		Total	
	Thousands	%	Thousands	%	Thousands	%
Population aged 15-74						
Did not participate in courses	498.7	96.8	557.5	94.9	1056.2	95.8
Training curses at work	13.1	2.5	16.8	2.9	29.9	2.7
Conference, seminar at work	…	…	(2.2)	(0.4)	(3.0)	(0.3)
Unemployment training	…	…	(2.0)	(0.3)	(2.5)	(0.2)
Hobby courses	(1.9)	(0.4)	8.7	1.5	10.6	1.0
Other courses	…	…	…	…	…	…
Total participation in courses	16.7	3.2	29.8	5.1	46.6	4.2
TOTAL	515.4	100.0	587.4	100.0	1102.8	100.0
Employed persons						
Did not participate in courses	318.7	95.7	286.4	92.4	605.1	94.1
Training courses, conference, Seminar at work	13.1	3.9	18.0	5.8	31.0	4.8
Other courses	…	…	5.6	1.8	6.8	1.1
Total participation in courses	14.3	4.3	23.6	7.6	37.9	5.9
TOTAL	333.0	100.0	310.0	100.0	643.0	100.0
Unemployed persons						
Did not participate in courses	38.0	97.8	27.3	93.8	65.3	96.1
Participated in courses	…	…	(1.8)	(6.2)	(2.6)	(3.9)
TOTAL	38.8	100.0	29.2	100.0	68.0	100.0

Source: Statistical Office

128. State employment offices organise labour market training for persons registered as unemployed and for disability pensioners who only have a partial capacity to work. Labour market training is divided into professional training and training on adaptation to the labour market requirements. In 1997, state employment offices procured training services from 180 providers (including 150 training firms, 22 state schools of which 15 were vocational education institutions, 4 private schools and 4 private entrepreneurs) on a total of 117 subjects. Of 9 083 unemployed who were referred to training, 8 895 graduated the course. Of these, 6 246 (70 per cent) found employment after training.

Supplementary training and re-training of women

129. According to the Adult Training Survey, women made up more than 60 per cent of persons who had undergone various supplementary training and re-training courses in 1996-1997.

Table 6. Participation in adult training (%)

	Did not participate	Participated in 1996-1997	Participated in earlier years
Estonians			
Men	28	22	50
Women	32	30	38
Non-Estonians			

Men	33	10	57
Women	40	13	47

Source: Adult Training Survey 1997

130. Higher participation of women in supplementary training and re-training is attributable to the average higher educational level of women and to the fact that the number of women in white-collar work is notably higher than men.

131. There are significant gender-based differences in terms of specialists in adult training. Since the majority of teachers are women whose training costs are paid for by the state budget, women have been able to participate in training course more frequently than men in the same group. At the same time amongst civil servants, service and retail personnel, as well as workers, men have undergone more training than women.

Professional education of disabled persons

132. Opportunities for disabled persons to obtain education and undergo integrated training have improved in the educational system with the Education Act adopted in 1992: pursuant to Article 4, everyone shall have an opportunity to constant training.

133. Pursuant to Article 14 of the Vocational Education Institutions Act, opportunities for disabled persons to study in schools shall be ensured under the conditions and pursuant to the procedure established by a regulation of the Government of the Republic. In November 1998, the Government of the Republic issued Regulation No. 265 on the conditions and procedures of training disabled persons in vocational training institutions.

134. In 1997-1998 there were study groups of disabled persons in eight of 91 vocational education institutions. In 1998-1999, there were ten such special groups.

135. In addition to the vocational education institutions, disabled persons have been able to undergo vocational preparation in Astangu Rehabilitation Centre. This Centre provides vocational training for persons with a permanent health disorder such as a learning difficulty, a minor mental disability, a physical disability or a chronic disease.

136. In the 1998-1999 academic year there were 197 students in vocational education institutions who had special needs because of their disability. Of them, 166 students had a mental disability. In addition, there were 104 students in the Astangu Rehabilitation Centre. The subjects that were taught to disabled students included farm-keeping, household jobs, information technology, social work, childcare, cleaning works, repair painting, fishing, furniture restoration, sewing of light garments, bakery, etc.[1]

137. State employment offices have been dealing with the training of disabled persons since 1996. In April 1999, 131 disabled persons had undergone vocational

[1] Questionnaire of Estonian Vocational Training Schools, 1998.

training. The most popular courses were in computing, accounting, massage, carpenter's and painting work, tourism, banking, gardening, laundry work, etc.

Information on training opportunities

138. "Teeviit", a trade-fair for young people providing information on educational and employment opportunities, is regularly organised at the initiative of the Ministry of Education. Every spring, vocational education institutions and higher schools organise traditional open door days. Information on educational opportunities is also available from educational institutions and enrolment committees of universities.

139. The Ministry of Education has published a number of books on educational opportunities, Applied Higher Schools in Estonia 1993, Business Educational Institutions in Estonia 1993, Higher Education in Estonia 1995, and Art Schools in Estonia 1997.

140. Pursuant to the Social Protection of the Unemployed Act, the unemployed and jobseekers have the right to obtain information from state employment offices on possibilities to undergo labour market training. State employment offices have countywide databases on training opportunities. By the end of 1999, a national information system of labour market training will be completed, providing information on training opportunities all over Estonia. Information on labour market training opportunities is also made available in booklets and through participation in trade-fairs.

141. A database on vocational school, curricula and training opportunities, vocational education statistics and basic labour market trends, KETE, was set up by the Vocational Education and Employment Monitoring Centre in co-operation with the Ministry of Education and the Ministry of Social Affairs. It was financed by the European Training Fund.

International Co-operation

142. The Ministry of Social Affairs participates in the following co-operation projects:

143. EU Phare:

- "Labour Market Information Network" (ES 9302-04 SA); Cost: 1 000 000 ECU; Duration: 1995. Activities: development of a labour market information system and procurement of PCs and software.
- "Technical assistance to support the National Labour Market Board in Estonia" (ES 9503.002 (LMB)); Cost: 600 000 ECU; Duration: 1996-1998. Activities: further development of information systems; development of active labour market policies and services, job mediation and training systems, and labour market policy.
- "Support to the Ministry's Department of Labour and National Labour Market Board in Pre-accession Context" (98-5029.00); Cost: 280 000 EUR; Duration: 1998-1999. Activities: introduction of EU labour policy, analysis of Estonian active labour market activities in last five years, development of training policy and supporting public relation activities in labour issues.

144. Denmark:
- "Labour protection and information systems"; Cost: 1 280 293 DKK; Duration: 1994-1998.

145. Germany:
- "Co-operation with Germany in 1996"; Duration: 1996. Activities: development of vocational system of disabled people and provision of support to a labour administration reform.
- "Co-operation with Germany in 1997"; Cost: 3 500 000 DEM; Duration: 1997. Activities: counselling on setting up an insurance system of labour accidents and occupational diseases, support to vocational training system and rehabilitation services of disabled people, and continuing education and retraining services of unemployed persons.

146. ILO:
"More and better job for women" (EST/98/MO1/FIN); Cost: 59 200 USD; Duration: 1999-2000. Activities of the first phase: shaping a favourable environment for entrepreneurship and training of about 200 civil servants, representatives of local governments and women – future entrepreneurs.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Right to fair and favourable working conditions

147. The Republic of Estonia has ratified the following ILO Conventions:
- *C14 Weekly Rest (Industry) Convention* (in 1923);

- *C45 Underground Work (Women) Convention* (in 1935);
- *C100 Equal Remuneration Convention (Equal Remuneration of Men and Women Workers for Work of Equal Value)* (in 1996).

148. Reports on the fulfilment of *C14 Weekly Rest (Industry) Convention* and *C100 Equal Remuneration Convention (Equal Remuneration of Men and Women Workers for Work of Equal Value)* have been submitted to ILO.

149. Preparations are underway to ratify *C81 (Labour Inspection Convention), C129 (Labour Inspection (Agriculture) Convention), C155 (Occupational Safety and Health Convention) and C 161 (Occupational Health Services Convention.*

150. Article 28 of the Constitution provides that everyone has the right to the protection of health. Working conditions shall be under state supervision (Article 29).

151. Supervision over the observance of legal requirements in employment relations working conditions is carried out by the Labour Inspectorate. Supervision over the compliance of legislative and executive power and local government legislative acts with the Constitution and laws is carried out by the Legal Chancellor.

152. The *Labour Protection Act* lays down the legal basis for guaranteeing a safe working environment for everyone involved in employment relations. It also determines the organisational basis of labour protection depending on the social, economic and technical development of the society, supervisory bodies and methods, as well as the basis for investigating and keeping records of occupational accidents and work-related health hazards. Article 7 stipulates that in designing, building or renovating a working environment for women, juvenile workers and persons with a physical or mental disability, special requirements in the conditions of work and mobility of those persons must be taken into account. Those persons who perform health-hazardous or dangerous work, as well as workers who, because of their health condition, may endanger other people at work, must undergo a medical examination before taking up employment and regularly afterwards (Article. 14 (2)). The list of works requiring prior and periodical health examination was approved by the Government of the Republic Regulation No. 214 of 22 July 1992.

153. Since June 1999, the *Labour Protection Act* is replaced with the *Occupational Health and Safety Act.*

Minimum wage

154. According to the definition provided in the *Wages Act*, the minimum wage is the minimum amount of wage per specific unit of time (hour, day, week, month, etc.) established by the Government of the Republic which may be agreed upon for full-time employment.

155. According to Article 9 of the *Wages Act*, an employer shall establish wage rates in an enterprise, agency or other organisation according to the differences in work and working conditions, based on a collective agreement entered into between the employer and employees.

156. The wage rate of an employee shall be determined by agreement of the parties upon entering into an employment contract (Article 10). By law, an employment contract is made in writing and must set out working time and wage rate. It means that the requirement to pay at least minimum wage applies to all persons who are employed on the basis of an employment relation or a service relation, including public servants.

157. The minimum wage rate was established as a result of tripartite negotiations for the first time in 1992. Since then, it has been one of the key items in the agenda of the tripartite negotiations held between the Government, employers' and workers' organisations. Efforts have been made to take into account all criteria provided in *C131 Minimum Wage Fixing Convention*.

158. The data used in negotiations is obtained from various sources including:

- A household survey conducted to collect data on the needs of workers and their families, cost of living, changes in the cost of living and relative living standard of various social groups. The results of the survey on population income (including social benefits) and expenditure are provided by types of households (based on the family size and structure), various income deciles, urban and rural households and by regions. The data is used to calculate the consumer price index and its dynamics;
- Data on overall wage level is provided by quarterly wage surveys and annual surveys by professions, occupations and gender. The results of quarterly surveys are broken down into core activities, regions and forms of ownership;
- Data on GDP, number of employed, productivity levels, unemployment rate and labour costs incurred by employers. This data is available in various statistical reports.

159. At the time when Estonia introduced the *kroon* as its national currency (in 1992), the minimum wage rate was 200 EEK a month and 1.15 EEK an hour. At present the minimum wage rate is 1 250 EEK a month and 7.35 EEK an hour. It should be noted that in comparison with 1992 the average wage has increased approximately 6.6 times and the minimum wage rate by 6.2 times.

Table 7. Average wage, minimum wage and consumer price index in 1993-1994, 1998

Average monthly wage	
• 1993	1 066 EEK
• 1994	1 734 EEK (= 1.00)
• 1998 (estimated)	4 100 EEK (= 2.36)
Minimum monthly wage rate	
• 1993	300 EEK
• 1994	300 EEK (= 1.00)
• 1998	1 100 EEK (= 3.67)
Consumer Price Index	
• Percentage of 1998 estimated average to 1993	2.88
• Percentage of 1998 estimated average to 1994	1.95

Source: Ministry of Social Affairs

160. Although the Estonian legislation and other regulations do not require regular adjustment of the minimum wage, collective agreements have been made in several branches of the economy under which the minimum wage in the given sector and the overall level of wages will rise when certain economic factors change.

161. There are significant differences in the level of wages by region, economic sector and form of ownership of employers. In the county with the highest wages, average wage is 1.6 times higher than in the county with the lowest wages. Wages in the highest-paid sector are 3.6 times higher than in the lowest-paid sector. By form of ownership, the highest-paid are employees who work for foreign private undertakings, followed by public servants and employees working for Estonian private undertakings.

Equal pay for equal work

162. Pursuant to Article 5 of the *Wages Act*, it is prohibited to increase or reduce wages on the grounds of an employee's sex, nationality, colour, race, native language, social origin, social status, previous activities, religion, political or other opinion, or attitude towards the duty to serve in the armed forces. It is also prohibited to reduce wages on the grounds of the marital status, family obligations, membership in citizens' associations or representation of the interests of employees or employers.

163. The resolution of disputes between the worker and the employer concerning pay is regulated by the *Individual Labour Dispute Resolution Act*. If the parties to the dispute fail to resolve the dispute, both parties have the right of recourse in a labour dispute committee or in a court. The procedure of resolving disputes in a labour dispute committee is less complicated than that of a court. A decision of a labour dispute committee which has entered into force is binding on the parties.

164. Job and work descriptions are being prepared to enable a comparison of work made by people in different occupations.

165. Regular statistical surveys on the hourly wages of male and female employees have been published every October since 1994. In 1994-1997, the hourly wage of female employees comprised 71–73 per cent of that of male employees.

166. The hourly wage of male and female employees in undertakings, institutions and organisations had increased respectively 79 per cent and 82 per cent from 1994 to 1997. The biggest increase was recorded in the hourly wages of top specialists, being 119 per cent in case of men and 98 per cent in case of women. The rise in hourly wages was the smallest in male technical personnel and middle-level specialists (58 per cent), female service personnel and retail sale persons in stores and on the market of agricultural produce (61 per cent).

Table 8. Average gross hourly wages of full-time and part-time employees by profession group (October 1994–1998)

Group	Men's hourly wage, EEK		Women's hourly wage, EEK		Change in average hourly wage, Oct 1994 = 100%	
					Men	Women
	1994	1998	1994	1998	1998	1998
Legislators, top officials, top business management	20.43	42.8	15.46	31.4	209.5	203.1
Top specialists	15.15	35.5	12.18	28.5	234.3	234.0
Technical personnel and middle-level specialists	16.39	30.1	9.97	21.2	183.6	212.6
Civil servants	10.16	22.4	8.82	18.3	220.5	207.5
Service personnel, retail employees	9.81	18.4	6.29	11.8	187.6	187.6
Skilled workers in the agricultural, forest and fishing sector	8.39	13.0	5.53	11.8	155.0	213.4
Skilled and manual workers (except skilled workers in the agricultural, forest and fishing sector)	12.45	23.1	9.15	17.7	185.5	193.4
Operators of semiautomatic and automatic machinery, equipment and devices (machine operators, motorists, operators and assembly personnel), drivers of vehicles	11.28	21.4	9.50	18.6	189.7	195.8
Manual workers	6.89	14.0	5.10	10.5	203.2	205.9
TOTAL	12.61	25.9	8.97	19.2	205.4	214.0

Source: Statistical Office

167. Within main professions and vocations, the biggest difference in hourly wages was in service personnel and retail employees in 1997 where women's hourly wage was 63 per cent of men's hourly wage. This group includes tour operators, accommodation and catering personnel, personal maintenance workers, personal service workers, astrologers, foretellers, defence service personnel (policemen, fire-fighters, etc.), mannequins, models, vendors, retail trade personnel. Women made up 76 per cent of the workforce of this group.

168. The hourly wages of men and women were almost equal among auxiliary personnel where women's hourly wage was 90 per cent of men's hourly wage. This group includes secretaries, office equipment operators, accounting personnel, materials calculating personnel and transport officials, library, mail and communications personnel, cashiers, information service officials, administrators, registrars, etc. In this group, women made up 86 per cent of personnel.

169. Persons with disabilities have the right to receive equal pay for equal work and have the equal right to be promoted. No research has been conducted of the actual situation of payment of wages to the disabled.

170. For supporting the implementation of equal remuneration, an EU Phare Project "Support to Legislative Harmonisation and Implementation of Equal Treatment and Working Conditions" was carried out.

Safe and healthy working conditions

171. The legal basis for guaranteeing a safe and health working environment for employed persons was provided in the *Labour Protection Act* that was adopted in 1992. This act laid down the organisational bases for labour protection, supervisory bodies and supervision methods as well as the basis for investigating and recording labour accidents, occupational diseases and work-related health hazards.

172. The law provides that the working environment of women and minor workers and persons with physical or mental disabilities must be designed, constructed or reconstructed in a manner that takes into account their special working and mobility requirements (Article 7). Those who perform health-hazardous or dangerous duties, as well as workers whose health condition may endanger other workers, must undergo medical examination before entering into employment and regularly during the employment relation (Article 14). The list of professions where prior and regular medial examination of workers is required is approved by the Government Regulation No. 214 of July 22, 1992.

173. Employers bear overall responsibility for occupational safety at workplaces. Practical work in labour protection matters is organised and implemented by senior labour protection specialist, a labour protection specialist, a labour protection representative and a labour protection council. Pursuant to Article 5 of the *Labour Protection Act*, employers are obliged to inform workers about possible hazards and hazardous impacts, to check the knowledge of workers in labour safety issues and to organise supplementary training. Workers are obliged to fulfil established labour protection requirements: use protective equipment to prevent occupational accidents, occupational diseases and health hazards, monitor that performance of work or its consequences do not endanger the safety and health of the worker and other workers as well as environment. Prevention of occupational diseases and accidents is regulated by the procedures of investigation and registration that are approved by the Government Regulation No. 171 of June 7, 1993.

174. The Labour carries out inspections of the observance of legal acts in the field of work and occupational safety in all undertakings, institutions and organisations and enforces the law as required (Article 21). Administratively, Labour Inspectorate is divided into the central organisation and local inspectorates that are located in all counties.

175. In June 1998 the Government approved the *Estonian National Policy on Working Environment*, the objective of which is to create a general framework for the improvement of working conditions and working environment. The *National Policy on Working Environment* has been discussed and approved by the Working Environment Board that consists of representatives of employers' and workers' organisations. The national policy is a guideline which expresses the aims and intentions of the Government. It describes how to develop occupational health and

safety in Estonia. As such it reflects the socio-economic development and helps to create a competitive economic infrastructure in Estonia.

176. With a view of implementing the *National Policy on Working Environment*, the government approved the *Occupational Health Policy 2000* in June 1998. The main objective of the policy is to minimise risks related to the working environment by implementing a system of occupational health services.

177. In 1999, the *Occupational Health and Safety Act* replaced the *Labour Protection Act*.

178. The new *Occupational Health and Safety Act* provides the occupational health and safety requirements for the working environment, the duties of employers and workers in creating a working environment which is safe for health, the organisation of occupational health and safety in enterprises and agencies and at state level, the procedure for resolution of corresponding disputes, and liability for non-compliance with the occupational health and safety requirements. The law contains provisions on ensuring that workers have access to occupational health services. By law, employers will be required to conduct regular internal controls of the working environment to plan, organise and monitor the occupational health and safety situation in the enterprise; review the organisation of internal control of the working environment annually and analyse its results and, if necessary, adjust measures to the changed situation; conduct a risk assessment of the working environment to ascertain the risk factors present in the working environment, measure their parameters and assess the effect of the risk factors on the health of workers; based on the risk assessment of the working environment, prepare a written action plan designating the measures to prevent or reduce health risks.

179. Employers shall also create suitable working and rest conditions for pregnant women, women who are breast-feeding, minors and disabled workers. Upon assigning work to pregnant women, women who are breast-feeding, or minors, employers shall observe the restrictions provided by legislation to ensure their safety. Employers are required to enable, pursuant to the procedure provided by acts regulating employment and service relationships, a worker who has become disabled in the employer's enterprise as a result of an occupational accident or occupational disease to continue work suitable for him or her in the enterprise. The work and workplace of a disabled worker shall be adapted to meet his or her physical and mental abilities.

180. The *Occupational Health and Safety Act* regulates occupational health and safety requirements practically in all areas of activities, including self-employed persons and farm-keepers, except defence forces, defence league, police and border guard service as well as rescue services if it is provided by separate legal acts.

Table 9. Registered occupational injuries[1] in Estonia 1994-1998

Type of accident	1994	1995	1996	1997	1998
No. of fatal work accidents	56	61	46	50	60
per 100 000 employed persons*	8	9	7	8	9
No. of labour accidents resulting in severe injury	188	290	338	428	500
per 100 000 employed persons*	27	45	52	66	79
Total no. of work accidents	1 738	2 296	2 251	2 368	2 664
per 100 000 employed persons*	251	350	349	368	419

* 15-69 years old

Source: Labour Inspectorate

181. The prevailing causes of occupational injuries are the incompliance of machinery, equipment and tools to safety standards, poor organisation of work and insufficient training of workers in occupational and labour safety.

Table 10. Occupational diseases registered in Estonia 1994-1998

Cause	1994	1995	1996	1997	1998
Physical and physiological factors	82	83	120	159	222
Chemical factors	33	42	26	22	28
Biological factors	11	20	13	17	19
Total number of occupational diseases	126	145	159	198	269
No. of occupational diseases per 100 000 workers	22	22,1	24,6	31	42

Source: Occupational Diseases Clinic

182. The increase in the number of registered occupational diseases is attributable to the improved performance of occupational physicians and other healthcare specialists in linking causes of diseases with working conditions and in diagnosing occupational accidents.

183. No occupational safety and health surveys have been made to enable a separate comparison of the situation of women.

Promotion

184. Preparations to develop a qualification system for employees began in 1998 with the goal of creating preconditions for fostering Estonia's economic competitive ability by implementing systems to provide ongoing training and evaluate employees' skills and knowledge. Such a qualification system will help employees plan their careers, have access to promotion, simplify career development and increase competitive ability on the labour market.

[1] An occupational injury is an accident as result of which the worker loses his capacity to work for at least one working day (Government of the Republic Regulations No. 171 of 7 June 1993).

Working Time, Rest Time and Leave

185. The working and rest time of employees is regulated by the *Working and Rest Time Act*. By the said Act, the general national standard for the working time of employees shall not exceed eight hours per day and forty hours per week (Article 9). According to Article 10, reduced working time shall not exceed:

- 20 hours per week for employees who are 13-14 years of age;
- 25 hours per week for employees who are 15-16 years of age;
- 30 hours per week for employees who are 17 years of.

186. Article 28 of the *Working and Rest Time Act* provides that employees shall have at least two days off per week. Standard days off are Saturday and Sunday. In enterprises, agencies and other organisations where, due to the nature of the work, work is done on Saturday and Sunday, days off shall be prescribed by internal work procedure rules or shift schedules. In such cases, days off shall be given on consecutive weekdays. Upon the recording of total working time, the duration of weekly uninterrupted rest time shall be at least thirty-six hours.

187. Exceptions to this rule may be made in enterprises with uninterrupted production processes and other organisations with the consent of the labour inspector of their location.

188. By Article 32 of the *Working and Rest Time Act*, public holidays are included in the rest time of employees (the list of public holidays is provided in a separate legal act). The duration of working time is reduced by three hours on the working day preceding New Year's Day and Christmas Day. Employers may require employees to work on public holidays if this results from the need to provide services to the public, the nature of the work (uninterruptible production process) or from urgent production requirements due to circumstances specified in the *Employment Contracts Act*.

189. Pursuant to Article 16 of the *Wages Act*, work performed on a public holiday shall be remunerated at least at a double rate regardless of whether such work is scheduled or unscheduled.

190. Holidays are granted pursuant to the *Republic of Estonia Holidays Act* by which the duration of a base holiday is twenty-eight calendar days.

191. An extended base holiday is granted to:

- minors, 35 calendar days;
- disabled persons, 35 calendar days;
- state officials and local government officials, 35 calendar days;
- heads, researchers, academic staff, teachers, educators and other pedagogical specialists of universities, institutions of applied higher education, research institutions, schools and other child educational institutions, up to 56 calendar days.

192. The list of positions where extended holidays are granted for up to 56 calendar days and the duration of holidays for particular positions are established by the Government of the Republic (Article 9).

193. Employees have the right to an additional holiday if they are engaged in:
- underground work;
- work which poses a health hazard or work of a special nature.

194. The Government has established the indicators and a list of underground work, work which poses a health hazard and work of a special nature where an additional holiday is granted, and the duration of the additional holiday.

195. Supplementary bases for granting an additional holiday may be prescribed by a collective agreement or employment contract (Article 10).

International co-operation

196. Co-operation projects involving the Ministry of Social Affairs:

197. EU Phare:
- "Phare support to approximation of legislation for implementing equal treatment and working conditions" (98-5089.00); Project Cost: 250 000 EUR; Project Duration: 1998-1999.
- "Phare support to approximation of legislation in occupational safety and health" (98-5090.00); Project Cost: 250 000 EUR; Project Duration: 1998-1999.
- "Phare support to implementation of enhanced standards of occupational safety and health in a pre-accession context" (98-5049.00); Project Cost: 170 000 EUR; Project Duration: 1998-1999.
- "Phare support to institutional development of the National Labour Inspectorate in a pre-accession context" (98-5050.00); Project Cost: 300 000 EUR; Project Duration: 1998-1999.

198. Finland:
- "Workplace Estonia"; Project Cost: 618 020 FIM; Project Duration: 1996-1997.

199. Sweden:
- "Risk assessment for labour inspectors"; Project Cost 177 500 SEK; Project Duration: 1997-1998.
- "Developing and implementing a system for analysis, planning, reporting and follow-up activities of supervision performed by the National Labour Inspectorate"; Project Cost 669 840 SEK; Project Duration 1998-1999.

Article 8 of the Covenant

1. The States Parties to the present Covenant undertake to ensure:

a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are

necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Right to organise in trade unions

200. From 1993, the Republic of Estonia has ratified the following ILO Conventions:

- *C87 Freedom of Association and Protection of the Right to Organise Convention;*
- *C98 Freedom of Association and Protection of the Right to Organise Convention;*
- *C135 Workers' Representatives Convention (Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking);*
- *C144 Tripartite Consultation (International Labour Standards) Convention (Tripartite Consultations to Promote the Implementation of International Labour Standards).*

201. The Republic of Estonia has submitted its reports on the fulfilment of the above ILO Conventions.

202. In 1993, Estonia has signed the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, Article 11 of which provides for the freedom of setting up trade unions and their joining to protect one's rights.

203. In May 1998, Estonia signed the Amended and Revised European Social Charter, Article 5 of which provides for the right to organise. The ratification process of the Social Charter is expected to be completed in 2000.

204. Article 29 of the *Constitution* states that an Estonian citizen has the right to freely choose his or her sphere of activity, profession and place of work. Associations and unions of employees and employers may uphold their rights and lawful interests by means which are not prohibited by law. The conditions and procedure for the exercise of the right to strike and the procedure for the settlement of labour disputes are also provided in the *Constitution.*

205. Everyone has the right to form non-profit undertakings and unions. Only a court may terminate or suspend the activities of, or fine, an organisation or union, for a violation of the law (Article 48 of the *Constitution*).

206. Activities of trade unions in Estonia are regulated with the *Trade Union Act* that was adopted in 1989 (amended in 1992). This act is valid to the extent that it is not in conflict with the legislation of the Republic of Estonia adopted at a later date. According to Article 2, trade unions can be set up by all persons who are employed or who are obtaining a profession. This right can be restricted only by limits provided by law. The *Trade Union Act* will be revised in 2000.

207. Estonia has very liberal principles for setting up a trade unions and the required number of members is very low – only two people. There are no restrictions to setting up trade unions in any economic sectors, fields of activity or areas. Only trade unions set up in the defence forces and the police are prohibited to take industrial action (strikes). There are no restrictions in the membership and formation of trade unions on race, nationality, citizenship or language.

208. Membership in a trade union is voluntary and must be in compliance with the by-laws of the trade union. Pensioners retain the right to belong to a trade union (Article 2).

209. According to the law and to trade union by-laws, persons with disabilities have equal rights and opportunities with other people to belong to a trade union. Some trade union federations have set up separate pensioners' councils or committees which also provide protection to the elderly. At the same time trade unions have turned insufficient attention to the issue of special protection of the rights of disabled persons. In most cases it has been limited to various provisions on the protection of persons with disabilities that are included in collective agreements made on a company level.

210. In enterprises, agencies or organisations as well as in their structural units located in other places trade unions are formed on similarities in the vocation, occupation, work or production. Such trade unions can set up federations. Trade unions can join into regional or national federations or temporary associations (Article 3).

211. At present there are two trade union confederations (central unions) in Estonia: Estonian Central Union of Trade Unions (EAKL) with 26 member unions and TALO with 10 member unions. EAKL has approximately 65, 000 members and TALO has around 50,000 members.

212. Trade unions are independent and governed only by law. Any activity which directly or indirectly is aimed at subjugating trade unions to any bodies and organisations is prohibited (Article 4).

213. On the basis of Article 5 "Activities of Trade Unions Outside the Republic" of the *Trade Union Act*, both EAKL and TALO, as well as their member organisations, have set up extensive international relations with trade union organisations in Europe and in other countries. EAKL became a member of ICFTU in December 1994 and an observing member of ETUC in May 1998. In May 1999 EAKL is expected to become full member of ETUC and TALO the observing member of ETUC. Around 20 member unions of EAKL and TALO are members of vocational secretariats of ICFTU and branch committees (federations) of ETUC. In practice, the state has not interfered in the setting up of national trade unions nor in their membership in international trade union federations.

Right to collective negotiations

214. The right to collective negotiations is protected by the *Collective Agreement Act*, Article 3 of which states that one party to a collective agreement may be a union, federation, central federation of employees or an authorised representative of a trade union as well as a local union of the of employees' union. Pursuant to the *Workers' Representative Act*, there are no restrictions to elect representatives of a trade union by the members of a employees' union.

Right to strike

215. The *Collective Labour Dispute Resolution Act* regulates the conditions and procedures for using the right to strike. By law, a strike is an interruption of work on the initiative of employees or a union or federation of employees in order to achieve concessions from an employer or an association or federation of employers to lawful demands in labour matters. The right of employees or unions or federations of employees to organise a strike and the right of employers or associations or federations or employers to lock out employees to resolve a labour dispute arises only if there is no prohibition against disruption of work in force, if conciliation procedures prescribed in the law have been conducted but no conciliation has been achieved, if an agreement is not complied with, or if a court order is not executed. In the case of a strike, the parties are required to resume negotiations in order to reach an agreement in the collective labour dispute (Article 13).

216. A decision to organise a strike is made by a general meeting of employees or a union or federation of employees. The law establishes no additional conditions on the share of employees in favour of the strike. Participation in a strike is voluntary. It is prohibited to impede the performance of work by employees who do not participate in a strike.

217. Pursuant to Article 21, strikes are prohibited:
- in government agencies and other state bodies and local governments
- in the armed forces, other national defence organisations, courts, and fire fighting and rescue services.

218. These agencies and other organisations shall resolve collective labour disputes by negotiations, through the mediation of a conciliator or in court.

219. In enterprises and agencies which satisfy the primary needs of the population and economy, the body which calls a strike or locks out employees shall ensure indispensable service or production. A list of enterprises and agencies which satisfy the primary needs of the population and economy shall be established by the Government of the Republic (Article 21).

220. Strikes for the purpose of affecting the activities of courts are unlawful. Also strikes which are not preceded by negotiations and conciliation proceedings are unlawful (Article 22). A decision to declare a strike unlawful is made by a court (Article 23).

221. Military personnel, policemen or members who belong to the state administration are prohibited to take part in strikes, pickets or other industrial actions.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

222. Estonia has not ratified ILO Conventions C102, C121, C128, C130, C168.

223. The Estonian social insurance system consists of five insurance schemes:
- pension insurance providing public pensions, old-age pensions, disability pensions and survivor's pensions;
- health insurance that covers medical costs, sickness cash benefits and maternity benefits;
- family benefits;
- unemployment benefits;
- funeral allowance.

State pension insurance

224. General pension insurance is regulated by the *State Allowances Act, Old-Age Pensions at Favourable Conditions Act and the Superannuated Pensions Act.* The *State Pension Insurance Act* which was adopted in 1998 will enter into force on April 1, 2000 (with some provisions taking force already on January 1, 1999). This act will replace the State Allowances Act and contains some principle changes in comparison with earlier law.

225. *The State Allowances Act* provides for four types of pensions:
- public pension;
- old-age pension;
- disability pension;
- survivor's pension.

226. Pensions are calculated as a percentage of the public pension rate. This rate is approved by the Parliament separately for each budget year. The public pension rate is a fixed amount that is not linked to the subsistance level or other similar condition.

227. The public pension is paid to persons who have no right to receive old-age, disability or survivor's pension because of lack of sufficient length of pensionable service or pension insurance period, i.e.

- citizens of Estonia who have reached the retirement age but who have not fulfilled the necessary pensionable record;
- women of 60 years of age and men of 65 years of age who are not entitled to another type of pension and who have lived in Estonia permanently or with a residence permit made for a fixed term at least 5 years before applying for a pension.

228. No public pension is paid to persons who are employed. In granting a public pension it is assumed that the given person does not receive pension from some other country.

229. Old-age pension is granted for life. The right to old-age pension is granted to women who have attained 60 years of age and men who have attained 65 years of age. A working old-age pensioner has the right to receive full pension. In addition, persons who have completed at least 15 years of pensionable service in Estonia also have the right to full pension.

230. The following persons have the right to an old-age pension at favourable conditions:

- women who have reared a disabled child, a person disabled from childhood or five or more children can retire five years before the normal pension age if she has completed at least 10 years of pensionable service;
- men who have reared a disabled child, a person disabled from childhood or five or more children can retire five years before the normal pension age if he has completed at least 10 years of pensionable service and his wife has relinquished her right for the benefit of the husband or receives state pension on other grounds or is dead;
- persons suffering from pituitary dwarfism – men who have attained 40 years of age or women who have attained 45 years of age and who have completed at least ten years of pensionable service;
- persons who participated in the clean-up of the accident at the Chernobyl nuclear power station, five years before attaining the retirement age;
- rehabilitated persons who have been unlawfully held in a custodial institution or in exile. The retirement age shall be reduced by one year for each full year they have been held in a custodial institution or in exile, but by not more than five years in total.

231. In the three last cases, the ten years of pensionable service required to obtain an old-age pension at favourable conditions must be acquired in Estonia.

232. Persons who are declared disabled have the right to get disability pension. Disability, the time of its occurrence and causes are determined by the medical

disability committee that also assigns a disability group. Children younger than 16 years of age are declared disabled children by the medical establishment. A working disability pensioner has the right to receive full disability pension. Temporary residents may receive the invalidity pension during the validity of residence permits, if they became disabled in Estonia.

233. A survivor's pension is granted upon the death of a provider or if the provider is declared missing pursuant to established procedure. Survivor's pension is paid to family members who were maintained by him or her. Children, parents and the widow or widower of the provider shall be granted a pension regardless of whether they were maintained by the provider or not. No survivor's pension is paid in case of employment. A survivor's pension shall be granted for the period during which a person meets the requirements prescribed for receiving a pension. An orphan has the right to a survivor's pension regardless of whether his or her parents had fulfilled the requirements.

234. Family members who have the right to receive a survivor's pension are:

- a child, brother, sister or grandchild who is under 18 years of age (or who is under 24 years of age and is a student enrolled in daytime study at an upper secondary school or vocational education institution or a student enrolled in full-time study at a university or institution of applied higher education), or who is older if he or she was declared permanently incapacitated for work before he or she attained 18 years of age (or in the case of a student enrolled in daytime or full-time study, before he or she attained 24 years of age). A brother, sister or grandchild has the right to receive a pension if he or she does not have parents with capacity for work;
- a parent who is of retirement age or permanently incapacitated for work, or a widow or widower who is of retirement age or permanently incapacitated for work and whose marriage to the provider had a duration of at least five years;
- a divorced spouse if he or she attained retirement age or was declared permanently incapacitated for work before the divorce, or within three years after the divorce if the marriage had a duration of at least twenty-five years;
- one parent, or the widow, widower or guardian who is not employed and is raising a child, brother, sister or grandchild of the provider who is under 14 years of age in his or her family;
- stepchildren and foster-children who are not maintained by their parents, and step-parents and foster parents.

235. An alien residing in Estonia on the basis of a temporary residence permit shall be granted a survivor's pension during the term of the temporary residence permit if the right to receive the pension arises in Estonia.

236. Special (more favourable) conditions of access to old age pensions are provided for some categories of persons who have worked in hazardous or hard work conditions. The special conditions are regulated by the *Old Age Pensions on Favourable Conditions Act* and *the Superannuated Pensions Act*.

237. Special provisions concerning old-age, disability and survivor's pension apply to the President, the Members of the Parliament, judges and officials of the State Audit. The Public Service Act provides an additional pension to public servants the

amount of which depends on the length of service. The pensions of these special groups are financed by the state budget.

238. Public pensions, old-age pensions, disability pensions, survivor's pensions, superannuated pensions and old-age pensions at favourable conditions are paid out by pension offices that are regional agencies of the National Social Insurance Board. The National Social Insurance Board is an agency operating in the area of government of the Ministry of Social Affairs.

239. Pensions are paid to persons for whom pension contributions are made in Estonia. Estonia has signed bilateral social security agreements with Finland, Latvia, Lithuania and Ukraine.

240. The general state pension insurance is based on the pay-as-you-go principle in which contributions are for the most part paid out during the same year as benefits. Pensions are funded from the pensions fund of the social insurance budget that is mainly financed from the pension insurance component of social tax equal to 20 per cent of gross payments to workers and is payable by employers.

241. According to the *Social Tax Act*, an insurable person is
- a natural person engaged in enterprise;
- a person working under an employment contract or contract of service or who is a member of the Parliament, the President of the Republic or a public servant or is employed in defence forces;
- a person who receives remuneration as a member of a management board, supervisory board or other directing body of a legal person;
- a natural person employed under a contract for services;
- a person for whom social tax is paid by the state;

Gender equality in pension insurance

242. Pensions payable under the Estonian state pension system are old-age pensions, disability pensions, survivor's pensions and public pensions.

243. As of January 1, 1999 there were 371 583 pensioners of whom 250 831 were women (67.6 per cent.) This is at least partly attributable to the different retirement age of men and women (the retirement age of women is still five years lower than that of men.) The second reason is that the life expectancy of women is higher than that of men. Among recipients of old-age pension, women outnumber men by 2.5 to 1.

244. The current pension system provides certain provisions, which men use more frequently than women do.

245. Pursuant to the *Superannuated Pensions Act*, persons who are engaged in certain profession have the right to retire before the general retirement age. These professions, as a rule, concern a fall in the professional capacity. The list of these professions indicates that it contains more traditional male professions (defence forces, police, firefighting, shipping, aviation, mining, etc.) and less traditional female professions (textile workers, nursing home personnel, etc.). Statistical data supports

empirical considerations, as of January 1, 1999 superannuated pension was paid to 2 287 men and 1 025 women.

246. Although pursuant to the Old-Age Pensions at Favourable Conditions Act that provides special pensions to those persons who have been engaged in health-hazardous professions, men's length of pensionable service must be higher than that of women's, there are proportionally more men among recipients of this special pension. According to the List No 1 of Professions, the required length of pensionable service of men is 20 years of which 10 years at health-hazardous professions. For women, it is respectively 15 and 7.5 years. According to List 2, respective criteria of men is 25 years of required length of pensionable service of which 12.5 years in health-hazardous professions. For women, it is respectively 20 and 10 years.

247. Another piece of evidence that men benefit from the special provisions of the pension system more often than women is shown by the fact that approximately 25 per cent of men retire before they attain old-age retirement age (i.e., they are granted either a superannuated pension or an old-age pension at favourable conditions) as opposed to 13 per cent for women.

248. On the other hand, the pension system provides certain benefits that women tend to use more often than men do. In spite of the provision that both the mother and father are eligible to calculate two years to the length of pensionable service per child that they have raised for at least 8 years, it is traditionally used only by mothers.

249. Current legislation also provides certain advantages for women who stayed at home. Pursuant to *the State Allowances Act*:

- a woman has a pre-emptive right to get an old-age pension on favourable conditions if she has raised a disabled child, child disabled from birth or if she has raised five or more children for at least eight years. A man would receive a similar pension if his wife has waived her right for the benefit of her husband or receives state pension on other causes or is dead (Art. 6);
- a women who has attained 60 years of age and has no right to other state pension is eligible to get a public pension. Men obtain a similar right at the age of 65 years (Art. 21);
- among recipients of the national pension there are eight times more women than men. This is partially attributable to the fact that women more often than men lack the required length of pensionable service of 15 years. Another reason is that men have shorter life expectancy.

250. In a pension system regulated with the *State Allowances Act* there is only a minor difference between the pensions of men and women. At the beginning of 1997, men's average pension was 1 061 EEK and women's average pension was 1 026 EEK.

251. In the case of an average length of service of approximately 40 years, the income level of persons whose net income is below 1500 EEK will not fall notably during the transition from work to retirement. In the case of minimum wage earners, the income level will increase.

252. It seems that women, when they retire, maintain their economic status more often than men do. It may also be said that, in general, the relative situation of women when they retire improves.

253. The current equalising pension system is a form of compensation for earlier differences in wage between men and women.

Pension reform

254. The reform aims at securing old age protection by a gradual increase of the replacement rate of the average pension, while securing the long-term sustainability of the pension system. In 1997 the Government approved the *General Principles of the Pension Reform*. The new pension system will be based on three pillars.

255. The first pillar is the reformed pay-as-you-go public pension system. This pillar is financed from the social tax and its main objective is to ensure the basic income to all pensioners. The state pension system re-distributes income both among generations (solidarity principle) and within the system.

256. The second pillar is a pension that is financed by contributions made by employees to their personal pension accounts. The objective of this pillar is to create additional savings for the retirement. Administration will be divided between the state and private insurance providers.

257. The third pillar is the private pension scheme that is accumulated from insurance contributions and based on the endowment principle. The third pillar is financed from voluntary contributions (with a limited tax benefit) and its main objective is to promote additional saving.

258. Employers make contributions in the first pillars in the form of social tax. Employees make compulsory contributions into the second pillar and may voluntarily participate in the third pillar.

259. The voluntary private pension system (third pillar) was launched on January 1, 1998. It was the beginning of the state pension system reform that included a transition to a personalised calculation of social tax, changed financing of additional pension, a reform of the favourable conditions and the superannuated years' pension.

260. According to the *Republic of Estonia Social Tax Act* that was in force until December 31, 1998, the payment of social tax system was administered by the National Social Insurance Board. By the new *Social Tax Act* which entered into force on January 1, 1999, social tax became a unified tax that is collected by the Tax Board. Upon receipt, the social tax is transferred to the state pension insurance budget and state health insurance budget. The proportion of social tax transferred into the state pension insurance budget is 20 per cent. In order to improve tax collection, the amount of tax paid by the insured will be entered in a register. The new act also establishes the cases when the social tax is paid by the state.

261. The *State Pension Insurance Act* will enter into force on April 1, 2000. The key principles of the new act are as follows:

- gradual equalisation of the retirement age of men and women at 63 years of age by 2016;
- an option to remain to pension up to 3 years before the legal retirement age whereas the amount of pension is reduced by 0.4 per cent for each month before the legal retirement age;
- transition of the calculation of old-age pension, incapacity of work pension and survivor's pension to a uniform basis;
- basing the pension calculation formula on three components (base component, retirement age component and insurance component);
- calculation of the length of pensionable service on the basis of calculated or paid social tax;
- establishment of the eligibility requirement and the retirement age requirement for incapacity of work pensions and survivor's pensions;
- setting up a pension insurance register.

262. The second pillar of the pension reform will be implemented in 2002, whereas the obligation to pay an insurance contribution will belong to employers.

Private pension

263. The legal framework for implementing the third pillar – voluntary pension insurance – was adopted in 1998. The *Pension Funds Act* entered into force on August 1, 1998 and its implementing provisions amended the *Insurance Act* and the *Income Tax Act*.

264. Seven out of eight companies providing life insurance also sell pension insurance. From August 1998 to the end of 1998 pension insurance premiums increased 357.8 per cent (from 477 000 EEK to 2 184 000 EEK). Supervision over insurance companies is carried out by the Estonian Insurance Supervisory Authority under the Ministry of Finance.

Statistics on state pensions

265. The number of recipients of old-age pensions started to decrease in 1994, mainly due to the increase in pension age.

Table 11. Percentage of pensioners in the population

Year	Population (th.)	Total no. of pensioners (th.)	Percentage of pensioners in the population (%)	Old-age pensioners (th.)	Percentage of old-age pensioners in the population (%)
1997	1462.1	370.5	25.3	291.1	21.1
1998	1453.8	366.9	25.2	286.2	19.7
1999	1445.6	371.6	25.7	288.6	20.0

Source: Social Insurance Board, 1999

Table 12. Recipients of state pension at the beginning of year

	1980	1985	1990	1995	1996	1997	1998	1999
Recipients of pension	304 241	331 106	360 511	376 236	374 308	370 531	366 876	371 583
men	73 018	92 714	114 047	119 795	121 023	120 100	119 058	120 752
women	231 223	238 392	246 464	256 441	253 285	250 431	247 818	250 831
Old-age pensioners	230 938	260 498	287 465	302 099	297 043	291 133	286 198	288 645
Beneficiaries of pensions at favourable conditions	21 109	29 404	38 883	43 256	43 127	44 000	44 063	44 828
Beneficiaries with partial pensionable record	21 556	17 468	11 533	-	-	-	-	-
Beneficiaries of superannuated pension	761	845	1 671	4 168	3 812	3 783	3 567	3 312
Beneficiaries of disability pension	43 154	41 035	38 946	52 339	55 250	57 636	59 938	62 522
Pensioners on general terms	40 797	38 728	36 175	48 654	51 153	53 353	55 461	57 918
Group I	3 647	3 679	3 735	6 860	7 024	7 121	7 163	7 291
Group II	26 290	24 832	24 018	33 402	34 933	36 592	37 725	39 229
Group III	10 860	10 217	8 422	8 392	9 196	9 640	10 573	11 398
Disabled children	641	940	1 737	3 685	4 097	4 283	4 477	4 604
Beneficiaries of survivor's pension (families)	20 356	21 143	17 248	15 810	16 104	15 852	15 267	15 338
one person incapacitated for work	...	17 711	14 258	11 735	11 505	10 842	10 115	10 047
two persons incapacitated for work	...	2 807	2 464	3 008	3 230	3 608	3 662	3 674
three or more persons incapacitated for work	...	625	526	1 067	1 369	1 402	1 490	1 617
Family members who are incapacitated for work who have been granted pension	...	25 361	20 841	21 283	22 529	2 2765	22 476	22 887
Beneficiaries of public pension *	-	-	-	1 787	2 093	2 126	1 906	1 766
Beneficiaries of monthly allowance	6 181	4 336	11 156	33	6	1	-	-
Personal pensioners	2 851	3 249	4 025	-	-	-	-	-

* Public pension is paid to residents of Estonia who have not completed sufficient number of years of pensionable service (15 years). Until a national pension was established, these people received a lump-sum monthly allowance.

Source: Statistical Office

266. According to the Statistical Office, calculated minimum 30-day subsistence of a person was 1 200 EEK in the 1st quarter 1999 and average pension was 1 453 EEK. Thus the average pension exceeds the calculated average subsistence minimum.

Table 13. State pensions. Average amount of monthly pension (EEK)

	1994	1995	1996	1997	1998	1999
TOTAL	359	586	879	1 037	1 096	1 453
men	367	605	892	1 061	1 119	1 478
women	354	577	873	1 026	1 085	1 441
Percentage of average pension to previous year, %	144	163	150	118	106	132

Old-age pensioners	373	612	930	1 100	1 160	1 540
Beneficiaries of superannuated pensions	331	453	674	782	824	1 068
Disability pensioners	306	482	689	809	863	1 143
Group I disability	404	612	857	980	1 041	1 383
Group II disability	322	513	740	867	927	1 230
Group III disability						
Disabled children	262	385	482	585	631	837
Beneficiaries of survivor's pension (families)	271	501	685	850	937	1 250
Beneficiaries of public pension	255	360	451	554	595	800

Source: Statistical Office

Health insurance

267. The objective of the Estonian health insurance system is to preserve the health of residents of the Republic of Estonia and to compensate the cost of sickness as provided by law.

268. Health insurance is regulated by the Act on Health Insurance (from 12.06.1991 with later amendments).

269. The scheme of health insurance includes three main types of benefits:
- covering the costs of medical treatment;
- payment of cash benefits in the cases of sickness, maternity and nursing of a sick dependant;
- compensation of the cost of pharmaceuticals for some categories of insured persons.

270. According to the law, insured are persons who have paid social tax either themselves (as self-employed persons) or for whom the social tax has been paid into the state health insurance budget according to the Social Tax Act. No qualification period (i.e. minimum period of insurance) is applied. Besides the category of the insured persons, the following groups are covered with the health insurance on the principle of solidarity:
- dependent family members of the insured persons;
- children up to 18 years old;
- students in full-time schooling;
- parents, guardians and tutors taking care of a disabled child under eighteen or a person disabled from childhood;
- a person taking care of a person with I group disability;
- pregnant women starting from the 12th week of pregnancy;
- persons receiving a pension according to the *State Allowances Act*, the *Old Age Pensions on Favourable Conditions Act* and the *Superannuated Pensions Act*;

271. Persons not covered by compulsory or voluntary health insurance must pay medical expenses themselves. For those in financial need, state budget resources have been allocated to cover the expenses of emergency medical care. These resources are distributed through local authorities and they pay for the medical services provided to those in need on the bases of guarantee letters. If a person is uninsured by the compulsory health insurance by fault of the employer (i.e. the employer has not transferred the social tax to the health insurance budget), the medical costs will still be

paid by the health insurance fund. In this case the health insurance fund will reclaim these expenses later from the employer.

272. At the end of 1997, health insurance funds had registered 1 429 075 members of whom social tax was paid for 634 214 members (workers and self-employed persons).

273. The costs of medical care, including medical examination, maintenance of health and medical treatment of the insured persons are covered by the health insurance funds to the medical institutions or private practitioners on the bases of agreements, which these have concluded with the health insurance funds. This is done on the bases of a price list of medical services, which is approved by the Ministry of Social Affairs. The draft is developed by a pricing committee which includes representatives of health insurance funds, Estonian Medical Association, Estonian Hospital Association, Family Doctors' Association, County Doctors' Board and Ministry of Social Affairs. Patients participate in cost sharing with a modest visit fee (5 EEK for out-patient visits, 15 EEK for home visits). Dental care is covered by health insurance only partly.

274. Sickness-maternity cash benefits are paid on the basis of a medical certificate (sick list) issued by the treating doctor in the following cases:

- illness or injury;
- pregnancy or child-birth;
- nursing a sick family member at home;
- nursing an up to 14-year-old child in a hospital;
- taking care of an up to 3-year-old child (or up to 16-year-old disabled child) when the mother is ill;
- treatment at a sanatorium;
- placing a prosthesis in a hospital;
- quarantine in the case of epidemic;
- temporary transfer to another job due to the state of health;
- adoption of a child up to one year of age.

275. The rate of sickness cash benefit is:

- 60 % in case of hospital treatment;
- 80 % in cases of
    - home care;
    - nursing of an over 14-year-old family member;
    - or nursing an up to 3-year-old child (or up to 16-year-old disabled child) at home when the mother is ill.
- 100 % in cases of
    - work injury, occupational disease, or other health impairment connected to work caused by the fault of the employer;
    - disability caused in the course of defence of the state or societal interests or in the course of preventing a crime;
    - nursing of an up to 14-year-old child (regardless of the treatment mode);
    - pregnancy and childbirth.

276. In case of temporary transfer to another job because of health reasons, health insurance fund will compensate the difference in wage.

277. The amount of the benefit is calculated on the bases of an average daily income of the insured person (upon which social tax has been paid) over the last six months.

278. The payment of sickness cash benefit starts from the calendar day following the day of determination of temporary incapacity to work, i.e. there is a waiting period of 1 day. However, this waiting period is not applied in the cases of pregnancy and nursing of a sick family member.

279. The duration of payment of the cash benefit is limited to 182 successive days per one case of sickness. At the latest by the 120th day of sickness the medical commission shall make decision about the work ability of the person. The commission has a right to renew the sick list or to determine permanent disability. In the latter case the payment of sickness benefit will be suspended and an invalidity pension is granted.

280. In the case of pregnancy and child-birth, the insured person has a right to receive cash benefit during the pre-delivery and post-delivery period for a total of 126 calendar days, in the case of multiple delivery or birth complications, the duration of benefit is extended to 140 calendar days. The person adopting an up to one-year-old child has a right for a leave and cash benefits for 70 calendar days beginning from the day of adoption.

281. Cash benefits are paid out by the health insurance fund where the person is insured.

282. Compensation of the cost of pharmaceuticals is the third type of benefits covered by health insurance. Health insurance funds compensate to the pharmacies the difference between the regular price and the amount paid by a patient. For specified diagnosis, pharmaceuticals and social groups (children and persons in pension age) the patient pays the first 20 EEK for the drug and in some cases 10% of the remainder. For all other prescription drugs, the patient pays the first 50 EEK and 50% of the remainder.

283. Health insurance is financed from the social tax revenues. From the total rate of social tax - 33% of the gross payroll - the part of social tax, which is directed to finance health insurance, is 13 per cent of the tax base. The social tax is collected by the Tax Office, which further transfers the 13 per cent part to the health insurance fund.

284. The scheme is administrated by the Estonia Health Insurance Fund, which is a public-legal body operating in the area of government of the Ministry of Social Affairs.

Statistics about health insurance

285. As of January 1, 1999, there were 649 718 insured employees (incl. 20 254 self-employed persons).

286. Since 1993 and 1994 were years of strong economic growth, social tax revenues increased respectively 139 per cent and 61 per cent in those years. Social tax has increased at an average of 23 per cent per year, increasing the amount of funds spent on medical services and subsidised pharmaceuticals per insured. The amount of funds allocated for medical services has increased annually. However, in percentage, it has been falling since 1997 as a result of the increase in the price of medical services in recent years. The amount of sickness cash benefits paid out in recent years has been stable at 17.5 per cent from the health insurance revenues in social tax.

Table 14. Comparison of main financial indicators of the state health insurance system 1992-1998

	1992	1993	1994	1995	1996	1997	1998
Health insurance revenue from social tax (thousand EEK)	438 861	1 048 817	1 692 188	2 131 390	2 563 736	3 097 413	3 572 669
per capita (EEK)	281	677	1 092	1 436	1 744	2 156	2 363
Medical care expenditures (thousand EEK)	324 745	666 279	983 777	1 433 334	1 863 979	2 073 511	2 530 039
per capita (EEK)	208	430	635	956	1 263	1 422	1 745
Compensation of cost of pharmaceuticals to the insured (thousand EEK)	5 498	55 576	97 209	110 468	146 231	254 268	359 547
per capita (EEK)	3.52	35.9	62.72	74	100	174	248
Cash benefits (thousand EEK)	56 592	156 311	246 829	380 238	460 077	552 022	661 713
per capita (EEK)	36.23	100.96	159.27	254	313	379	456

Source: Central Health Insurance Fund

Table 15. Comparison of the main financial indicators of the state health insurance system

	1992	1993	1994	1995	1996	1997	1998
Health insurance revenue from social tax (thousand EEK)	438 861	1 048 817	1 692 188	2 131 390	2 563 736	3 097 413	3 572 669
Growth compared to previous year (thousand EEK)		609 956	643 371	439 202	432 346	533 677	475 256
Growth (%)		139	61	26	20	21	15
Medical care expenditure (thousand EEK)	324 745	666 279	983 777	1 433 334	1 863 979	2 073 511	2 530 039

Growth compared to previous year (thousand EEK)		341 534	317 498	449 557	430 645	209 532	456 528
Growth (%)		105	48	46	30	11	22
Compensation of cost of pharmaceuticals to the insured (thousand EEK)	5 498	55 576	97 209	110 468	146 231	254 268	359 547
Growth compared to previous year		50 078	41 633	13 259	35 763	108 037	105 279
Growth (%)		911	75	14	32	74	41
Cash benefits (thousand EEK)	56 592	156 311	246 829	380 238	460 077	552 022	661 713
Growth compared to previous year		99 719	90 518	133 409	79 839	91 945	109 691
Growth (%)		176	58	54	21	20	20

Source: Central Health Insurance Fund

Family benefits

287. The family benefit scheme is regulated by the Child Benefits Act (from 20.05.1997 with later amendments, since 2000 renamed as State Family Benefits Act).

288. Family benefits are paid to permanent and temporary residents of Estonia as well as to refugees and to their children in Estonia with an aim to partially compensate the costs associated with bringing up children.

289. The law establishes the following types of benefits:
- birth grant;
- child benefit;
- maintenance allowance (since 2000 child care allowance);
- supplementary maintenance allowance;
- single parent's allowance;
- conscript's child allowance;
- school grant;
- foster care allowance;
- start-in-independent-life allowance.

290. Principal benefits – those taking the biggest share of expenditures - are child benefit and maintenace allowance. The benefits are calculated on the bases of the child benefit rate (CBR), which is established by the Parliament for each budgetary year. In 1999 the child benefit rate is 150 EEK a month.

291. Birth grant is a one-off payment per each child born alive. The rate of the allowance is depending on the number of children in the family. The following rates are applied:
- in respect of the first child in the family the benefit is 25 times the CBR (i.e. 3 750 EEK);
- in respect of each subsequent child in the family the benefit is 20 times the CBR (i.e. 3000 EEK).

292. Child benefit is a monthly benefit paid from the birth of a child until he/she attains sixteen years of age (or until 19 years of age in the case of enrolment in basic school, upper secondary school or vocational school in daytime study, or in case of medical reasons in another form of study). The benefit rate depends on the number of the children in the family.

293. The following rates are applied for the child benefit:
- to families raising one child at the rate of CBR (i.e. 150 EEK);
- to families raising 2 or more children:
  - in respect of the second child 1.5 times the CBR (i.e. 225 EEK);
  - in respect of the each subsequent child 2 times the CBR (i.e. 300 EEK).

294. Maintenance allowance is a monthly benefit for non-working parents. Since 2000 this type of family benefits will be replaced by child care allowance, which is a monthly benefit paid to persons on parental leave and to parents caring for children under 8 years of age, regardless whether they are working or non-working. The amount of the child maintenance fee depends upon the age and number of children in the family. For each child under the age of 3, the fee is 600 EEK. If in addition to one or more children under the age of 3, the family also contains children between 3 and 8 (or until finishing the first grade at school), a child maintenance fee of 300 EEK is paid for each child between these ages. For families with three or more children, the child maintenance fee is paid at the rate of 300 EEK for each child aged between 3 and 8 (or until completing the first grade at school). The child maintenance fee is paid on top of the regular child benefits.

295. Single parent's child allowance (paid at the rate of 2 times the CBR (i.e. 300 EEK)) is a monthly allowance paid in respect of each child up to 16 years of age (or 19 in case of studies) to the following persons raising a child alone:
- to the mother, if no entry has been made concerning the father in the birth certificate or the entry is made on the basis of a statement by the mother;
- to one of the parents, if the other parent is declared to be a fugitive pursuant to the procedure established by law.

296. Conscript's child allowance is a monthly allowance paid in respect of the children of conscripts in the Defence Forces. The rate of the benefit is 5 times the child benefit rate (i.e. 750 EEK) per each child, and the benefit is paid during the entire term of military service of the parent.

297. School grant is paid once a year for the commencement of the school year. The grant is paid in respect of each child, receiving child allowance and who are enrolled in basic school, upper secondary school or vocational school in daytime study, or for medical reasons in another form of study. The rate of this grant is 3 times the CBR (i.e. 450 EEK).

298. Foster care allowance is a monthly allowance, which is paid in respect of children up to 16 years of age (or 19 in case of studies) without parental care, for whom guardianship or a written agreement on foster care has been established. It is paid at 2 times the CBR (i.e. 300 EEK).

299. Children leaving children's homes are entitled to a start-in-independent-life allowance, which is one-off payment, at the rate of 5000 EEK.

300. The National Social Insurance Board through the regional pension offices administrates the scheme. In respect of this scheme the regional pension offices:

- proceed applications for benefits;
- grant benefits;
- arrange the payment of benefits through banks or post offices;
- keep the register of beneficiaries.

301. Benefits are granted from the date the right to a benefit arises, if the documents necessary for application for the benefit are submitted within six months. Upon a later application for a benefit, monthly benefits shall be granted retroactively, but for not more than the six months preceding submission of the application.

302. If parents of the child are not contracted in a marriage, but they have a common household and raise children together, all children raised in the family are taken into account in granting a child allowance.

303. Family benefits are financed from the state budget, i.e. from the general state revenues. No earmarked tax or contribution exists for that purpose.

Unemployment benefit

304. The payment of unemployment benefits is regulated by the *Social Protection of the Unemployed Act*. Those eligible for unemployment benefits are permanent residents of the Republic of Estonia, aliens who reside in Estonia on the basis of a temporary residence permit, if they started to reside in Estonia before July 1, 1990, refugees and persons subject to bilateral social security agreements that Estonia has signed with Finland, Lithuania, Latvia and Ukraine.

305. Unemployment benefit is paid to a person who is registered as unemployed in a state employment office and who:

- is between the ages of sixteen and the age of retirement;
- is seeking employment (contacts the state employment office once in every 10 working days);
- has been employed or engaged in activity equal to work for at least 180 days during the twelve months prior to filing an application with an employment office. Activity equal to work is enrolment in daytime or full-time study at an educational institution, service in the armed forces or alternative service, hospitalisation, nursing an elderly, a sick person or a disabled person, stay in penal institution or in detention.

306. A person is registered as unemployed within 10 working days from the date when he or she submitted an application to the state employment office. The unemployment benefit is paid for a period of 180 days.

307. The unemployed have the right to apply for a grant for the period of retraining. If the unemployed has a business plan, he or she may apply for an employment subsidy to start a business. Employment subsidies may also be paid to employers as a

wage subsidy for a period of one year if they employ a person who is less competitive on the labour market.

308. Unemployment benefits are paid out through state employment offices. The scheme is administered by the Labour Market Board, an agency operating in the area of government of the Ministry of Social Affairs. Unemployment benefits are financed by the state budget.

309. In 1999 the Estonian Government approved the *General Principles of Unemployment Insurance*. According to the concept the system of financial benefits of the unemployed consists of two levels:

- unemployment insurance benefit financed from the contributions of employers and workers that are subject to the earlier wage of the insured;
- flat-rate unemployment benefit payable from the state budget.

310. Only the unemployed who have made contributions into the would-be unemployment insurance fund have the right to unemployment insurance benefits. Those unemployed who are not eligible to the unemployment insurance benefit or have lost such a right are eligible for an unemployment benefit.

Statistics on employment subsidies

Table 16. Registered unemployed and recipients of unemployment benefits 1993-1998

	1993	1994	1995	1996	1997	1998
Unemployed job-seekers (th., monthly average)	33.42	37.34	34.90	37.90	34.09	31.93
Percentage of labour force (%)	4.5	5.1	5.1	5.5	5.1	4.7
Recipients of unemployment benefits (th., monthly average)	18.84	17.27	13.93	17.19	18.28	17.59
Percentage of labour force (%)	2.5	2.4	2.0	2.5	2.7	2.6
Average period of payment of unemployment benefit (no. of days)	87	93	81	89	94	83

Source: National Labour Market Board

Table 17. Employment subsidies

Monthly unemployment benefits:	
• EEK 180	from October 1, 1992
• EEK 240	from June 1, 1996
• EEK 300	from March 1, 1998
• EEK 400	from January 1, 1999
Business start-up subsidy:	
• Double unemployment benefit rate for 18 months	from April 1, 1991
• 8000 EEK	from 01.01.1995
• 10 000 EEK	from 01.07.1997
Subsidy payable to employers for employing a person who is less competitive on the labour market: minimum wage for the first 6 months; 0.5 minimum wages for the next 6 months:	
• 680 / 340 EEK	from January 1, 1996
• 845 / 422.5 EEK	from February 1, 1997

• 1100 / 550 EEK	from January 1, 1998
• 1250 / 625 EEK	from January 1, 1999
Minimum rate of community work:	
• 6 EEK a day	from May 1, 1993
• 1.6 EEK an hour	from October 1, 1994
• 2.6 EEK an hour	from April 1, 1996
• 5 EEK an hour	from January 1, 1999
Monthly training grant:	
• 270 EEK	from October 1, 1992
• 450 EEK	from October 1, 1994
• 600 EEK	from January 1, 1999

Source: National Labour Market Board

Funeral grant

311. Funeral grant is a lump sum benefit to cover funeral costs, and is payable to the organiser of the funeral.

312. The payment of funeral grants is governed by the Government Regulation and administered by the National Social Insurance Board through regional pension offices. Funeral grants are **financed** from the general state revenues.

Work accidents and occupational diseases

313. Until now, social protection in the cases of work accidents and occupational diseases does not constitute a separate scheme in Estonia.

314. Treatment costs are covered and sickness cash benefits are provided as a part of the health insurance scheme in accordance with the Law on Health Insurance. In the case of permanent incapacity, disability pensions are paid in the framework of the pension insurance system.

315. Benefits are also administrated by the respective institutions responsible for the administration of health insurance and pension insurance.

316. In addition, employers' liability to compensate for accidents is implied in accordance of the Civil Code, if the employer is determined to be responsible in the accident or disease. In the cases of permanent work incapacity (invalidity), employers (if responsible in accident) pay compensations in addition to the state work incapacity (invalidity) pension. In the cases of insolvency or dis-solvency (e.g. if the formerly state enterprise has been privatised etc.) of the liable employer, these compensations are paid from the state budget, and administered by the National Social Insurance Board and its local departments.

317. In 1998, the Government approved a concept paper on work accident and occupational disease insurance. On the basis of this concept paper, the draft *Work Accident and Occupational Disease Insurance Act* has been elaborated. The new scheme shall be implemented in 2002.

Statistics on state social insurance benefits

Table 18. State social insurance benefits

	1993	1994	1995	1996	1997	1998
• **Child and family allowances paid,** th. EEK	482 932	595 338	721 054	829 744	964 692	1 226 710
birth grant, th. EEK	13 345	13 165	16 705	20 165	22 224	31 303,9
no. of payments	14 935	13 901	12 722	13 049	12 463	12 173
average benefit, EEK	894	947	1 313	1 545	1 783	2 572
maintenance allowance of a child up to 1.5 years old, th. EEK*	38 524	41 053	46 711	54 384	60 771	160 825,8
average number of beneficiaries	22 122	19 618	18 384	18 801	17 657	22 873
average benefit, EEK	145	175	212	241	287	586
maintenance allowance of a child from 1.5 to 3 years of age, th. EEK **	22 765	21 597	24 038	26 472	29 156	37 696,8
average number of beneficiaries	21 602	19 627	18 749	17 708	16 952	10 582
average benefit, EEK	88	92	107	125	143	297
child benefit to children below 15 years of age and to older students of general schools, th EEK	383 494	-	-	-	-	-
average number of beneficiaries	359 191	-	-	-	-	-
average benefit, EEK	89	-	-	-	-	-
- child benefit for the first child, th EEK	-	246 588	292 035	341 275	388 160,5	381 445,4
Average number of beneficiaries	-	220 676	220 644	219 408	216 322	212 530
Average benefit, EEK	-	93	110	130	150	150
- child benefit for the second child, th. EEK	-	150 213	180 587	200 310	218 383,2	256 330,4
Average number of beneficiaries	-	105 962	104 661	101 458	98 724	95 444
Average benefit, EEK	-	121	144	165	184	224
- child benefit for the third and subsequent child, th. EEK	-	66 269	81 910	87 513	92 470,4	113 275,6
Average number of beneficiaries	-	37 142	35 104	34 066	32 929	31 604
Average benefit, EEK	-	150	194	214	234	299
Single parent's child allowance (single mothers), th. EEK	16 894	17 398	19 022	23 231	26 498,8	42 433,2
average number of beneficiaries	23 615	22 117	24 502	25 875	25 280	24 804
average benefit, EEK	60	61	65	75	87	143
single parent's child allowance to a disabled person, th. EEK	-	348	1 187	1 923	2 755	3 307,5
average number of beneficiaries	-	230	595	831	1 027	1 223
average benefit, EEK	-	143	166	193	223	225
maintenance allowance to a non-working parent who raises a disabled child aged 1.5 to 18 years of age, th. EEK ***	491	1 666	3 289	5 080	6 872,3	7 071,2
average number of beneficiaries	459	911	1 254	1 653	1 935	1 975
average benefit, EEK	90	165	219	256	296	298
school grant, th. EEK	-	20 451	26 504	30 539	70 448	105 353,6
average number of beneficiaries	-	227 240	230 629	235 184	235 867	249 031
average benefit, EEK	-	90	115	130	299	423
foster care allowance, th. EEK	1 309	4 103	6 419	7 341	8 355	9 227

average number of beneficiaries	1 780	1 999	2 411	2 364	2 332	2 575
average benefit, EEK	60	169	222	259	299	299
start-in-independent-life allowance, th. EEK	175	259	243	396	442	546,2
average number of beneficiaries	59	87	71	101	111	112
average benefit, EEK	2 966	2 979	3 423	3 922	3 985	4 877
other child and family allowances, th EEK ****	5 935	12 228	22 404	31 254	38 156	10 037,5
average number of beneficiaries	39 643	70 995	61 917	80 239	78 906	2 784
average benefit, EEK	39	44	83	104	123	300
• **Other benefits and allowances in total, th. EEK**	19 187	24 097	27 279	35 254	42 130	53 846,0
Funeral grant, th. EEK	12 066	14 168	18 106	20 015	22 333	25 662,7
no of payments	20 172	20 277	20 076	18 331	17 916	18 569
average benefit, EEK	598	698	902	1 092	1 247	1 382
compensation in case of work accident and occupational disease, th. EEK	-	-	2 500	4 626	7 852	13 371,5
no. of beneficiaries	-	-	175	308	474	619
no. of payments	-	-	1 937	3 983	5 798	7 417
average one-time payment, EEK	-	-	1 291	1 161	1 354	1 803
average per person	-	-	14 286	15 019	16 565	21 602
medical treatment allowance	7 062	9 929	6 587	10 608	11 458	14 320,3
average number of beneficiaries	4 264	4 180	2 127	2 714	2 416	3 871
average benefit, EEK	1 656	2 375	3 097	3 908	4 743	3 699
other benefits, th. EEK *****	59	-	86	143	487	1 332,8
average number of beneficiaries	51	-	180	316	168	577
no. of payments	91	-	4 109	8 565	11 166	4 584
average benefit, EEK	643	-	21	17	44	291
• **Total social insurance benefits and allowances**, th. EEK	502 119	619 435	748 333	865 136	1 006 822	1 213 541,7

* In 1998 due to a legal amendment, maintenance allowance of a child of up to 2 years of age.

** In 1998, maintenance allowances of a child aged 2-3
In 1993, maintenance allowances were paid to persons nursing a disabled child aged 3-16.

**** Other child benefits include various benefits in different years, e.g. paid leave day to a parent of a disabled child, child allowance to children who went from children's home to a vocational education institution, conscripts child allowance, additional child allowance for families with 4 and more children, etc.

Source: Statistical Office

Subsistence benefits and other state social benefits

318. The legal basis for the subsistence benefits is the *Social Welfare Act* (Articles 22, 23).

319. Subsistence benefit is paid to persons who reside on the territory of the Republic of Estonia and whose monthly income is below the minimum subsistence

level set by the government. The subsistence level is determined on the basis of minimum consumption expenditure and is at present 500 EEK. The first member of a family has a subsistence level coefficient of 1.0, while the coefficient of all other family members is 0.8. In granting subsistence benefits, account is taken of the housing cost of the permanent place of residence per standard area. The objective is to ensure that after deducting housing costs, persons would have disposable income for 500 EEK per month.

320. Social welfare allocations from the budget amounted to 658 million EEK in 1997 and to 671 million EEK in 1998. Of this amount, approximately two-thirds has been subsistence benefits (412 million EEK in both 1997 and 1998). In 1998, 48 per cent of families who were paid benefits had one or more children. 29 per cent were families with an unemployed family member and 18 per cent were families of pensioners.

321. Social welfare allocations are also used to pay additional social benefits, mainly to low-income families with children and to elderly people who live alone.

322. In 1998 an average of 74 000 applications were approved every month, representing approximately 12 per cent of all families. The average amount paid out by application was 460 EEK.

323. In addition to the above benefits, budget funds are used to partly compensate transportation costs of disabled persons and telephone costs of families with several children and sick persons who often require medical care at home. Budget revenues were also used to pay benefits to persons discharged from penal institutions and to persons who assisted in clean up the Chernobyl nuclear accident.

Medical care of uninsured persons

324. Pursuant to the *Health Care Organisation Act*, all persons on the territory of Estonia have the right to emergency medical care (Article 5). If a person is not covered by health insurance and has no income, medical care is paid for by the local government from the funds allocated for this purpose by the state. In the state budget for 1999, the state allocated 46.9 million EEK to pay for emergency care provided to uninsured persons. Although the funds allocated for this purpose by the state have increased year-by-year (27.5 million EEK in 1997, 35.9 million EEK in 1998), actual expenditure for care has been considerably higher and the costs of medical establishments have not been promptly reimbursed. Persons in need are still provided with emergency care (approximately 27 000 cases per year) irrespective of the existence of funds. Since at the beginning of 1999 the state paid medical institutions 14.5 million EEK that it owed them, more than half of the 1999 budget was spent in just three months and funding problems will also be significant in 1999.

325. Additional funding is also provided under state programmes to cover some medical expenses. For instance, in 1998 the state paid 7 million EEK for medical costs of uninsured tuberculosis patients under the national tuberculosis eradication programme.

Social protection of persons with disabilities

326. Pursuant to the *State Allowances Act*:

- disabled persons are entitled to a disability pension, the amount of which depends on the gravity of the disability;
- children with disabilities are entitled to a disabled child pension;
- disabled children who are also entitled to a survivor's pension and disabled children who are orphans will receive larger pension;
- the period of nursing a person with Group 1 disability, a disabled child or a person who has been disabled from childhood and is younger than 18 years of age will be included in the pensionable service.

327. In addition to pensions, persons with disabilities and their nurses are entitled to receive state social allowances. Pursuant to the Government's Regulation No. 318 from 23.12.1996 on the establishment of conditions and procedure for payment of state social benefits, these individuals are entitled to receive subsistence benefits on the same basis as others. In 1998 subsistence benefits were paid to 65 091 persons, of whom 5 256 were disabled persons. As of 1 January 1999, there were 62 522 recipients of disability pensions of whom only 8.4 per cent had income less than the established subsistence level.

328. On the basis of Regulation No. 318, non-working disabled persons will receive a transportation benefit and a telephone benefit and, if necessary and in case of sufficient resources, supplementary social benefits.

329. By the *State Pension Insurance Act*, which replaces the State Allowances Act from 1 April 2000, persons with disabilities will receive a pension for incapacity for work if he or she has completed a certain number of years of pensionable service. At the same time the *Social Allowances of Disabled Persons Act* will enter into force on 1 January 2000. It will provide for nine different types of allowances:

- disabled child allowance (in two rates depending on the gravity of the disability (replaces disabled child pension);
- allowances for a disabled person who is 16 years old or older (to cover additional costs resulting from the disability, payable in addition to the incapacity for work pension);
- nursing allowance (three rates, payable to a non-working nurse who nurses an disabled child or an adult with a severe and profound disability);
- disabled parent allowance (payable to an adult raising a child);
- study grant (for covering additional costs related to education);
- rehabilitation allowance (payable for up to two weekly rehabilitation cycles a year);
- in-service training allowance paid one in every three years for up to three-month training courses;
- transport allowance (replaces the allowance paid under Regulation No. 318 of the Government);
- telephone allowance (replaces the allowance paid under Regulation No. 318 of the Government).

330. Pursuant to the *Health Insurance Act*, the following persons are considered equal to the insured: persons who receive a state pension granted in Estonia (including

persons receiving disability pension and, in the future, incapacity for work pension), one parent or a foster parent of a disabled child who is younger than 18 years of age or of a person who has been disabled from childhood and a nurse for a person with Group I disability.

331. Placing a person with disability in a social welfare institution is not considered a fundamental solution of providing subsistence rather than as an extreme measure. Pursuant to the *Social Welfare Act*, persons who are not capable of living independently due to their special needs or social situation, and if their ability to cope cannot be guaranteed by the provision of other social services or assistance, will be placed in twenty-four hour social welfare institutions. By law, social services, social allowances and other assistance will be provided with the consent of the person. The law also provides for the cases where care is provided without consent of the person.

332. Disabled persons who are placed in a welfare institution receive pensions and benefits as follows:

- pursuant to the *State Allowances Act* that is valid until 31 December 1999, minors staying in social welfare institutions financed from the state budget receive 50 per cent of the pension granted to them and it will be transferred to the personal bank account of the child. Pensioners residing in a welfare institution financed from the state budget receive 15 per cent of the pension granted to them. In all other cases (where all or most subsistence costs are paid from other sources such as local government, client, etc.), pensions are paid in full.
- Pursuant to the *State Pension Insurance Act* that enters into force on 1 April 2000, pensions (old-age pension, pension for incapacity for work, survivor's pension and national pension) will be paid out in full irrespective of whether the beneficiary resides in an institution or at home. If the person stays in a welfare institution and is not fully financed by the state, a fee will be charged for the stay at the welfare establishment that will be deducted from his or her pension and other income (Article 45 of the *Social Welfare Act*).
- Social allowances granted under the *Social Allowances of Disabled Persons Act* that enters into force on 1 January 2000 will not be paid if the person stays at a welfare institution and his or her subsistence costs are totally paid for and he or she does not contribute to his or her subsistence.

Social welfare and health care expenditure

Table 19. Social welfare and health care expenditure in 1993-1997 (million EEK)

		1993	1994	1995	1996	1997
I. Social care and welfare establishments and services						
	State budget*	589.0	554.5	442.7	1 644.1	553.3
	Local budgets	100.1	59.7	117.3	197.0	587.1
	Non-budget funds	1 572.7	2 619.7	3 707.2	4 088.9	5 772.0
	TOTAL	2 261.8	3 233.9	4 267.2	5 930.0	6 912.4
	Percentage of GDP	10.5	10.9	10.5	11.3	10.7
II. Health care establishments and services						
	State budget**	123.4	100.4	105.6	138.4	125.5

	Local budgets	45.4	20.5	13.3	81.0	88.1
	Non-budget funds	1 025.6	1 742.3	2 390.8	2 997.7	3 354.8
	TOTAL	1 194.4	1 863.2	2 509.7	3 217.1	3 568.4
	Percentage of GDP	5.5	6.3	6.2	6.1	5.5

* In 1996 includes expenditure on family benefits (814 million EEK) usually provided under non-budget funds.
** Health care expenditure in state budget does not contain expenditure to health care that is provided under funds financed from state budget.
Source: "State Finance", a publication of the Statistical Office (1993-1997)

International Co-operation

333. The Ministry of Social Affairs participates in the following co-operation projects:

334. EU Phare:
- "Establishment of the Training Centre for Continuing Education in Social Security and Social Welfare" (Phare Consensus No ZZ-9505-01-22); Cost: 115 000 ECU; Duration: 1997-1998.
- "Introduction of simulation methods in social security analysis" (Phare Consensus No ZZ-9505-01-28); Cost: 134 000 ECU; Duration: 1997-1998.
- "Co-ordination of social security schemes in Estonia, Latvia and Lithuania" (Phare Consensus No ZZ-9505-01-33-016); Cost: 170 513 ECU; Duration: 1997-1998.
- "National social security legislation and EU law on Equal treatment of men and women" (Phare Consensus No ZZ-9710-0012-02); Cost: 50 000 ECU; Duration: 1998.
- "Protection of rights of persons claiming under the social security system in Estonia" (Phare Consensus No ZZ-9710-0007-02); Cost: 50 000 EUR; Duration: 1998-1999.
- "International workshop on aspects of financial management of social protection schemes" (Phare Consensus No ZZ-9710-0038); Cost: 400 000 EUR (for all countries involved); Duration: 1999.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

Marriage

335. The rights concerning marriage are guaranteed by the Constitution and are uniform to all members of the society (see the fourth periodic report of Estonia for the

International Convention on the Elimination of All Forms of Racial Discrimination CERD/C/329/Add.2 , paragraphs 163-168).

Table 20. Marriages and divorces, 1988–1998

Year	Number		Rate per 1,000 population		Divorces per 1,000 marriages registered
	of marriages	of divorces	marriages	divorces	
1988	12 973	5 924	8.31	3.79	457
1989	12 644	5 916	8.06	3.77	468
1990	11 774	5 785	7.49	3.68	491
1991	10 292	5 738	6.57	3.66	558
1992	8 878	6 651	5.75	4.31	749
1993	7 745	5 757	5.11	3.80	743
1994	7 378	5 606	4.92	3.74	760
1995	7 006	7 456	4.72	5.02	1 064
1996	5 517	5 657	3.76	3.85	1 025
1997	5 589	5 281	3.83	3,62	945
1998	5 430	4 491	3.75	3.10	827

Source: Statistical Office

Right of minors to marry

336. Pursuant to the *Family Law Act*, a minor between fifteen and eighteen years of age may marry with the written consent of his or her parents or guardian. If a child has one parent or the other parent is declared to be missing or without active legal capacity or if one parent is deprived of parental rights, the consent of one parent is sufficient. If even one of the parents or a guardian does not consent to the marriage, a court may grant permission to marry on the application of one parent or the supervisory guardian. A court shall grant permission to marry if the marriage is in the interests of the minor (Article 3).

337. Pursuant to Article 9 of the *General Principles of the Civil Code Act*, a minor acquires active legal capacity as of the date of the contract of marriage. Upon termination or annulment of marriage due to reasons which are not associated with the marriage, a minor does not lose active legal capacity acquired by marriage.

338. If a minor who is pregnant or has given birth does not marry, he or she shall have restricted active legal capacity until he or she has attained eighteen years of age (Article 10.)

339. Pursuant to the *Abortion and Sterilisation Act*, an abortion may be performed only with the woman's consent. No one shall force or influence a women to abort her pregnancy. A request for an abortion must be made in writing. Pursuant to the *Criminal Code*, performing an abortion against the will of the pregnant women is punishable with imprisonment for two to six years (Article 120.)

340. A pregnancy may be aborted if a woman has been pregnant less than 11 weeks. If the pregnant person is younger than 15 years of age, an abortion may be performed until the 21st pregnancy week. The decision regarding whether or not an

abortion is necessary shall be made by the physician who will perform the abortion. The age of a minor is determined by her passport, birth certificate or another personal identification document (Articles 5, 6 and 11 of the *Abortion and Sterilisation Act*.)

341. If a woman requests an abortion, the physician conducting abortions shall explain to her, before abortion, the biological and medical essence of abortion and related risks, including possible complications. A report shall be made on counselling that will be signed by the person who was counselled and the physician (Article 12 of the *Abortion and Sterilisation Act*).

342. Young people's counselling centres raise the awareness of young people about sexual behaviour. Since 1994, 15 such counselling centres have been set up. A visit to the counselling centre is free. Some centres arrange lectures either in schools or in the centre and some centres even have their own Internet homepage.

Right of persons with disabilities to set up a family

343. Pursuant to Article 4 of the *Family Law Act*, a marriage shall not be contracted between persons of whom at least one is declared to be without active legal capacity. All persons with disabilities who have active legal capacity may marry. Article 21 states that a spouse is required to maintain a spouse who needs assistance and is incapacitated for work, and to maintain a spouse during pregnancy and child-care until the child attains three years of age if the financial situation of the obligated spouse allows for provision of maintenance.

344. If persons who are staying in a care home marry, they will be given a separate living premise (premises) either in care homes or outside. They may be provided assistance (including counselling and material assistance) on how to organise family life. Every year between one and three pairs of persons living in care homes marry.

Assisting persons with disabilities

345. In 1998, assistance to persons with disabilities was provided as follows:

- 23.7 million EEK were paid from state budget for prosthetic, orthopaedic and other appliances;
- the state allocated 4.3 million EEK for payment for rehabilitation services;
- 35 per cent of recipients of domestic services (1 972 persons) were disabled persons; 97.8 per cent of the total expenditure of domestic services that cost 18.5 million EEK were paid by local governments and 1.9 per cent by clients;
- local governments have helped persons with disabilities to arrange their living premises according to their needs and the resources of local governments;
- disabled residents were in 120 foster families that is 24 per cent of the number of people in nursing. Of them, 57.5 per cent were 65 years of age or older;
- there were 2 565 disabled persons in care homes and 750 disabled children in children's homes;
- the majority of maintenance costs of residents of welfare establishments were paid by local governments. The state paid 23 per cent and the persons themselves paid 5 per cent of the costs;

- special day-centres have been set up for disabled children. There are also integrated groups in general day-care centres and preparations to integrate individual disabled children in general groups has begun;
- subsistence benefits were paid to 54 285 families, of which 4 345 or 8 per cent were families that had a family-member with disabilities. It shows that since disabled persons receive state disability pension, their economic subsistence level is usually higher than in case of the unemployed or families with several children.

Assistance to families with elderly

346. Assistance is being provided mainly to couples who reside on their own and who wish to remain at home so long as possible. It is also provided to elderly who reside with a young family.

347. The volume of social services has increased and the quality of services has been improving gradually. The network of day centres has expanded providing such services as catering, laundry, sauna, etc. to the elderly who reside near the day centre.

348. Home services were provided to 5 683 persons in 1998, of whom 4 305 were older than 65 years of age. Home services were provided by 688 care personnel.

349. There were 160 elderly over 65 years of age who were in family care in 1998. Of them, 119 were women and 41 were men. The majority of the maintenance costs of the elderly in family care was covered by local governments. The average maintenance cost per person in care was 580 EEK a month.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

Protection of mother before and after childbirth

350. In Estonia, protection of mothers is provided by the *Employment Contracts Act, Public Service Act, Working and Rest Time Act, Holiday Act, Health Insurance Act, Social Tax Act, Child Allowances Act and State Pension Insurance Act.*

351. The *Employment Contracts Act* states that pregnant women have the right to request temporary easement of working conditions or temporary transfer to another position based on a certificate for sick leave prepared by a doctor. The difference in wages shall be compensated for the employee pursuant to the procedure prescribed in the Republic of Estonia Health Insurance Act. If the labour inspector of the seat (residence) of the employer establishes that it is not possible for the employer to ease the working conditions of the pregnant woman or transfer her to an easier job, she shall be released from work for the period prescribed in the certificate for sick leave and paid a mandatory medical insurance benefit pursuant to the procedure prescribed in the Republic of Estonia Health Insurance Act (Article 63).

352. It is not permitted to transfer a pregnant woman, a woman who is raising a disabled child or a child under sixteen years of age to another locality. (Paragraph 4 of the Article 67; paragraph 1 of the same article states that on the basis of a decision of a state authority, an employer has the right to temporarily transfer an employee to a position at another enterprise, agency or other organisation in the same or another locality for the prevention of a natural disaster, expeditious elimination of the consequences thereof or prevention of the spread of disease, but for not more than one month.).

353. It is prohibited to send pregnant women and minors on business trips. A woman raising a child under three years of age may be sent on a business trip with her consent (Article 51).

354. According to the *Holidays Act* employers are required to grant a holiday at the time requested by the employee to a woman before and after pregnancy or maternity leave or after parental leave or to a woman raising a child of up to three years of age alone (Article 16).

355. The *Working and Rest Time Act* states that a person raising a child under one and a half years of age shall be provided with additional breaks to feed the child in addition to the general breaks for rest and meals. Such breaks shall be provided at least every three hours with a duration of not less than 30 minutes every time. Breaks for feeding a child are included in working time and payment of average wages shall be continued in respect to the breaks by state budget funds through the state social insurance budget pursuant to the procedure established by the Ministry of Social Affairs (Article 25).

356. By the *Public Service Act* a pregnant woman or a person raising a disabled child, one who is disabled from childhood or a child under three years of age shall not be permitted to be sent on official travel without the person's consent (Article 40).

357. During pregnancy an official shall be entitled, based on a certificate for sick leave prepared by a doctor, to the temporary easement of her conditions of service or to a temporary transfer to another position, except a position to be filled by way of competition. The difference in wages shall be compensated pursuant to the procedure provided for in the Republic of Estonia Health Insurance Act. If the easement of conditions of service or transfer is impossible, an official shall be released from the performance of her functions for the period prescribed in the certificate for sick leave and shall be paid a mandatory medical insurance benefit pursuant to the procedure prescribed in the Republic of Estonia Health Insurance Act (Article 51).

358. By the *Working and Rest Time Act* it is prohibited to require pregnant women to work overtime (Article 14), work during night time (from 22.00 until 6.00) (Article 19) and on days off (Article 30).

359. At the request of a pregnant woman or a woman raising a disabled child or child under fourteen years of age, an employer is required to apply part-time working time with respect to such person (Article 18).

360. A person raising a child under one and a half years of age shall be provided with additional breaks to feed the child in addition to the general breaks for rest and meal (Article 25).

361. *Republic of Estonia Holidays Act* provides women before or after pregnancy leave or maternity leave the right to receive a holiday in full during the first working year regardless of the amount of time worked (Article 9).

362. The same act regulates pregnancy leave and maternity leave: based on a certificate for maternity leave, a woman is granted a pregnancy leave of 70 calendar days before giving birth and a maternity leave of 56 calendar days after giving birth. In the case of a multiple birth or a delivery with complications, a maternity leave of 70 calendar days is granted. Pregnancy leave and maternity leave are added together and granted in full, regardless of the date of birth of the child. Compensation for the period of pregnancy leave and maternity leave is paid pursuant to the Health Insurance Act (Article 28).

363. The Holidays Act grants a mother or father parental leave at his or her request until the child attains three years of age. For the duration of a parental leave, an employment contract is suspended and for this period of time the employee is paid child care allowance pursuant to the *State Family Benefits Act* (Article 30).

364. Pursuant to the *Employees Disciplinary Punishment Act* a female employee shall retain at least 70 per cent of the wages payable to her after the deduction of the fine if the employer has a document certifying that the employee is pregnant (Article 18).

365. Suspension from work without pay shall not be imposed on an employee if the employer has a document certifying that the employee is pregnant or the mother of a disabled child or a child under three years of age (Article 20).

366. Pursuant to the *Health Insurance Act*, in the case of temporary easement of working conditions or temporary transfer to another position, the difference in wages shall be paid to the insured person in such an amount that the difference in wages together with the wages received for the corresponding time shall not exceed the average wages of the insured person. In the case of temporary termination of work, the insured person shall receive 80% of average income of one calendar day per calendar day (Article 10^4).

367. In the case of pregnancy and maternity leave, 100% of pregnancy and maternity benefit shall be paid prior and after childbirth for not more than 126 calendar days, or in the case of a multiple birth or a delivery with complications, for not more than 140 calendar days (Articles 6 and 8).

368. Health examinations and medical services financed by the health insurance fund are also provided to persons for whom social tax has been paid, including non-working pregnant women since 12^{th} week of pregnancy, to children and spouses who are dependent on the insured person.

369. Pursuant to the *Social Tax Act*, the state shall pay social tax on the basis of the minimum monthly wage for a person who is at parental leave with a child of up to 3 years of age or for one unemployed parent who raises a child of up to 3 years of age (Article 6). They will also have the right to all medical examinations and medical services funded by the health insurance fund.

370. Pursuant to the *Child Benefits Act*, a monthly maintenance allowance is paid:

- at four times the child allowance rate to persons on parental leave, one non-working parent or one non-working parent who is enrolled in daytime study at a vocational institution or institute of higher education, who have a child of up to two years of age, for each child of such age.
- at twice the child allowance rate to persons on parental leave, one non-working parent or one non-working parent who is enrolled in daytime study at a vocational institution or institute of higher education who have a child between two and three years of age for each child of such age (Article 7).

371. Pursuant to the *State Pension Insurance Act*, years of pensionable service shall also include time during which a mother, father or guardian cares for a child under 3 years of age until the child attains 3 years of age (Article 18).

372. Article 6 of the *Social Protection of the Unemployed Act* provides that, as an exception, previous employment or engagement in an activity equal to work is not required of persons who for at least 180 days during the twelve months prior to registration as unemployed raised a disabled child or a child under seven years of age as the mother or, in the absence of the mother or during the time the mother worked, as the father of guardian.

373. Based on incapacity reports, childbirth allowances were paid for one million calendar days in the amount of 100 million EEK in 1998.

- approximately two-thirds of mothers had a job and received childbirth allowance before the maternity leave.
- pregnant women who do not have a job do not receive a child benefit or allowance before childbirth.
- unemployed who no longer receive an unemployment benefit and have less than 70 calendar days until the birth day as determined by a physician, will receive unemployment benefit until childbirth.

374. Maintenance benefits were paid for 33.5 thousands children of up to 3 years of age in the amount of 200 million EEK in 1998.

375. Pursuant to the *Child Benefits Act*, non-working mothers receive a maintenance benefit since the day of childbirth in the amount of 600 EEK a month for every child up to 2 years of age and 300 EEK for every child aged 2-3 years; persons in maternity leave are paid maintenance benefit after the end of maternity leave.

376. Parental leave can be granted to and maintenance benefit can be paid either to the father or to the mother of the child.

377. No maintenance benefit is paid when both parents are working and no other person is formalised for parental leave.

378. An amendment to the *Child Benefits Act* has been drafted that is scheduled to enter into force on January 1, 2000. The new law would be named the *Family Allowances Act*.

379. Rates of childbirth allowance, single parent's child allowance, conscript's child allowance and maintenance allowance (that will be renamed to child care allowance), will rise.

380. The range of recipients of child care allowance will be wider than that of the current maintenance allowances. Recipients of a child care allowance are permitted to be employed.

381. The state will pay social tax on behalf of recipients of child care allowance, providing them with coverage of health insurance and state pension insurance. These provisions indicate that the state considers raising of children as work.

382. In comparison with the 1999 budget, the amount to be allocated for child benefits (family allowances) would increase by 17 per cent.

383. Pursuant to the *Social Welfare Act,* local government are entitled to grant and pay supplementary social benefits (including childbirth allowances).Local governments provide new-born babies with gift packages containing the necessary means. The act also provides for social counselling (Articles 23 and 11).

Motherhood of disabled women

384. Disabled women have largely the same right to protect their motherhood as other women. However, there are certain special issues, such as the payment of additional state allowances and abortion and sterilisation issues.

385. Pursuant to the *Child Benefits Act*, until December 31, 1999, a single parent's child allowance is paid for children of up to sixteen years of age and children enrolled in basic school, upper secondary school or vocational school who receive child allowance to a single disabled person, monthly, at one and one-half times the child allowance rate. Other parents who are eligible for this allowance are paid the child allowance rate (Article 9).

386. Pursuant to the *Social Benefits of Disabled Persons Act*, on January 1, 2000 payments of monthly allowances will be given to a single disabled parent. In comparison with the provisions of the *Child Benefits Act*, the range of eligible persons is extended to include one disabled parent who is married.

387. The *Abortion and Sterilisation Act* provides the conditions and procedure for abortion and sterilisation. Pursuant to this legal act, a pregnancy may be aborted in general only if the pregnant women so wishes in a written application. The pregnancy of a woman who has no legal capacity may be terminated by the written application of her guardian (Article 5). A person may be sterilised only upon one's own wish. An application to undergo sterilisation must be made in writing. The decision to sterilise a

person without legal capacity is made by a court on the basis of a written application of the person's guardian (Article 19).

388. In most cases a pregnancy can only be aborted before the eleventh week of the pregnancy. After the eleventh week, but before the twenty-first week, it may be aborted if:

- the pregnancy endangers the life of the pregnant woman;
- a child may be born with a profound mental or physical health disorder;
- the sickness of a pregnant woman or health-related problem restricts raising a child;
- the pregnant woman is younger than 15 years of age;
- the pregnant woman is older than 45 years of age (Article 6).

389. An adult person with legal capacity may be sterilised if at least one of the following conditions prevails:

- the person has at least 3 children;
- the person is older than 35 years of age;
- pregnancy is dangerous to the woman's health;
- the use of other contraceptive means is prohibited;
- the person is at risk to have a child with a profound mental or physical disability;
- the person's diseases or health-related problem is an obstacle to raising the child.

390. An adult person without legal capacity may be sterilised if at least one condition mentioned in the law prevails. A list of problems related to diseases and health in case of which sterilisation is permitted is laid down by the Minister of Social Affairs in a regulation (Article 20).

391. If an abortion is needed for health reasons, the justification for the abortion will be determined by two or more gynaecologists and a specialist physician or physicians related to the disease of the women or health. At least three physicians will decide whether sterilisation for health reasons is permitted. If the obstacle involves the raising of the child, a social worker will be involved in the decision-making process, if necessary.

392. The decision will be made in writing and signed by all decision-makers. Before an abortion or a sterilisation, a treating physician must explain to the woman or her guardian the biological and medical essence of abortion or sterilisation and related risks, including possible complications. A report will be made out on counselling that is signed by the counselling physician and the person who was counselled. A person may not be sterilised before one month has passed from the date of counselling (Articles 11, 12, 23, 24.)

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development

should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Legal basis and state programmes in the field of child protection

393. Legal acts regulating child protection activities include the *Child Protection Act, Family Law Act, Social Welfare Act, Work with Young People Act* and the *Inducement of Minors Act*. These acts provide child protection through the activities of state institutions, local governments and public organisations. Preparations are being made to draft the amended *Child Protection Act* that would provide Estonia with better implementation of the UN Convention on the Rights of Child . Employment relations for children are regulated by the *Employment Contracts Act, Working and Rest Time Act, Republic of Estonia Holidays Act*. Children seeking employment are regulated by the *Social Protection of the Unemployed Act*. Children's rights to social allowances are provided under the *Child Benefits Act, Health Insurance Act, State Allowances Act* and the *Social Benefits of Disabled Persons Act*. A broad overview of social benefits is provided under the section of this report that concerns Article 9 of the Covenant.

394. The Estonian Government has approved *the Health Programme of Children and Young People* and *Prevention of Minor Offenders by Legal, Social and Pedagogical Means*, a sub-programme of the *National Criminal Prevention Programme*. The Government has also approved a number of other national programmes in the field of protection of children and young people such as *Preventive Work in the Social Sector*; *Open Care*; *Programme on the Prevention of Alcohol and Drug Abuse 1997-2007*; *Setting up a System of Assisting Crime Victims*. In addition, approval has been given to the *Policy Principles of Preventing Drug Addiction and Combating Drug-related Crime 1997 - 2007*. The Ministry of Social Affairs has approved the *National Programme on Developing Child Welfare 1998-2000*.

Equal right of children to protection

395. Child protection is based on the principles of protecting children's rights and child care, and with promoting active self-expression of children. In making decisions concerning children the child’s interests are the priority.

396. Discrimination is prohibited pursuant to Article 12 of the *Constitution.* By the *Child Protection Act,* a child has an equal right to receive assistance and care and to develop, regardless of his or her sex or ethnic origin, regardless of whether the child lives in a two parent family or single parent family, whether the child is adopted or under guardianship, whether the child is born in wedlock or out of wedlock, and whether the child is healthy, ill or disabled.

Rights and obligations of parents

397. According to the *Constitution,* parents have the right and the duty to raise and care for their children (Article 27). This provision lays down the primary role of the family and parents in protecting and caring for children.

398. By the *Family Law Act*, parents have equal rights and duties with respect to their children. A parent is the legal representative of a child. As a legal representative, the parent has the mandate of a guardian. A parent is required to protect the rights and interests of his or her child. A parent shall not exercise parental rights contrary to the interests of a child (Articles 49, 50). If parents live apart, they shall agree on with which parent a child shall reside. In the absence of an agreement, a court shall settle the dispute at the request of a parent (Article 51).

399. If parents have not agreed on what manner the parent living apart participates in the raising of a child and has access to the child, a supervisory guardian or, at the request of a parent, a court, shall settle the dispute (Article 52). A parent has the right to demand his or her child back from any person who has control of the child without legal basis (Article 50).

400. A parent is required to maintain his or her minor child and a child who has become an adult, needs assistance and is incapacitated for work. If a child attends basic school, secondary school or vocational school and continues to study therein upon becoming an adult, a parent is required to maintain the child during his or her studies.

401. If a parent fails to perform the duty to provide maintenance to a child, a court shall, at the request of the other parent, guardian or guardianship authority, order support for the child to be paid to the parent who submitted the claim or to the guardian or person in whose interests the guardianship authority submitted the claim. The monthly support payment for one child shall not be less than one-quarter of the minimum monthly salary rate established by the Government of the Republic. If a child resides with each parent, a court shall order support for a child from the parent who has the better financial situation. If a parent fails to perform the duty to provide maintenance to a child in a child care institution, a court shall order support from the parent for the child (Articles 60, 61, 62).

402. Pursuant to the *Enforcement Code*, a claim may be turned to the assets of the debtor if he or she has not duly paid alimonies (Article 69). If a parent deliberately fails to pay alimonies that he or she has been ordered to pay by the court, he or she will bear criminal liability (Article 121 of the *Criminal Code*).

403. According to the *Family Law Act*, the grandparents, adult brothers and adult sisters are also obliged to maintain children, provided that their material situation permits (Articles 65 and 67).

404. The enforcement of claims for living compensation is regulated by Article 69 of the *Enforcement Code* under which, in the case of the enforcing of a claim of living compensation, the agreed monthly payable amount may not be lower than the established minimum rate (at present 312.50 EEK which is 25 per cent of minimum wage of 1 250 EEK). Amounts payable under living compensation cannot be offset to cover a countersuit by the debtor. Court rulings made in matters of enforcing claims of living compensation are due for imminent enforcement (Article 244 of the *Code of Civil Court Procedure*.)

405. In 1998 a total of 1 980 lawsuits were filed for awarding compensation to minors. As of January 1, 1999, the enforcement departments of courts had 7 959 such cases in their proceedings.

406. Pursuant to the *Child Protection Act, s*ingle parent families and two parent families have an equal obligation to raise and care for their children (Article 26). The parents of a child are required to get to know and understand the child in order to competently support the child's development. For such purpose, they have the right to receive consultation free of charge from a social services department (Article 25).

Right of children to health protection

407. Pursuant to the *Constitution*, everyone has the right to the protection of health (Article 28).

408. Pursuant to the *Health Insurance Act*, children younger than 18 years of age are considered equal with the insured under health insurance (Article 2). Children, from birth until graduation from upper secondary school, are subject to compulsory preventive medical monitoring that is financed by the health insurance budget allocated for health prevention.

409. According to the *Child Protection Act,* every child shall maintain and not harm his or her health (Article 23).

410. The most frequent diseases during childhood (from years 1 to 14) are respiratory diseases (75 000 up to 106 700 cases per 100 000 children), nerve and sensory system diseases (10 900 up to 18 200 cases), injuries and poisoning (7 800 up to 13 200 cases), skin and underskin tissue diseases (7 600 up to 12 400 cases), and infectious and parasite diseases (9 500 up to 17 500 cases).

411. In a more towards promoting the health of children and young people, as well as to identify existing risk factors, the Ministry of Social Affairs is implementing a *National Health Programme for Children and Young People until 2000*. The programme contains a number of autonomous sub-programmes such as *Physical Activity and Prevention of Traumas of Children and Young People; Mental Health; School Environment; School Meals Programme*.

Right of children to education

412. According to the *Constitution*, everyone has the right to an education. Education is compulsory for school-age children to the extent specified by law, and shall be free of charge in state and local government general education schools. In order to make education accessible, the state and local governments shall maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law. Parents shall have the final decision in the choice of education for their children (Article 37).

413. According to the *Child Protection Act*, every child has the right to an education (Article 39). Children have a school obligation pursuant to Article 22 of the *Education Act*.

414. The state and local governments guarantee that everyone in Estonia is able to fulfil his or her school obligation and is able to participate in constant learning (Article 4). A child is obliged to attend school if he or she reaches 7 years of age by October 1 of the current year. A student is obliged to remain in school until he or she obtains basic education or attains 17 years of age. The obligation to attend school may also be fulfilled in the form of home study. The children of citizens of foreign states and children of stateless persons who reside in Estonia are also under obligation to attend school, except for children of representatives of foreign states (Article 8).

415. Records on school obligation of children are kept and inspection of the school obligation is carried out by local governments (Article 7).

Protection of children from exploitation

416. According to the *Child Protection Act*, a child shall be protected from economic exploitation and from performing work which is hazardous, beyond the child's capabilities, harmful to the child's development or may interfere with the child's education. A child shall not be subjected to physical or mental exploitation (Article 14). Voluntary work appropriate to the age of a child is an important condition for the normal development of a child. The state and local governments shall create conditions necessary for work by a child (Article 21).

417. Pursuant to the *Employment Contracts Act*, an employee may, in exceptional cases, also be a minor if he or she has attained fifteen years of age, has the written consent of one parent or a curator, if the work does not endanger his or her health, morality or education and is not prohibited to minors by law or a collective agreement. A minor of thirteen to fourteen years of age may be employed with the written consent of one parent or a guardian and the labour inspector of the seat (residence) of the employer, for work set out in a list approved by the Government of the Republic, if the work does not endanger the health, morality or education of the minor and is not prohibited to minors by a collective agreement. A minor who is fifteen years of age can be employed with the written consent of one parent of a guardian. This consent is provided with the objective of foreseeing and avoiding possible dangers.

418. If an employment contract has been entered into and the work has not yet commenced and it is found that the work endangers the health, morality or education of the minor, the employment contract is deemed invalid, with full consequences arising from such invalidation.

419. The parent, guardian, curator or the labour inspector of the seat (residence) of an employer may demand termination of an employment contract entered into with a minor if the work endangers the health, morality or education of the minor. An employer terminates an employment contract on the date following the date of submission of the corresponding written demand. Upon termination of the employment contract of a minor, the employer is required to pay compensation to the minor in the amount of his or her average one month's wages.

420. According to the *Child Protection Act*, a child who has completed general education and who does not wish or is not able to continue with his or her studies may be admitted to employment pursuant to law. The employment offices together with the social services departments shall decide whether a child who has not completed general education, who is an orphan or who has been deprived of parental care may be admitted to employment. Schools are required to notify the social services departments of all children who discontinue general education before completion. The employment offices are required to maintain records of children who do not work or study and to notify the social services departments of such children. The social services departments are required to assist children who do not study or work with organising their education and employment (Article 43, 44).

421. The *Working and Rest Time Act* provides that it is prohibited to apply a probationary period on minors or to send them on business trips without their consent. In addition, minors are entitled to reduced working time which shall not exceed 20 hours per week for employees who are 13-14 years of age, 25 hours per week for employees who are 15-16 years of age and 30 hours per week for employees who are 17 years of age. This is considered to be full working time for minors and is subject to full pay. For the purpose of protecting the health of minors and enabling minors to complete their education, it is prohibited to request minors to work overtime, work during evenings, night-time or on days off.

422. The *Republic of Estonia Holidays Act* provides minors with a number of advantages in comparison with adult workers for the purpose of protecting their health, development and education. For example, the basic holiday for minors is extended to 35 calendar days; an employer is required to grant them a holiday at the time they request; minors must be granted a holiday every working year; the transfer of the holiday of a minor to the following working year is prohibited. Supervision over the enforcement of this legislation is carried out by the Labour Inspectorate.

423. Pursuant to the *Social Protection of the Unemployed Act*, minors who seek work are entitled to receive employment services including employment training and employment benefits free of charge.

424. Article 28 of the *Constitution* states that no one shall be compelled to perform work or service against his or her free will. Children are not forced to perform work in Estonia.

425. Children who are younger than 16 years of age work in Estonia mainly during the summer holidays. They perform suitable work for children (in rural areas mainly gardening, and in towns mainly personal sale and service). In 1998 Estonian labour inspectors issued 180 permits for employment to minors aged 13 to 14 years of age, whereas a permit was denied in 23 cases because the work was prohibited for minors (sale of petrol, nightwork in bar, etc.). There are no separate records regarding the employment of minors over the age of 15.

426. Supervision over the observance of labour protection requirements, including safety equipment and other labour protection regulations, is carried out by officials of the Labour Inspectorate. The violation of requirements is punishable with a fine of up to 100 daily wages. In the case that such activities lead to a breakdown, occupational

accident or occupational disease, the guilty party may be fined for up to 200 daily wages by an administrative judge. The director-general of the Labour Inspectorate, his or her deputy, heads of local labour inspectorates and the chief inspector have the right to impose a fine of up to 50 daily wages.

Sexual Abuse of Children

427. Article 33 of the *Child Protection Act* provides that the child shall be protected from all forms of sexual exploitation; the following is therefore prohibited for adults:

- inducement of a child to engage in sexual activity;
- exploitative use of children in prostitution;
- exploitative use of children for pornographic purposes.

428. The manufacturing, ownership or distribution of a work or a copy of a work depicting a juvenile in erotic or pornographic situations and inducement of a juvenile to prostitution or mediation of prostitution to a juvenile is punishable by the *Criminal Code*.

429. Since 1995, crisis help, counselling and training for an abused child and his or her next of kin is provided by the Tartu Children's Support Centre. In 1999 a similar centre was set up in Tallinn. Children are also able to attain help from crisis centres and lifeline telephone numbers. A respective programme has been included in the school curricula.

430. The national programme for assisting crime victims that was launched in 1999 is aimed at preventing any violence and providing rehabilitation and support to crime victims, as well as for training people in need of aid.

431. Estonia is participating in the international co-operation network as follows:

- In September 1998, in co-operation with the Council of Baltic Sea Countries, an international conference on sexual abuse of children was held in Tallinn;
- In 1998-1999 Estonia took part in an international project called STOP, the objective of which was to combat with the sexual trade with children and women.

432. Special attention is given to:

- raising public awareness on the gravity and extent of the problem through wide media coverage (special information campaigns, etc.). In addition, a number of various publications (booklets, leaflets, books) will be published and distributed;
- training of parents and family members on problem identification and implementation of suitable measures;
- training of children on avoiding danger and on how to take action in a dangerous situation;
- training of employees in dealing with children (workshops, information days, training curricula, etc.). In the 1998-1999 academic year the subject on abuse of children was included in the curricula of the Police Academy;
- counselling and assistance for violence victims and their families;

- setting up of a co-operation network (pedagogue, social worker, a physician, police worker, etc.) between persons dealing with children (information exchange, problem identification, information and action without delay).

Protection of children who are deprived of parental care

433. The *Child Protection Act* states that families with children shall receive protection and support from the state. The recording and support of families in need of assistance shall be organised by the social services departments (Article 24). The objective of child assistance, including the objective of guardianship and custody, is to ensure the child's security, development and well-being taking into consideration the needs and wishes of the child, and to support the child's development into an independent adult. Every person is required to immediately notify the social services departments, police or some other body providing assistance if the person knows of a child who is in need of protection or assistance (Articles 58 and 59).

434. By law, officials are required to give notice of the persons or family in need of social welfare or guardianship to the rural municipality government or city government of the residence of the person of family (Article 37 of the *Social Welfare Act*, Article 92 of the *Family Law Act*). The social services departments have the right and are required to act immediately, regardless of the region or group to which the child belongs (Articles 58, 59, 60 of the *Child Protection Act*).

435. A child is in need of immediate assistance if:
- the child is in a situation which endangers his or her life or health;
- the child endangers his or her health and development through his or her own behaviour or actions (Article 32 of the *Child Protection Act*).

436. Pursuant to the *Social Welfare Act*, a child may be separated from his or her home and family for the provision of social services and other assistance only upon the concurrent presence of the following circumstances:
- deficiencies in the care and raising of the child that endanger the child's life, health or development, or if the child endangers his or her own life, health or development with his or her own behaviour;
- other measures applied with respect to the family and child have not been sufficient or their use is not possible;
- separation of the child from the family is in the best interest of the child.

437. If any of those circumstances is not present, the child shall be send home back to his or her family (Article 25).

438. The subsequent residence, care and raising of a child separated from his or her home and family shall be arranged by the rural municipality government or city government. A rural municipality government or city government shall, if necessary, provide assistance to a family from whom a child has been taken in order to help establish the prerequisite conditions for the child to return to the family (Article 25).

439. Upon placement of a child in care outside the administrative jurisdiction of a local government, the rural municipality government or city government shall attend to the preservation of the child's connections with his or her former home-city,

establish conditions for the child to return there, and help the child in his or her start in independent life (Article 25).

440. Pursuant to the *Family Law Act*, a decision on a removal of a child from the parent or deprivation of parental rights will be made by a court (Articles 53, 54).

441. The social services departments may assist the child in finding a suitable support family or support person. Temporary assistance, support and protection shall be provided to the child by shelters (crisis homes) (Articles 61 and 62 of the *Child Protection Act*).

442. According to the *Child Protection Act*, *Family Law Act* and *Social Welfare Act*, orphans or children who have lost parental care will be adopted, placed under guardianship or placed in children's welfare establishments. Until a guardian is designated or the child is adopted, the obligations of a guardian are fulfilled by the social board of a local government.

443. A child who is being assisted has the right to contact with his or her parents and close relatives and to obtain full information on them, except if such contact endangers the health and development of the child (Article 64 of the *Child Protection Act*).

444. After termination of guardianship, the social services departments shall provide the child with continued care to assist and provide advice to the child in organising his or her life (Article 65 of the *Child Protection Act*).

445. According to the *Family Law Act*, in hearing a dispute concerning a child, the court shall take into account the interests of the child, considering the wishes of a child who is at least ten years of age. The wishes of a child younger than ten years of age shall also be considered if the development level of the child so permits (Article 58).

446. Pursuant to the *Social Welfare Act*, in the resolution of issues pertaining to social welfare, the opinion of the person shall be considered. In the resolution of issues pertaining to a child, ward or person under guardianship, the opinion of the parent, foster parent, guardian or curator shall be considered. Issues pertaining to social welfare may be resolved without considering the opinion of those persons if this is not necessary for resolution or if resolution cannot be postponed due to urgency (Article 31).

447. In the provision of social services, social benefits and other assistance, a person’s wishes shall be considered. In the resolution of issues pertaining to a child, the wishes of the parent or, if there is no parent, the foster parent or guardian and the wishes of a child who is at least ten years of age shall be considered. Upon separation of a child from his or her home and family, the wishes of a child who is less than ten years of age shall also be considered if the developmental level of the child so permits (Article 32).

448. Pursuant to the *Child Protection Act*, if a child is separated from his or her parents, the opinions and wishes of the child shall be heard and annexed to the

documentation concerning the separation. The opinions of the child shall be heard and documented by a social services department (Article 27).

449. An orphan or child deprived of parental care has the right to full maintenance by the state and to a survivor's pension. The right of the child to full maintenance by the state is guaranteed also when parental rights have been removed from the parent or the child has been separated from the family with a court order (based on Article 15 of the *Child Welfare Act*, Articles 12-17 of the *State Allowances Act*, Articles 13-14 of the *State Pension Insurance Act*).

450. Pursuant to Article 13 of the *State Allowances Act* that is valid until December 31, 1999, and pursuant to Article 13 of the *State Pension Insurance Act* that enters into force on January 1, 2000, a survivor's pension is paid to a child, brother, sister or grandchild who is under 18 years of age and is entitled to a survivor's pension. Pursuant to the law, stepchildren and foster-children who are not maintained by their parents, as well as step-parents and foster parents, also have the right to receive a survivor's pension.

451. Foster care allowance is a monthly allowance that is paid to children for whom guardianship has been established or with respect to whom a written agreement regarding foster care has been entered into (Article 12 of the *Child Benefits Act*). Ministry of Social Affairs has planned to introduce additional allowance to these families from 1999.

452. A sum of 5 000 EEK is paid to orphans or persons without parental care who have lived in a children's home or school for the disabled for at least the last three years. If an orphan or a person without parental care has lived in a children's home or school for the disabled for less than three years, the start in independent life allowance shall be reduced by 2.5 per cent for each month less than three years (Article 13 of the *Child Benefits Act*).

453. Pursuant to the *Education Act*, the state and local government provide orphans and children without parental care full state maintenance and an opportunity to learn and to obtain education (Article 9).

454. An orphan or a child without parental care who obtains an education has the same rights as other children. The education of children who reside in children's homes and youth homes is organised similarly to the education of children who reside at home – they study either in the basic school or upper secondary school of their place of resident or in a suitable special school or sanatory school. Education of children of school-age who reside in residential educational institutions may be organised in the same institution (Articles 16 and 18 of the Social Welfare Act).

455. These children have the right to the following state benefits:

- pursuant to the *Child Benefits Act*, child allowance is paid to orphans and children without parental care who have left a children's home to study at a vocational school and whose age meets the requirements (Article 4);
- child allowance is paid monthly, from the birth of a child until he or she attains sixteen years of age, or, in the case of enrolment in basic school, upper secondary school or vocational school in daytime study or another form of

study for medical reasons, until he or she attains nineteen years of age. If a child attains nineteen years of age during a school year, allowance is paid to the end of the school year;
- survivor's pension is paid in the case of a student enrolled in daytime or full-time study, before he or she attained 24 years of age (Article 13 of the *State Allowances Act*, Article 13 of the *State Pension Insurance Act*).

456. As of January 1, 1999 there were 77 children from children's homes who studied at vocational schools. During the study at the vocational school, the children remain on the list of the children's home (it is based on the statutes of the children's establishment) and in addition to the above benefits has the right to get clothing, food and other means necessary at school from the children's home (in practice, such young people are also assisted with covering the cost of accommodation in the dormitory). A young person who studies in a vocational school has the opportunity to also stay at the children's home, if necessary on weekends, school holidays, etc.

457. An orphan or a child without parental care has similar rights in seeking and entering into employment as other children (see above on children's protection against exploitation).

458. The employment offices, together with the social services departments, shall decide whether a child who has not completed general education, who is an orphan or who has been deprived of parental care, may be admitted to employment (Article 43 of the *Child Welfare Act*).

Children with disabilities

459. Pursuant to the *Child Protection Act*, the disabled child shall have opportunities for education, development and self-realisation equal to those of able children. The disabled child has the right to special care in accordance with the child's specific needs. The child and his or her caregiver shall have access to multifaceted social, medical and spiritual assistance. The parents of a disabled child have the right to paid care for the child in the home if the child is not able or permitted to attend an institution for children due to his or her disability. The parents or caregivers of a disabled child shall receive support from the state for care of the child in the home in accordance with the law. Teachers and caregivers of disabled children shall have attained special education and be suitable for such work. Social services departments may evaluate whether persons working with disabled children are suited for such work (Articles 52, 53, 54, 55, 42).

460. Pursuant to the *Education Act*, the local government shall guarantee to persons with disabilities the possibility to study at the school of their place of residence. If such conditions are not provided, the state and local government will ensure that such children are able to study in special educational institutions. The type of the educational institution or the child's alternative place of study will be determined or recommended on the basis of medical, psychological and pedagogical studies (Article 10).

461. According to the *Pre-school Children's Establishment Act*, a rural or urban municipality will provide all children residing in its administrative territory with an

opportunity to go to a children's establishment of the area of service (Article 10). A pre-school children's establishment provides younger children with care and basic education (Article 1).

462. On the proposal of the manager of the children's establishment, a rural or urban municipality may set up adaptation groups in the children's establishment where disabled children are together with other children as well as special groups only for disabled children. A special day-care centre for disabled children may also be established (Articles 5 and 6).

463. According to the *Basic Schools and Upper Secondary Schools Act*, a school is required to ensure the opportunity for each child, who is both subject to the obligation to attend school and who resides in the catchment area of the school, to attend school. Rural municipality or city governments shall form, if necessary, separate classes in schools for students who have behavioural problems. The obligation to attend school may also be fulfilled by studying at home. The procedure for home schooling shall be established by a regulation of the Minister of Education (Articles 15, 19, 20).

464. Depending on the need of students to receive special education, special support, or special treatment, a basic school or an upper secondary school may be a school for students with special needs or be a sanatorium school. Schools for students with special needs and health disorders shall be established by a regulation of the Minister of Education or by the executive body of a local government (Article 15).

465. Schools for students with special needs are intended for students with physical disabilities, speech impairments, sensory or learning disabilities, or mental disorders, and for students who need special treatment due to behavioural problems. Sanatorium schools are intended for students with health disorders. In these school students both study and receive the necessary treatment (Article 4).

466. Students may live in the dormitories of the schools for students with special needs or of sanatorium schools during the entire academic year, except during summer holidays; students in dormitories of schools for students who need special treatment due to behavioural problems may live there throughout the year (Article 16). After attendance of a sanatorium school or a school for students with special needs is no longer necessary, a student has the right to continue his or her studies in his or her former school (Article 21).

467. The upper limit of the size of a class shall be thirty-six students.

468. The development class of the school is assembled from students who need assistance with teaching. If there are children with mental disability in the class, each of them is counted as three children when calculating the number of students in the class. There are from 7 to 20 students per special class (Articles 25 and 26).

469. Parents may freely choose a school for a child subject to the obligation to attend school if there are vacant places in the school they wish the child to attend (Article 18).

470. Students have the right to choose a school suitable for their interests and abilities, or to pursue studies on the basis of an individual curriculum pursuant to the procedure established by a regulation of the Minister of Education (Article 31). Upon disagreement with a decision of the teachers' council and in the case of points of dispute concerning teaching and education, students and their parents have the right to address the board of trustees of the school and the official exercising state supervision over the school (Article 33).

471. Pursuant to the *Pre-school Children's Establishment Act* and the *Basic and Upper Secondary School Act*, the Minister of Education has approved admittance procedures into a special day-care centre (group) and into a special school (class). Minister of Education Regulation No. 16 of May 11, 1995 states that the form for study and raising for a disabled child, or the type of school the disabled child will attend is selected on the basis of pedagogical-psychological and medical studies. These studies are carried out by a consultative committee set up for this purpose. The composition of a consultative committee is determined by the educational department of a county government or government of an urban municipality with the consent of the county doctors and social welfare department of a local government.

472. Admission of a child into a special educational or care institution without the decision of a consultative committee is prohibited. Prior examination, monitoring and diagnosis of the child is carried out in the environment in which the child lives or studies. The parents or guardian of the child may be present at the consultation.

473. If necessary, the children's establishment or school, together with the parent or the guardian, may make a proposal (recommendation) to change the form of study. Admission for a disabled child into a special day-care centre (special group) or into a special school (special class), as well as the implementation of special study is made on the basis of the application made by the parent or the guardian. In the case of multiple disability, the child will be placed in a special group or class which best suits his or her development.

474. The procedure for providing education and care in a special day-care centre (group) and special school (class) is based on the curricula approved by the Minister of Education. Depending on the type of disability, children are provided with special study, medical care, rehabilitative care, disability correction and compensation services.

475. Curricula adapted to disabled children is based on the Minister of Education Regulation No. 17 of September 12, 1997, which approves the procedural basis for preparation and implementation of individual curriculum pursuant to the *Basic and Upper Secondary School Act*.

476. Pursuant to the *Child Benefits Act*, a monthly maintenance allowance is paid to one non-working parent who is raising a disabled child between three and eighteen years of age, or who is raising a person disabled since childhood for each disabled child of such age or person disabled since childhood (Articles 7 and 8). In 1998, such maintenance allowance was paid to 318 non-working parents who were raising a disabled child up to one years of age and to 106 non-working parents who were raising a disabled child aged between two and three years.

477. Since January 1, 2000 social benefits payable to persons who raise disabled children pursuant to the *Child Benefits Act* are replaced by the benefits provided in the *Social Benefits of Disabled Persons Act*.

478. The *State Pension Insurance Act*

- provides that a mother, father, guardian or caregiver who has raised a disabled child or a child disabled from childhood for at least 8 years, as well as persons suffering from pituitary dwarfism have the right to receive an old-age pension under favourable conditions;
- provides that disabled persons have the right to receive a survivor's pension;
- stipulates that years of pensionable service also include time during which a person cares for a Category I disabled person, a disabled child or a person under 18 years of age who has been disabled since childhood (Articles 9, 13, 18).

479. The *Social Welfare Act* regulates the provision of social services, social benefits and other assistance. In the practical organisation of social welfare the key role is played by rural and city municipal governments. Social services, social benefits and other assistance is granted with the consent of the recipient.

480. By law, social services are:

- counselling;
- provision of prosthetic, orthopaedic and other appliances;
- domestic services;
- housing services;
- foster care;
- care and rehabilitation in social welfare institutions (Article 10).

481. In principle, all services may also be provided to families with disabled children. They are most often provided social counselling services, prosthesis, orthopaedic and other means, care and rehabilitation in welfare establishments.

482. In order to provide disabled persons with equal opportunities with other persons, their active participation in community life and independent ability to cope, rural municipality governments and city governments:

- establish opportunities to reduce or remove restrictions caused by the disability by treatment, rehabilitation, education and translation services;
- establish, in co-operation with competent state authorities, opportunities for vocational training which would raise the ability of disabled persons to compete in the job market;
- adapt employment positions and establish occupational centres, in co-operation with competent state authorities;
- organise transportation for the disabled;
- guarantee access to public buildings for disabled persons;
- appoint a support person or personal assistant, if necessary;
- arrange for guardianship or establish curatorship (Article 26).

483. Rural municipality governments or city governments may provide other social services (Article 21).

Information about children's rights

484. For the purpose of explaining their rights to children and young people, a number of publications have been published and distributed on the UN Children's Rights Convention and its implementation mechanism. Child protection organisations (Estonian office of UNICEF, Child Welfare Union, Children's Fund) have organised campaigns to raise public awareness of children's rights, particularly targeted to the children themselves. Workshops, lectures and roundtable discussions on children's rights issues are held in schools and children's establishments. Media channels provide coverage on issues of child abuse, involving children and young people.

International co-operation

485. The Ministry of Social Affairs participates in the following co-operation projects:

486. EU Phare:

- "Support to social care in the communities" (ES 9503.001 (SC)); Cost: 600 000 ECU; Duration: 1996-1998. Activities: training on provision of statistical data.
- "Social Protection of Persons with Disabilities" (Phare Consensus No ZZ-9505-01-21); Cost: 116 000 ECU; Duration: 1997-1998.
- "Strengthening the Ministry's capacity in policy for and financial management of social care and welfare in a pre-accession context" (98-5077.00); Cost: 170 000 EUR; Duration: 1998-1999.
- "Prevention of social exclusion of disabled people" (Phare Consensus No ZZ-9710-0052); Cost: 109 840 EUR; Duration: 1998-1999.
- "Conference on the issues involved in establishing private social welfare issues" (Phare Consensus No ZZ-9710-0003); Cost: 49 966 EUR; Duration: 1998-1999.

487. Sweden:

- "Competence development for Persons Working with Children with Physical, Mental and Social Handicap at institutions and the Welfare System in Valga and Võru County"; Cost: 1 100 000 SEK; Duration: 1 year.

488. Denmark:

- "Co-operation program between Estonian Ministry of Social Affairs and Danish Ministry of Social Affairs on social sector 1996"; Cost: 9 000 000 DKK; Duration: 1996-1999. Activities: training of specialists in social sphere, publication of the Social Work journal, preparation of an overview on drug abuse among youngsters in Tallinn and Narva.
- "Co-operation program between the Estonian Ministry of Social Affairs and the Danish Ministry of Social Affairs on social sector 1998". Activities: activities for supporting children, young people, people with physical and mental disabilities, drug and alcohol dependants, prostitutes, homeless, sick and elderly people.
- "Co-operation project between Estonian Ministry of Social Affairs, Danish Ministry of Labour and Polish Ministry of Labour on labour policy in Baltic

Sea Region: Training of personnel of activity centres" Cost: 700 000 DKK; the project was launched in March 1999.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Living standard

489. People's income level fell sharply as a result of hyperinflation at the beginning of 1990s. Families attempted to offset the fall in wages and other forms of permanent income with various temporary sources of income, such as the sale of foreign currency and personal assets, as well as by consuming and selling home-grown agricultural produce. The situation changed radically when Estonia introduced its national currency in 1992, although in the first years after the currency reform average consumption habits of people changed only slightly. In 1993 and 1994 inflation rates were very high, 90 per cent and 48 per cent respectively. In recent years, inflation has fallen from 11 per cent in 1997 to 8 per cent in 1998 (see Table 21).

Table 21. Economic and social indicators

	1993	1994	1995	1996	1997	1998	Change 1993-1998%
Monthly gross average wage, EEK	1 066	1 734	2 375	2 985	3 573	4 021	384.6
Average old-age pension, EEK	318	455	670	953	1 110	1 247	392.1
Average disability pension	281	362	536	706	797	902	321.0
Average disposable income of household number EEK*	635	924	1 157	1 414	1 630	1 889	297.5
Consumer Price Index (compared to previous year, %)	190	148	129	123	111	108	290.0

Unemployment rate (percentage of unemployed in workforce), % **	6.5	7.6	9.7	10	9.7	9.9	147.7
Registered unemployment (percentage of registered unemployed and working age population), % ***	2.1	1.9	1.8	2.2	2.3	2.2	104.8
Distribution of income *							
- income of 40% of households with lowest income of all income, %	16.8	16.4	16.9	19.3	23.6	22.9	
- ratio between income of households in lowest and highest income quintile (20%)	7.4	7.8	7.7	6.3	5.6	5.4	
Gross Domestic Product per capita (PPP, USD)	3 803	3 842	4 138	4 431	5 240		
Currency exchange rate (EEK per USD)	13.23	12.97	11.47	12.03	13.9	14.1	

* Data from Labour Force Surveys (until 1995 by AS EMOR, since 1996 by Statistical Office of Estonia.
** Based on Labour Force Surveys unemployment is defined by ILO methods, 1998.
*** Number of persons who are registered as unemployed under the Social Protection of the Unemployed Act.
Source: Statistical Office

490. In 1992-1993 purchasing power of wage equalled only 38-39% of the wages in 1989. Since 1994, the purchasing power of wages began to restore.

491. Pension growth exceeded consumer price index growth in 1995.

492. Due to various factors and the decrease of inflation, the purchasing power of households has only increased within the past two years.

493. Significant changes in the consumption structure have taken place during this period. As purchasing power of income increased, the growth in the prices of various products and services varied considerably. The biggest factor influencing consumption habits has been the rise in dwelling costs (during the Soviet time, housing costs were at a minimum level). This is understandable, since housing costs play a major role in household's expenditures (See Table 22).

Table 22. Change of consumer price index by product groups and structure of expenditure

	Consumer Price Index		Spending structure	
	Dec 1993 June 92=100	Dec 1998 Dec 93=100	1993	1998
Total	260	251	100	100
food	236	175	40,6	37.5
clothing, footwear	234	207	8.1	7.4
dwelling	300	374	15.8	18.0
housekeeping	168	179		
healthcare, education	772	197	2.5	3.0
transport, communications	231	300	9.3	6.5
leisure time	484	313	5.0	7.2

Source: Statistical Office, Monthly Bulletin No. 12, 1998 and calculations made on the basis of the household survey (contain some structural changes).

494. Due to high dwelling and food costs (the latter is falling as the growth in food prices has stabilised), the opportunities for consumption of durable goods and services have been limited. In 1998 an average family spent 56 per cent of its expenses on housing and food costs. In the families with highest income (10th income decile), these costs made up 41 per cent of all expenses. Clothing and footwear represented an average of 7 per cent of total costs, while for pensioners the respective figure was only 3 per cent.

495. Estonia has not established an absolute poverty line.

496. One poverty line is the subsistence level established by the Government of the Republic. At present, the subsistence level of a person living alone is 500 EEK. This is the amount that the state guarantees to low-income individuals and families after they have paid their housing costs (standard floor area). Therefore, the actual subsistence line is higher than 500 EEK. In 1998 the average benefit for housing was 335 EEK per month per person.

497. In 1998 approximately 10 per cent of families received subsistence benefits. Approximately 39 per cent of paid benefits were used to pay for housing costs. Subsistence benefit has been paid mainly to families with children, the unemployed and pensioners. Local governments may support needy families additionally from local budgets.

498. The second line is the estimated subsistence minimum that is calculated by the Statistical Office on the basis of household survey data. It contains the minimum cost of food (2 400 kcal per day) and the cost of primary goods and services. In 1998 average subsistence minimum in month was 1171 EEK per person. The estimated subsistence minimum is the basis for establishing various benefits and minimum wage, although neither of them is directly indexed to the living minimum. Disposable monthly income per household member of approximately 22 per cent of households or 27 per cent of inhabitants(mainly families with many children, the unemployed or single parent families) is lower than estimated subsistence minimum.

499. The poverty line may be set at 80 per cent of estimated subsistence minimum (approximately 1000 EEK per unit of consumption).

500. The income of approximately 18 per cent of families who are below poverty limit (families belonging in the 1st and 2nd income decile) only covers minimum food, housing and clothing costs.

501. These families usually have no breadwinner or have large number of non-working household members. In the income of families belonging to the 1st and 2nd income decile, income from paid work is less than 50 per cent; pensions, benefits and allowances make up the rest.

502. The following families are at a special risk for impoverishment:

- families with many children;

- single parent families;
- families with an unemployed family member;
- families with a disabled family member;
- families with employers having low education level;
- rural families, including families whose head is a farmer;
- families living in Southeast or Northeast Estonia.

503. In 1997, according to income level (less than 1 000 EEK per consumption unit based on the following consumption coefficients: 1.0 per first member, 0.8 for every other member) the composition of poor households was:

- 65 per cent with two and more unemployed persons,
- 46 per cent of families with one unemployed member,
- 42 per cent of families with three and more children,
- 37 per cent of single parent families with children.

504. Young families in which the mother stays at home to take care of the child also face a relatively high poverty risk. In 31 per cent of young families (parents are younger than 35 years of age and have at least one child) the income level was below the poverty limit. Since January 2000 the system of child-care benefits will be changed. The benefits will be granted to the wider circle of recipients and also the benefit will be raised.

505. The majority of pensioners have income, which is near poverty line, although only 12 per cent of pensioners were considered poor in 1997. High compulsory costs (food and housing) force pensioners to live a fairly monotonous life. This is partly attributable to their often relatively high housing cost resulting from a large floor space (a spouse dies, families of children live separately). At the same time there are also cases where pensioners support their children or grandchildren who have no income (mainly because of unemployment). Assisting family members who live elsewhere is thus one of the main reasons why pensioners spend so much money on food.

506. In spite of their relatively complicated material situations, more elderly people are seeking opportunities to participate in self-help, contributing to the diversification of their daily lives. Day-care centres play an important role in these activities, as well as organisations for the elderly, various societies, associations and hobby groups.

507. Families who live in rural areas are more likely to be impoverished because of the recession in the agriculture sector (price of agricultural produce is low and does not cover costs; lack of import duties; cheap imports; marketing problems) and the lack of employment. The gap between income of rural and urban families is increasing. In 1996, the average income of a rural household per household member was 76 per cent of that of an urban household, falling to 71 per cent in 1998. Incomes of urban households increased 36 per cent in two years, while the rise in the countryside was only 27 per cent.

508. Regionally, the lowest incomes were recorded in the agriculture sector in Southeast Estonia. This region also has a high level of unemployment. This situation is similar to that of Northeast Estonia were there is high unemployment among industrial workers.

509. At the lower income levels, the risk of losing one's job or long-term employment is also related to a low level of education (including lack of vocational education).

510. In recent years, the situation of pensioners has improved slightly (the average pension increased approximately 36 per cent in 1997-1999). At the same time the situation of the rural population has worsened. As in other poor families, their situation in comparison with average families has remained more or less the same.

511. According to the United Nations Human Development Report 1999, the Estonian Human Development Index was 0.773 (calculated on 1997 data.)

512. The following national social political measures have helped to reduce the extent and intensity of poverty.

513. With the consent of social partners, the Government has established a minimum wage of 1 250 EEK from January 1, 1999. Employers are required to pay their full-time employees wages that are at least on the minimum wage level.

514. Estonia has proportional income tax. The income-tax free amount from annual income is 6 000 EEK.

515. Since 1998, child benefits paid from the state budget have increased. The maintenance benefit of a parent who raises a child of up to three years of age at home, childbirth allowance and a school benefit increased the most.

516. In 1999 additional 30 million EEK were allocated in the state budget into the assistance fund of rural and municipal governments for school benefit of children.

517. As the main change of payment of state funded maintenance benefits, the subsistence limit was raised in 1998 to 500 EEK and the coefficient of the second and other family members was increased from 0.7 to 0.8 in 1999.

518. Certain population groups receive other social benefits (compensation of transport costs for disabled persons, benefit of electric communication services to risk groups, benefit to those who suffered at the cleanup of the Chernobyl nuclear accident, etc.).

519. On January 1, 1999 unemployment benefit was established at 400 EEK.

520. Regional programmes supporting the development of the less-developed regions are funded by the state budget (as to social security, see the section under Article 9 of the Covenant).

Co-operation projects with the Ministry of Social Affairs

521. UNDP:

- “Elaboration of a National Strategy for Poverty Alleviation in Estonia” (EST/97/551/G51); Cost: 97 500 USD; Duration: 1997-1999. Objective: to develop a method for determining a poverty line.

Right to healthy food

522. The production and supervision of healthy food and consumers' rights are regulated by a number of laws (*Food Act, Consumer Protection Act, Public Health Act, Water Act, Packaging Act*).

523. In accordance with other legal acts, the main purpose of the *Food Act* is to provide that the food is of high quality, internationally competitive and safe for human health and to guarantee the functioning of a uniform food inspection and supervisory system on the territory and state borders of Estonia.

524. This act provides the basis for the handling of food and raw material for food for marketing purposes, the self-checking of a food business operator, and state supervision in order to ensure food safety and the conformity of food with other requirements.

525. Other legal acts regulate the requirements for infant’s and children’s food, food developed ecologically and biodynamically, special food and the handling of drinking water. Separate legal acts regulate the handling of certain food groups.

526. The supervision of food is conducted by the Veterinary and Food Inspectorate, the Health Protection Inspectorate and the Consumer Protection Board.

527. The new *Food Act* was adopted on February 25, 1999. The majority of the act entered into force on January 1, 2000 while certain provisions will take effect on July 1, 2000 and January 1, 2002. The new act contains more provisions delegating authority to harmonise the Estonian legislation with the requirements of EU Directives and national requirements on marketable raw food and food handling.

528. Drafts of general regulation on food hygiene, the amendments to the procedure for labelling packaged food, legal acts concerning materials which are permitted to be exposed to food, general requirements for flavours and scents which are permitted in handling of food, purity criteria and analysis methods of additives permitted to be used in handling food, and a legal act on breast milk substitutes are being prepared.

529. An analysis of the living standard of the population, including food costs, is mainly based on the Statistical Office Survey of Household Income and Expenditure. In 1998 the United Nations Development Programme financed a project entitled "Poverty Alleviation in Estonia" that studied the food costs of the population.

530. In 1998, households spent an average of 37.5 per cent of their household expenditure on food. As a result of stabilisation of food prices (food prices increased only 0.5 per cent in 1998) and, in some cases, lower price of food, the share of food costs in total household expenditure is decreasing.

531. In low-income families, home-grown produce is often a substantial portion of their food intake. In the first and second income decile, home-grown produce made up approximately 22 per cent of the total cost of food. The respective figure for families with three and more children was 25 per cent, families of a pensioner, 21 per cent. At the same time it was 10 per cent in the 10th decile. In the regions with highest level of unemployment and lowest incomes, home-grown food makes up 25 to 30 per cent of total food.

532. At the same time the importance of home-grown produce in household subsistence has fallen since the beginning of the1990s (the share of home-grown or free produce in the total financial value of the consumed food has fallen from 25 per cent to 17 per cent for an average family). In the first and second income decile, food makes up 71 per cent and 85 per cent of the minimum cost.

533. In 1997, approximately 40 per cent of all households spent more than 50 per cent of their total expenditure on food (considering the above consumption coefficients), including 56 per cent of households of pensioners and disabled persons, 53 per cent of unemployed, and 41 per cent of families with three and more children.

534. There are no official statistical data on starvation or malnutrition. According to national health statistics, approximately 200 children and 200 adults are diagnosed as malnourished every year, based on persons hospitalised in recent years. No territorial region is highlighted. In many cases obesity is actually a more significant problem than malnutrition.

535. No statistics is being collected on gender-specific nutrition. Analysis of the household survey shows that the difference between men and women depends on the composition of household since single parents are usually women.

536. The nutritional value of food consumed by various population groups has improved according to the Household Survey in comparison with 1993-1995. In five years, important changes have taken place in the nutritional habits of people and the importance of poultry meat and vegetable oil has increased. The increase of purchase quantity of potatoes is attributable to the reduction in own-grown production.

Table 23. Average purchase quantity of basic foodstuffs a month per person (by the Household Survey)

	1993	1998	Change %
Milk, l	5.08	4.75	93.5
Sour cream, kg	0.47	0.55	117.0
Buttermilk, l	0.31	0.15	48.4
Cheese, kg	0.29	0.28	96.6
Pork, kg	0.61	0.60	98.4
Poultry meat, kg	0.18	0.49	272.2
Frankfurters, kg	0.30	0.47	156.7
Fresh fish, kg	0.84	0.68	81.0
Butter, kg	0.39	0.15	38.5
Margarine, kg	0.25	0.43	172.0
Vegetable oil, l	0.28	0.61	217.9

Eggs, pcs	11.00	10.66	96.9
Potatoes, kg	2.15	3.34	155.3
Dark bread, kg	3.27	2.91	89.0
White bread, kg	2.14	1.99	93.0
Sugar, kg	1.62	2.01	124.1

537. For improving the availability of food, the following measures have been implemented:

- the cost of school meals of children coming from poorer families are partly or fully covered by local governments: in individual rural school all children are served free meals;
- soup kitchens operate for poor and homeless people;
- elderly and disabled persons who cannot move without assistance are assisted by social workers who buy them food for the money of the elderly or disabled persons or provide them with free meals.

538. Diabetics and other persons who need special diets are provided with the necessary foodstuffs produced in Estonia or imported.

539. Nutritional and health education training has been provided in the framework of health promotion projects that have been funded by the health insurance budget since 1995. The national health programme of children and young people that was began in 1996 will be completed in 2005. School Meal, a sub-project of the national project deals with the quality of food and nutritional training at school.

540. The Baltic Food Survey was conducted in 1997.

541. The legal basis for agricultural reform was the *Agricultural Reform Act,* adopted on March 12, 1992. Pursuant to the *Basis of Property Reform Act* from 1991, the new Act established the processes for retribution and compensation of co-operative property in the agricultural sector and the reorganisation or liquidation of co-operative farms. The Act does not deal with land issues. These are instead regulated by the *Land Reform Act*.

542. The transition to a farm economy and other form of enterprise based on private property was implemented during the agricultural reform. The reform plan varied by content and quality but effected nearly in all co-operative farms. Local governments were made responsible for administering the agricultural reform while state representatives supervised the process.

543. In order to increase the rate of the agricultural reform, the *Agricultural Reform Act* was amended on June 12, 1996. According to the amended act, co-operative farms that had not completed the agricultural reform by December 1, 1996 were to be liquidated by the County Governor by February 1, 1997. Today, the agricultural reform is nearly complete.

544. In 1994 the Estonian Parliament adopted the basic principles for drafting legislation concerning rural life and economy:

- the population is provided the basic foodstuffs produced in Estonia. Strategic food reserves will be set up;

- agricultural production is based on co-operation of farm economy and private ownership. Rapid completion of the land and property reform is vital for developing rural life;
- for preserving the inhabitation of rural areas and for ensuring the development of rural life and economy, regional policy adapted to regional differences is being implemented and assistance is being provided to local governments in developing social infrastructure.
- stable agricultural production and optimum consumption prices of food are formed by the organisation of the market of agricultural produce, including the regulation of import and export of food and credit policy supporting rural economy.

545. Only importers who have a state activity license granted by the Government of Estonia may import food into Estonia. The quantity of imported food as well as food supplements and additives must comply with quality and safety requirements established in Estonia.

546. Goods produced for export must comply with the requirements laid down in the Food Act and legal acts adopted on the basis thereof, provided that the requirements of the importing country or respective purchase and sale agreements do not provide otherwise.

547. Food is imported and exported only through the border points designated by the state.

548. In order to raise the quality of domestic food and promote exports, food standards are being developed and harmonised with international standards (*Codex Alimentarius*).

549. An EU Phare project "Assistance to Estonia Dairy Industry to accelerate its integration to EU" is being conducted in the Ministry of Agriculture. The objective of the project is to create conditions in the Estonian dairy industry so that Estonia's main export articles (butter, milk powder and cheese) comply with the EU hygiene requirements.

Right to housing

550. The definitions of “apartment ownership” and “apartment owner” are provided in the *Apartment Property Act,* pursuant to which an apartment may be owned by the state, local government, a natural person, a legal person in private law, or a public entity referred to in the Act. Apartment owners have the right to carry out all transactions involving real estate pursuant to the *Property Law Act*.

551. The *Housing Act* regulates the relations that arise in the renting and use of residential premises and forms the basis of other normative acts that regulate housing relations. This subject is also regulated by the *Residential Premises Privatisation Act* and the *Housing Associations Act*.

552. Pursuant to the *Social Welfare Act,* local government authorities are required to provide housing for persons or families who are unable or incapable of securing

housing for themselves or their families and to create, if necessary, the opportunity to lease social housing or to use a shelter. The procedure for the provision and use of social housing shall be established by the rural municipality council or city council. Persons who have difficulties moving about, caring for themselves or communicating in a dwelling shall be assisted by the rural municipality government or city government in adapting their dwelling or in obtaining a more suitable dwelling.

553. The rights and obligations of an owner are enshrined in the following legislation:

- Everyone has the right to freely possess, use, and dispose of his or her property. Restrictions to this principle shall be laid down in law (Article 32 of the *Constitution*);
- The owner shall guarantee the maintenance of housing in his or her ownership pursuant to law and other legal acts (Article 6 of the *Housing Act*);
- The owner of a structure is required to ensure the maintenance and safety of the structure in his or her ownership and the plot adjacent thereto (Article 59 of the *Planning and Building Act*).

554. Article 32 of the Constitution states that the property of every person is inviolable and equally protected. Property may be expropriated without the consent of the owner only in the public interest, in the cases and pursuant to procedure provided by law, and for fair and immediate compensation. Everyone whose property is expropriated without his or her consent has the right of recourse to the courts and to contest the expropriation, the compensation, or the amount thereof.

555. The *Land Reform Act* lays down the basis for restructuring land relations. In the course of the land reform, relations based on state land ownership are mainly transferred to the owner based on private ownership of land. Land that was illegally confiscated is returned to its rightful owners or their successors or is compensated for, land is provided for a payment of free of charge to the ownership of a private person, a legal entity in public law or a local government and the land to be left in state ownership is determined.

556. For more efficient use of real estate and economisation in dispersed settlement, a local government carries out land organisation activities following the conditions and procedures provided by the *Land Activities Organisation Act*. Land organisation activities include the re-plotting, exchange or division or real estate, clarification of restrictions on real estate and determination of the boundary of real estate.

557. The land tax rate is determined by regular assessments. A regular assessment is conducted periodically once in every three to four years on the basis and procedures provided in the *Land Evaluation Act*. In the evaluation, the land is divided into pricing zones. A pricing zone is an area with similar value level and value formation mechanism.

558. Real estate may be transferred in a forced manner without the consent of the owner in public interest for a fair and imminent compensation. Forced transfer is permitted only to achieve the purposes referred to in the *Forced Transfer of Real Estate Act*. If the purpose of forced transfer can be attained by some other means,

forced transfer is prohibited. The payment for forced transfer must cover the value of the real estate and the value of inherent areas and crops that form a part of the forced transfer. It also must cover the costs that the owner of the real estate incurs as a result of the forced transfer. A person who receives a forced transfer or acquires real estate in forced transfer (state or local government) must also pay compensation to effected persons in the form of forced transfer damages (owners of property rights to real estate as a subject of forced transfer).

559. The purpose of the *Planning and Building Act* is to ensure conditions which take into account the interests of the widest possible range of society's members for the transformation of the environment, its long-term sustainable development, the use of land and the interrelation of socio-economic and physical planning.

560. According to the Statistical Office, the residential stock of Estonia has 622 000 residential units with a total floor area of approximately 32.4 million square meters, of which approximately 70 per cent is in urban areas. This stock can be tentatively divided into three main groups by type of residential buildings:

- apartment buildings of 5 to 16 storeys high that are an average of 10 to 35 years old: 35 per cent of the housing stock;
- apartment buildings of 1 to 4 storeys that are an average of more than 30 years old: 30 per cent;
- small housing (private houses, farmhouses) that are an average of more than 50 years old: 35 per cent.

561. The dominating form of residence is the apartment. Apartments make up 75 per cent of the total floor area of residential premises.

562. The majority of technical infrastructure and communications systems of the housing stock do not comply with modern requirements. In addition, the internal systems of some of the buildings need replacement. The transfer to electric heating and water systems, as well as a growing use of electric domestic appliances, requires the rebuilding of a substantial portion of the electronic networks.

563. The results of a study on living conditions of families conducted in 1994 are provided in Table 24.

564. Since this study included only 4 500 families, it paints a different picture than the above division based on types of residential premises. Because construction activities have remained modest, the situation described in the study has changed very little in the course of four years. The number of residential premises increased 0.8 per cent in four years. As a result of a fall in the number of residents, the number of residential premises per 1 000 persons increased 3.6 per cent.

565. Non-Estonians who began to live in Estonia during the Soviet time mainly live in towns in the multi-apartment buildings that were built specifically to house the new labour force. Most of these apartments have the necessary living amenities. Since these residential buildings are usually located in towns, they also have good access to service companies and public transport. The average living condition in Estonia is influenced by the rural population and the number of small private houses

characterised by a larger floor space, but fewer amenities and greater distances to service companies.

566. Based on a comparison of the size of residential space, living conditions were notably better for single pensioners, married pensioners and single persons who had in average 2.15 rooms, 1.5 rooms and 2 rooms per person (general floor area respectively 67, 35 and 60 square meters). In a family of four (2 adults and 2 children), there were in average 0.8 rooms per person and 18 square meters of total floor area. Because pensioners, as a rule, live in the countryside or in older houses in towns, they have fewer amenities.

567. There are a limited number of single farmhouses that have no electricity. In the countryside, approximately 7 per cent of families live more than 10 kilometres to the closest basic school, 11 per cent to a policlinic and medical care, and 3 per cent to a station of public transport. According to the survey, noise disturbed the domestic life of around 57 per cent of residents (especially in East Virumaa, Tallinn and its environs), road dust and car pollution disturbed 54 per cent of residents and 29 per cent were disturbed by industrial smoke, soot or unpleasant odour.

568. According to a family survey of disabled persons that was conducted in 1996, 63.5 per cent of disabled persons live in apartments, 18.6 per cent live in farmhouses and 14.2 per cent live in individual houses or row-houses. Only around one per cent of disabled persons have less than 5 square metres per person while 20 per cent of families have around 10 square metres per person and 20 per cent has more than 25 square metres per person.

569. According to this family survey, more than half of the families of disabled persons who live in farmhouses (9.6 per cent of the selection) live without in-house an water supply system and a sewage system. More than 20 per cent of houses of disabled persons are less than 5 kilometres from the nearest doctor. 44.4 per cent of the respondents do not have a telephone, and the average distance to the nearest telephone is 800 metres. According to the data, 25 per cent of living conditions of persons with Group 1 disability do not comply with special needs of the disability. The respective figures for Group 2 disability are 18 per cent, and they are 16 per cent for Group 3 disability.

570. Local governments have attempted to improve the living conditions of disabled persons according to their possibilities as well as through various projects. A random follow-up study conducted in 1998 showed that the situation was improving, albeit slowly.

Table 24. Housing conditions in 1994

Average		incl.			
		urban	rural	Estonians	Non-Estonians
1. Type of housing %					
individual house, farmhouse, rowhouse	27	14	55	37	7
apartment building	71	84	44	61	91
hostel	2	2	1	2	2

2. Avg. no. of rooms per one family member	1,2	1,1	1,3	1,2	1,1
3. General floor area per one family member (sq m)	32,3	27	44	37	23
4. Amenities %					
WC	76	87	53	68	91
Bathroom or shower	71	81	50	63	88
Sauna	19	10	40	27	5
Sewage	83	92	64	77	94
Central heating	67	78	42	56	87
Gas stove	53	54	51	49	61
Electric stove	44	44	45	47	38
Hot water	55	65	33	46	73
Telephone*	55	60	44	55	55
5. Distance to the nearest food store %					
up to 1 km	89	99	68	85	98
1-3 km	8	1	23	11	2
more than 3 km	3	....	9	4	...
6. Distance to the nearest basic school					
up to 1 km	70	86	36	63	83
1-3 km	16	12	23	18	12
more than 3 km	14	2	41	19	5
7. Distance to the nearest policlinic, medical care %					
up to 1 km	54	61	38	49	62
1-3 km	25	30	15	25	26
more than 3 km	21	9	47	26	12
8. Distance to the nearest public transport %					
up to 1 km	91	96	79	89	94
1-3 km	8	4	18	10	6
more than 3 km	1	...	3	1	....

* - in comparison with 1994 the percentage of apartments with telephones has increased notably (32 per cent in four years in addition to the rapid increase in the number of mobile telephones.)

Source: Living Conditions Survey

571. The level of subsistence of elderly person depends on their location and type of housing. Subsistence difficulties are the greatest in towns and former farming centres because of big housing-related costs (central heating, water, sewage, waste transportation), while elderly people who live in the countryside in their own housing lack the amenities, but are able to save money on the lack thereof. The elderly who live in apartments are forced to spend as little as possible on food, pharmaceuticals and other items in order to pay a high rent. The rental problem is also significant for those persons who have remained alone in 2 or 3-room apartments and are unable to

exchange them for a smaller apartment. In spite of all of these difficulties, the elderly due tend to live in their homes whenever possible, although the number of cases in which the elderly are placed in social apartments is increasing.

572. There are no official statistics on homelessness. Homeless people are generally persons who have no personal identification documents required by legalisation, who are discarded by their families because of alcohol abuse, who have not been able to find their place in life after being freed from the prison, etc.

573. Local governments and third sector organisations have opened night shelters for the homeless and shelters (crisis-homes) in larger towns.

574. Responses to the questionnaire that the Ministry of Social Affairs sent to counties in 1997 indicated that the counties were able to house approximately 300 homeless persons in 35 facilities. Some of these were facilities that had not been used for housing homeless persons before. In 1997, approximately 1 000 homeless persons stayed in these facilities.

575. If the homeless cannot be placed in special facilities, they can stay in shelters. According to recent statistics, there were 214 beds in 14 shelters in 1998 which were used by approximately 1 700 persons during the year, of whom 78 per cent were minors. Minors are placed or stay in shelters because of the difficult financial situation of their families, negligence at home, loitering, family violence or lack of housing, whereas in case of adults the latter is the main cause.

576. In five years (from 1994 to 1998) a total of 2 900 court rulings on eviction have been put into effect, and most of these did not provide for replacement housing. The majority of these court rulings concern persons who owe rent to municipal apartments owners or to an owner of residential houses that have been restituted. There are several reasons for not privatising apartments, including rent liability and the negligence of the tenant. Persons with special needs (disabled persons, elderly) are provided with social housing, but eviction also causes homelessness for some.

577. Although local governments register applicants who wish to live in apartments, no national data is available on this issue. Local governments provide persons who are victims of such disasters as fires with temporary housing.

578. In connection with the privatisation of housing, important changes have also taken place in terms of housing ownership. In comparison with January 1, 1995, the percentage of private housing stock had more than doubled by the beginning of 1998, going from 44 per cent to 90 per cent. Only 10 per cent of housing stock is owned by the state or local government.

579. In more than 5 000 residential houses that were restituted there are approximately 22 500 tenant families.

580. Local governments have built houses for older people and social apartments for the elderly, disabled persons who cannot cope on their own (they live far from service providers or have no modern amenities) or for persons whose living premise has been returned to its rightful owner, as well as for children from children's home.

Approximately 1 000 persons who pay for their own housing costs reside in those premises (they are assisted by a social worker, if necessary).

581. In its Regulation No. 38 from January 26, 1999, the Government laid down the procedure for calculating rent. This procedure applies to all living premises that are rented in Estonia, irrespective of their form of ownership. The rent limit established by the local government council for living premises that are in municipal ownership and are located in the administrative territory of this local government is also the rent limit for other living premises in the same administrative territory, irrespective of their form of ownership (except for living premises built by natural or legal persons in private law which have been completed after June 20, 1991 or which housing conditions the owner has notably improved during the renovation).

582. An application for eviction can be lodged when the liability of rent and other services and charges exceeds three months. In practice, before making a ruling extensive efforts are made to solve the problem by investigating the underlying causes of the situation and drawing up payment schedules, since free housing cannot be provided.

583. In 1997 housing costs accounted for more than 25 per cent of spending in 27 per cent of households, including 44 per cent of pensioners and 30 per cent of single-parent families.

584. Households who have high housing costs in comparison with their income, and who therefore have problems paying for their housing and maintaining the households, receive subsistence benefits. These benefits are paid on the basis of standard floor area. Since pensioners who live alone have limited opportunities to exchange their living premises for smaller ones, their benefits are calculated on a higher standard floor area (51 sq. m).

585. Housing costs are mainly influenced by high standard costs of water, gas and heat consumption that are calculated either per resident or per floor area. In addition, the cost of these services has been increasing. As a result, more and more consumers are measuring their own consumption levels by installing the necessary meters. Assistance in installing meters for low-income residents has been provided by Estonian Gas Ltd. and local governments.

586. Requirements for living premises are approved pursuant to the *Housing Act* by the Government of the Republic Regulation No. 38 of January 26. 1999. A regulation issued by the Minister of Economic Affairs has laid down compulsory requirements for accommodation facilities.

587. Construction standards comply, as much as practicable, with the EU Directive 89/106/EEC on construction products and Documents No.1 to 6, Category A, as well as ISO and CEN standards.

588. Pursuant to the *Planning and Building Act* and normative acts established on its basis, rooms for public use in structures shall be accessible to and usable by persons with mobility disabilities and other disabled persons. The *Social Welfare Act*

provides that rural municipality governments or city governments provide assistance in adapting dwellings as well as make available the necessary technical appliances.

589. Article 5 of the *Housing Act* provides that a person can be evicted from the residential premise or his or her rights to use his or her residential premise limited only on the basis of or as provided by the *Housing Act*.

590. The state or local government is required to provide the person who has been evicted by the court with a living premises of equal value (or to pay financial compensation) if

- upon the restitution of the living premises to the rightful owner, the premises for which the tenant had a valid rent agreement during the restitution is necessary for the owner or members of his or her family;
- if the living premises of the tenants that are in state or municipal ownership are excluded from living premises in connection with reconstruction, physical weal or loss of living premises because of repair;
- demolition of living premises for state or municipal needs.

591. Without providing replacement housing, a person can be evicted by a court ruling if

- he has failed to meet the obligations provided in a rent agreement or violated the terms of the rent agreement (has not paid rent, or apartment-related services and charges, or has damaged the premises or does not use it according to its intended function, is guilty of disturbing the life of neighbours, etc.) as well as when the rent agreement was made for a fixed term and with the obligation to vacate the premises after the expiry of the term of agreement;
- a member of the housing association fails to pay contributions or management costs by due date;
- the tenant, his or her family member, or a member of the housing association is guilty of co-habitation of other persons in the same apartment or house, or if he or she has been voided of parental rights and co-habitation with children in whose respect parental rights were voided is declared impossible; whereas other members of the family are entitled to continue to use the living premises.

592. In the case that a residential premise is demolished in connection with forced transfer or the termination of its title for state or municipal needs, the institution which applied for the demolition of a residential premise pursuant to Article 12 of *the Housing Act* will, in addition to compensating for the cost upon a request of the owner, provide the owner with another residential premise as provided by law and will compensate for the cost of relocation.

593. Tenants of restituted houses have been provided with loans at favourable terms for acquisition of housing, but it is very little in comparison with the number of people in need. Many of these persons are not granted a loan because of insufficient income, and yet the state and local governments do not have the means to build or buy housing for everyone.

594. Speculation is prohibited both by civil and criminal order, including the cases dwelling and real estate.

595. State planning guidelines are provided in Estonia 2010, a document which focuses on natural and environment-friendliness in planning settlements as the main principle for development.

596. This area is regulated by the *Planning and Building Act,* the *Ambient Air Protection Act* and the *Waste Act.*.

597. The *Public Health Act* lays down the basic requirements for the living environment and health protection. Subsection 4 (7) states that buildings, structures and means of transport must be designed and constructed so that, when used according to their indicated function, they preserve health and take into account the needs of persons with physical disabilities.

598. The Ministry of Social Affairs is currently drafting a regulation on requirements for nursing homes. Regulations concerning children's establishments (pre-school establishments, schools, universities, children's camps) that lay down health protection requirements are also being drafted. The *Public Health Act and the Radiation Act Amendment Act* which will be submitted to the Estonian Parliament shortly, lays down the basis for establishing regulations on non-ionising radiation, noise and vibration.

599. In the housing economy development plan, which was approved by the Government of the Republic, the state will play an important role in the near future in providing funds for:

- setting up a municipal housing stock in order to implement a planned solution for the problem of owners of restituted buildings and tenants;
- supporting the so-called third sector in housing to create conditions (loans, tax system) that motivate owners to repair the situation of the living premises at their disposal. The third sector is made up of non-profit organisations that unite various interest groups based on ownership relations (owners, tenant associations) and professions (representatives of housing-related professions, building administrators, providers of maintenance services, etc.). The main activity of the third sector is to provide training to its members to ensure that they are able to independently operate in the housing sector and to solve various problems.

600. Long-term perspectives (until the year 2010) include housing construction programmes (building and renovation) that are based on the partnership of the state, local governments, various financial institutions, private companies operating on the real estate market and, in particular, non-governmental organisations in the field of housing sector, such as housing building societies. Local governments provide them either with vacant lots or buildings that need renovation, whereas local governments have the right to determine the basic criteria for the selection of tenants, share of municipal apartments and the price level of apartments. Third-sector organisations or private businessmen act as the ordering party of these construction programmes while banks generally provide the funds for the projects. State budget funds could be used as targeted assistance to these programmes which best comply with the strategic action plans in the housing sector.

601. The priority in setting up the municipal housing stock is to repair and renovate the existing usable residential housing stock (rented housing, social apartments, social rehabilitation centres, shelters, and other forms of housing for poor and marginal social groups). The focus is on the measures permeating the whole housing sector that enable more cost-efficient uses of existing housing.

602. There are also plans for an information databank on the needs of various applicants for housing, potential opportunities offering housing on the basis of existing housing stock, provide favourable loans and to supplement legislation on more accurate regulation of rental relations (around half of the tenants in restituted houses wish to remain tenants in private or municipal apartments.)

603. No direct sanctions will be imposed on landowners who do not use their land according to its purpose. Existing legislation (*Land Reform Act, Land Activities Organisation Act, Land Appraisal Act, Land Cadastre Act, Land Tax Act*) and implemented measures will be used to create opportunities and preconditions for a more efficient use of land through land improvement, land organisation and state subsidies. Although around two-thirds of agricultural land in Estonia is drained, thousands of hectares have not been functioning since their drainage does not meet the required efficiency. More than 50 per cent of the drainage systems were built 20-25 years ago and need renovation. Without it 40 per cent of these could become obsolete in the near future. Deserting large amounts of agricultural land puts the fields at risk for weeds, and thus much greater pesticide use in the future.

604. Two pilot projects funded by the Dutch Royal Ministry of Economy are being conducted concerning the replotting of land (restituted land is in various parts) and sewage.

605. Land irrigation projects are funded by the agricultural loan granted by the World Bank. Using funding from the FAO, a set of strategies on increasing the efficiency of water management were developed for irrigation and drainage projects. A total of 88 irrigation societies have been set up and experts on land use have been hired by individual counties. The land stock is being analysed on the basis of the need for land use. Opportunities for finding alternative use for land are also being considered.

606. The land tax rate is between 0.5 and 2 per cent of the taxation cost of land per year. Lower tax rates (0.3-1 per cent) are applied for arable land used for agricultural production and for natural grassland. Local governments have the right to exempt recipients of old-age or disability pension from payment of land tax for up to 200 EEK (for up to 0.1 ha in towns and for 1 ha in rural municipalities).

607. The following funds have been allocated from the state budget in 1999 under administration by the Ministry of Agriculture:

- 265.5 million EEK in subsidy to agricultural producers (grain harvesting, breeding of calves, dairy cattle breeding, sheep raising, small producers and cattle owner and young agricultural producers, insurance benefit for crops and cattle;
- 11.3 million EEK in subsidy for cattle breeding;
- 1.9 million EEK in subsidy to advisory services;

- 2.5 million EEK in subsidy to savings and loans societies;
- approximately 60-70 million EEK from the government reserve fund in compensation to motor fuel excise duty;
- 20 million EEK in compensation for interest on long-term agricultural loans up to 9 percentage points.

608. From 1994-1998, 75 million EEK were allocated from the state budget for providing housing loans to the following target groups: young families, young teachers, teachers in rural schools, and apartment and building societies for renovation work. Implementation of the measures necessary for setting up the municipal housing stock (renovation, re-municipalisation, construction) will require up to 750 million EEK in state budget until the year 2001, enabling the establishment of 2 500 rent apartments. 103 million EEK has been allocated from the 1999 state budget for enforcement of the Housing Act and another 20 million EEK for the Estonian Housing Foundation, although it is less than the target amount outlined in the development plan.

609. Receipts of privatisation of state property are used through the Estonian Housing Foundation for re-locating tenants who live in premises that will be restituted for a favourable loan granted to them (the loan is granted in money, but repayment is made in privatisation vouchers). A total of 1 226 loans have been granted to tenants in the amount of 200 million EEK. Until 2003, approximately 750 million EEK is required, or 150 million EEK a year.

610. Half of the proceeds of privatisation of municipal property are entered into the housing fund of the local government. This fund also receives money from the privatisation of state housing and non-housing premises as well as from the sale of state apartment ownership (these amounts are very small, because there is very little municipal property and very few state apartments that could be privatised).

611. If possible, local governments have allocated from their budgets funds for building social housing and shelters, for solving the problem of “unwanted” tenants, and for covering other housing costs.

612. The Estonian regional policy is geared towards achieving a balanced development of the whole territory through strengthening local development opportunities and contributing to the economic and social development of the whole country.

613. The state supports regional development through subsidies and regional development programmes. All counties receive a transport subsidy and a shipping and air transport subsidy is granted for maritime access to populated islands.

614. The following regional development programmes are supported from the state budget:
- Ida-Viru Programme (industrial restructuring, problems of ethnic minorities);
- Southeast Estonia programme (agricultural employment, development of marginal areas);

- Small Islands Programme (development of eleven populated islands, infrastructure of maritime transport and maritime education on the two largest islands);
- Programme of Monofunctional Settlements (support to the development of 34 settlements that have a single employer);
- Setomaa Programme (development of social infrastructure in four local governments in Southeast Estonia, relocation of residents from historical Setumaa that is now part of the Russian Federation;
- Border Areas Programme (promotion of international co-operation through co-financing).

615. In the framework of the administrative reform, the state supports a unification of local governments (in 1999 eight million EEK was allocated to this purpose). Local governments are relatively independent, but some of them are very small and weak (24 local governments have less than 1 000 residents). The number of local governments should fall from the current 254 to 150.

616. A development plan for a town or a rural municipality (approved for the two next budgetary years) lays down the guidelines for the development of the local government, its territorial master-plan and basis for developing infrastructure.

617. As a result of the current situation between owners of housing and "unwanted" tenants, the demand for rental apartments has outpaced supply, especially in terms of municipal housing.

618. Local governments have limited possibilities to provide housing for low-income families, tenants living in restituted houses or for setting up social apartments (for reducing homelessness).

619. Residents have problems obtaining long-term loans; for the majority of families interest rates and self-financing requirements are too high.

620. Because of the number of residents in apartment houses built of prefabricated concrete elements and brick, the maintenance of these buildings is complicated (solvent and insolvent tenants live under the same roof). This has made the setting up and administration of apartment associations more difficult. Taking into account the technical condition of the buildings, the cost of their efficient renovation is too high for only tenants to pay (of whom most are owners of these apartments). The renovation of all apartment houses built of prefabricated concrete elements would cost between 11 billion and 25 billion EEK. The renovation cost of brick houses would be between 9 billion and 22 billion EEK, and 4-8 billion EEK for all other types of houses.

621. Targeted funds and expert assistance in the framework of specific joint projects is required for setting up the municipal housing stock and for renovating residential buildings.

622. International assistance in the housing sector is provided for inter-ministerial projects and, in the framework of local government and third sector, co-operation projects. These projects primarily concern the exchange of information, provision of

training, joint workshops on the issue of housing management, administration and repair, as well as on the renovation, financing, promotion of setting up apartment associations, production of specialised literature, pilot projects on energy saving and renovation, etc. Various foreign organisations have helped to renovate (build) children's homes, nursing homes for the elderly and homes for disabled persons.

623. So far there has not been a use for external funding, since many projects are carried out directly between co-operation partners. The Housing Development Plan focuses on promoting international co-operation conducted by various organisations, and on informing the public of projects that are in implementation and of agreements that have been reached. Information on international co-operation is also provided by the group of experts in the housing sector in implementing the Housing Development Plan.

Article 12 of the Covenant

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Public health

624. The number of diseases and first incidences diagnosed by health care establishments and private physicians has been increasing.

625. Adults are most often hospitalised because of diseases circulatory system, followed by digestive diseases. Children are most often hospitalised because of respiratory diseases, followed by infectious and parasitic diseases.

626. As a result of higher vaccination and the improved quality of vaccines, the incidence of children contracting measles and rubella has decreased.

627. Since 1992, incidences of tuberculosis have increased.

628. Starting in 1990, some of sexually transmitted diseases, such as syphilis, has increased. Incidences of gonorrhea have fallen since 1994. The first HIV infection was diagnosed in Estonia in 1988 and the first HIV-disease patient in 1992.

629. Data on public health is regularly provided to the World Health Organisation.

630. Estonian women live an average of ten years longer than men (75,5 and 64.4 years, respectively, by 1998 data). The mortality rate for men is higher because of such causes of death as poisoning by alcohol, suicide, homicide and traffic accidents. In 1998 the mortality ratio of external causes of death of women and men was 0.25.

Table 25. Average life expectancy by Estonian tables of life

Year	Age of males				
	0	1	15	45	60
1988	66.6	66.5	53.2	26.1	15.3
1989	65.7	65.8	52.6	26.1	15.3
1990	64.6	64.5	51.2	25.2	14.8
1991	64.4	64.4	51.0	25.1	15.0
1992	63.5	63.6	50.3	24.7	14.6
1993	62.5	62.6	49.1	23.7	14.2
1994	61.1	61.1	47.5	23.0	14.1
1995	61.7	61.8	48.4	23.5	14.5
1996	64.5	64.3	50.7	24.5	14.8
1997	64.7	64.3	50.9	25.0	15.2
1998	64.6	64.0	50.5	24.4	14.8

Year	Age of females				
	0	1	15	45	60
1988	75.0	74.9	61.5	32.7	19.6
1989	74.7	74.6	61.1	32.6	19.7
1990	74.6	74.5	61.0	32.4	19.4
1991	74.8	74.6	61.0	32.4	19.6
1992	74.7	74.7	61.2	32.6	19.8
1993	73.8	73.9	60.4	32.0	19.3
1994	73.1	73.0	59.4	31.6	19.3
1995	74.3	74.3	60.7	32.5	19.9
1996	75.5	75.1	61.5	32.8	20.1
1997	76.0	75.8	62.0	33.3	20.6
1998	75.5	75.1	61.5	32.9	20.3

Source: "Estonian Statistical Yearbook 1998"

631. Life expectancy is not calculated by socio-economic groups and place of residence.

Health care policy

632. The Government approved the Estonian Health Policy in 1995.

633. Estonian health care is being reformed in a constant process: the health care organisation is constantly analysed and is a foundation for building a health care model suitable for Estonia. Health care is regulated by the *Health Insurance Act, Health Care Organisation Act, Public Health Act* and *Medicinal Products Act*. All these legal acts have been amended.

634. There are two main subsystems in the Estonian health care system: health protection and medical care systems.

635. Under the health protection system, measures are implemented against health-hazardous environmental, living and working conditions and unhealthy living habits.

The organisation of health care is not only the responsibility of the state: working conditions are the responsibility of employers, environmental and living conditions are the responsibility of local governments and health living habits are the responsibility of families and a human being himself or herself.

636. Under medical care, physicians with higher medical education provide medical care aimed at protecting human health and improving the quality of life. A physician is allowed to work only within his or her qualifications. Medical care is provided on three levels of care: general medical care provided by local government level, special medical care provided by local government level, and special medical care provided by state level.

637. In the framework of the primary care reform, Estonian medical care is undergoing a transformation to a family doctor system that is aimed at improving the health of the population by offering health care services. The principles of the Estonian primary care reform are based on the principles of the Ljubljana Charter on reforming health care and on the European Family Doctor Charter. The Estonian primary care reform has been approved by the World Bank and WHO experts.

638. In 1991, the Tartu University started to educate family doctors.

639. The Estonian Family Doctors Association was set up in 1991. In 1995 it was accepted to full membership of WONCA, the World Organisation of Family Doctors.

640. In 1997 the Minister of Social Affairs issued a regulation on the main principles of primary care reform, the job description of a family doctor and the financing procedure. According to these documents, the main principles of primary care in Estonia are:

- equitable access to medical care;
- health orientation on patients and their health problems;
- consistency, efficiency and quality of medical care;
- an integrated approach to health care.

641. Until now, the Statistical Office of Estonia has been accounting only government expenditure on the health care. In 1997 the government expenditure on health care of GDP was 5,5%, which was mainly financed (94%) from the health insurance funds. Health care expenditure is growing constantly and it occurred on account of the health insurance funds. In the previous year Ministry of Social Affairs started to work up the methodology and collect data about total health care expenditure. The OECD manual "A system of health accounts for international data collection" was used as a basis of methodology.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Life and health of children

642. Perinatal mortality fell between 1992-1997. In 1992 the perinatal mortality coefficient was 19.5 per 1 000 births. By 1998 this number had fallen to 10.4. Such a fall is attributable to the reduction in the number of neonatal fatalities and stillbirths.

Table 26. Perinatal mortality

	1992	1993	1994	1995	1996	1997	1998
Weight at birth over 500 g							
Number of perinatal death	362	246	217	208	174	160	129
Incl. Boys	195	137	121	108	99	90	70
Girls	167	109	96	100	75	70	59
Perinatal death rate per 1 000 births	19.9	16.1	15.2	15.2	13.0	12.6	10.4
Incl. Boys	20.9	17.2	16.6	15.4	14.4	13.6	11.0
Girls	18.9	14,9	13.7	15.0	11.5	11.3	9.9
Number of stillbirths	175	121	124	101	102	108	92
Stillbirths per 1 000 births	9.6	7.9	8.7	7.4	7.6	8.5	7.4
No. of early neonatal deaths	187	125	93	107	72	52	37
Early neonatal mortality rate per 1 000 live births	10.4	8.2	6.6	7.9	5.4	4.1	3.0
Weight at birth over 1000 g							
Number of perinatal death	285	201	168	143	128	122	93
Incl. Boys	152	110	93	73	74	68	53
Girls	133	91	75	70	54	54	40
Perinatal death rate per 1 000 births	15.9	13.3	11.9	10.6	9.6	9.7	7.6
Incl. Boys	16.6	14.0	12.9	10.5	10.9	10.4	8.4
Girls	15.2	12.6	10.8	10.6	8.4	8.9	6.7
Number of stillbirths	139	103	95	72	70	86	71
Stillbirths per 1 000 births (1000+ g)	7.7	6.8	6.7	5.3	5.3	6.8	5.8
No. of early neonatal deaths	146	98	73	71	58	36	22
Early neonatal mortality rate per 1 000 live births (1000+ g)	8.1	6.5	5.2	5.3	4.4	2.9	1.8

Source: Statistical Office

643. Although perinatal mortality has fallen in all hospitals (to below 1 000 births a year), it is still higher in Stage III hospitals than in Stage II hospitals. This is attributable to the fact that Stage III hospitals (Women's Clinic of the Tallinn Central Hospital, Maternity Block of the Tallinn Pelgulinna Hospital and the Tartu Women's Clinic) receive mainly high-risk pregnancies also from service areas of other hospitals.

Table 27. Perinatal mortality rate per 1 000 births by type of hospital

	1992	1993	1994	1995	1996	1997
Stage III hospitals (1 000 or more births a year)	21.1	17.5	17.4	20.9	17.3	14.2
Stage II hospitals (500 to 999 births a year)	15.6	14.5	14.7	13.2	11.2	13.7
Stage I hospitals (less than 500 births a year)	22.3	12.7	11.9	7.3	8.0	9.0

Source: "Estonian Medical Birth Register 1992-1998"

644. In 1997 perinatal mortality in the countryside was higher than in towns since specialised assistance in the countryside was less accessible than in urban areas.

Table 28. Perinatal mortality coefficient per 1 000 birth by place of residence of the mother

	1992	1993	1994	1995	1996	1997
Estonia	19.5	15.6	15.0	15.0	13.1	12.7
Urban	19.1	16.0	16.0	15.5	13.3	11.2
Rural	21.0	14.7	13.3	14.9	12.4	14.9

Source: "Estonian Medical Birth Register 1992-1998"

645. Perinatal mortality fell from 1992 to 1998. This was caused by both the fall in early neonatal mortality and stillbirths, although early neonatal mortality has fallen more than stillbirths. The perinatal mortality of boys (both early neonatal mortality and stillbirths) has been consistently higher than that of girls.

646. In 1992 Estonia adopted a new definition of live birth since the former definition differed from that recommended by the WHO. Since 1992, live birth has been defined as a birth in which the pregnancy has lasted at least 22 weeks, the new-born weighs at least 500 grams and has at least one of the following vital signs: autonomous breathing, heart activity or muscle activity.

Table 29. Infant mortality 1988 – 1997

Year	No. of infants who were younger than one year old at a time of death			No. of infants who were younger than one year of age at a time of death per 1 000 live births		
	Total	Boys	Girls	Total	Boys	Girls
1988	312	175	137	12.5	13.7	11.1
1989	359	220	139	14.8	17.5	11.8
1990	276	166	110	12.4	14.4	10.2
1991	258	151	107	13.4	15.2	11.4
1992	285	162	123	15.8	17.5	14.0
1993	239	138	101	15.8	17.5	13.9
1994	205	116	89	14.5	16.0	12.8
1995	201	115	86	14.8	16.5	13.1
1996	138	85	53	10.4	12.4	8.2
1997	127	64	63	10.1	9.8	10.4
1998	114	63	51	9.3	9.9	8.6

Source: Statistical Office

Table 30. Vaccination of one-year-old children in Estonia in 1998

	No. of registered children	Vaccinated	Permanent contraindication
Diphteria and tetanus	12 144	10 730	24
Hooping cough	12 144	10 583	29
Measels	12 144	8 773	23
Polio	12 144	10 741	25
Tuberculosis	12 144	12 080	10

Source: Ministry of Social Affairs

647. No records have been collected on immunisation comparing rates in towns and rural municipalities, or comparing rates by gender.

648. Pursuant to Article 2 of the *Health Insurance Act*, children younger than 18 years of age are considered to be equal with the insured. Thus medical care provided under the valid Price List of Medical Services and Health Examinations and visitation of a physician is free for them. Although all children (including disabled children) are considered equal with insured persons, the volume of medical care that is guaranteed for children with grave disabilities is insufficient, especially in examinations and rehabilitation.

649. The *National Health Programme* of children and young persons until 2005 was drafted and approved by the Government in 1996. The objective of the programme is to develop co-ordinated solutions between various institutions. The target group of the programme is students aged up to 21. In 1996, 1.57 million EEK were allocated from state budget for implementation. In 1997 and 1998, a total of 1 598 000 EEK were allocated each year for implementation of the national programme. In 1998, a total of 3 890 500 EEK were allocated from state budget. The following sectoral projects are being implemented in the framework of the programme:

- school environment;
- school meals;
- mental health;
- school fatigue;
- school stress;
- accidents and injuries;
- leisure time;
- school health care;
- development activities.

650. The implementation of the state programme on reproductive health 2000-2009 began in 1999. One of the objectives of this programme is to achieve a permanent reduction in the perinatal morbidity, morbidity of infants and of mothers, and mortality rates, building on the principle that good reproductive health is a foundation for the birth of wanted children.

Living environment

651. In average terms, the quality of drinking water consumed in Estonia has somewhat deteriorated by its chemical indicators, while microbiological indicators

have slightly improved. This is probably due to the improvement in the quality of laboratory tests.

652. The situation of central water supply sources is better than non-centralised water supply sources. Non-compliance of sources of water to health protection requirements is caused by the lack of sanitary protection area, purification or disinfection equipment.

Table 31. Results of studying centralised and non-centralised water supply by the health protection agencies

Type of water supply	1995		1996		1997	
	No. of sites	Percentage of sub-standard sites (%)	No. of sites	Percentage of sub-standard sites (%)	No. of sites	Percentage of sub-standard sites (%)
Centralised water supply sources	1 994	8.3	1 732	10.0	1 819	12
Non-centralised water supply sources	2 251	36.8	2 401	31.4	2 633	24.9
including wells with a curb	654	53.9	746	53.1	547	39.6
artesian wells or wells with pumps	1 567	29.2	1 603	21.4	2 056	20.7
Spring	30	66.6	29	37.9	30	46.6

Source: "Health Protection 1998"

Table 32. Results of a study of centralised and non-centralised water supply in towns and rural counties conducted by health protection services

Towns and counties	No. of drinking water sources		Water does not comply with chemical req. (%)		Water does not comply with microbiological req.	
	Central	Non-central	Central	Non-central	Central	Non-central
Tallinn	101	10	15.8	60.0	2.9	50.0
Harjumaa	142	265	9.1	19.6	-	18.8
Ida-Virumaa	203	109	16.2	6.4	8.8	19.2
Tartu	230	151	3.9	6.6	-	3.3
Pärnu	44	240	47.7	15.0	-	1.6
Läänemaa	35	86	-	3.4	-	9.3
Hiiumaa	11	8	27.2	37.5	-	-
Jõgevamaa	80	62	43.7	19.3	15.0	3.3
Saaremaa	141	143	4.2	18.1	6.3	29.3
Järvamaa	81	78	2.4	30.7	3.7	32.0
Põlvamaa	177	40	4.5	25.0	-	45.0
Lääne-Virumaa	82	407	17.0	11.8	15.8	6.6
Raplamaa	65	294	13.8	1.3	3.0	10.2

Valgamaa	64	225	-	-	-	13.3
Viljandimaa	65	158	15.3	16.4	4.6	20.2
Võrumaa	188	34	2.6	8.8	1.0	26.4

Source: "Health Protection 1997"

653. Until now, the main form of handling domestic waste in Estonia has been depositing waste in dumpsites. Waste is practically not sorted, burned or composted. Sorting and collection of domestic waste has developed more in larger towns where hazardous waste (lamps containing quicksilver, paint, varnish, solvents, car batteries, batteries, etc.) are collected separately. Containers for batteries and bottles have been set up and the collection of scrap paper and aluminium cans has been organised.

654. Estonia produced 14 686 700 tons of waste in 1996 and 14 398 100 tons in 1997. Domestic waste generated in 1996 amounted to 519 900 tons and to 270 100 tons in 1997.

655. In the course of an inventory of dumpsites that was conducted in 1995, approximately 450 dumpsites, waste storage sites and other waste deposit sites were registered in Estonia.

656. Towns administer 48 dumpsites for waste collected by specialised waste handling companies. The majority of all other dumpsites were at the disposal of undertakings that have been liquidated in the course of the property reform, most of which are now administered by local governments.

657. The *Waste Act* lays down the principles for preparing waste handling plans on a national, county, rural municipality and town level to regulate handling of waste. According to these principles, most small dumpsites will be closed and recultivated.

658. The remaining dumpsites and new dumpsites that are being set up must achieve compliance with EU environmental requirements, identify administrative relations and ensure that their exploitation is at a modern level. In addition to environmental protection aspects, economic factors such as the cost of transporting waste, maintenance of dumpsites, liquidation of old dumpsites and setting up new dumpsites are considered in cutting the number of dumpsites to an optimum level.

659. In Estonia a relatively large number of people are exposed to environmental factors at levels that are hazardous to health. Particularly large sources of health risks are:

- microclimate of premises (in-house air at home and accidents at home);
- food;
- working environment.

660. The number of people exposed to these three risk factors is the largest (as opposed to ambient air and drinking water, whose risk has fallen as a result of the constant attention and extensive measures that have been implemented).

661. The dominating sources of pollution are:

- ambient air: vehicles (traffic), industry, heating of buildings;

- in-house air: soil, smoking, heating, use of gas burners, insufficient ventilation, sources of infection, keeping of pet animals;
- drinking water: sewage water, piping leaks, soil pollution (caused from waste or agricultural activities), natural qualities of soil, disinfection, military pollution, pollution from transport, etc.;
- food: pollution of raw materials, substandard handing of food;
- working environment: sources of infection, polluted or infected materials, technical systems and the working process, failure to observe safety requirements.

662. Taking into account that the number of unfavourably exposed people is high, the priorities of the national environmental health are:
- to reduce the number of emergencies;
- to improve the ambient air in working premises;
- to improve the consistency of food;
- to improve working environment;
- to reduce causes of noise;
- to alleviate the cause of psychical stress.

663. In 1997 the Estonian Parliament adopted the *National Environmental Strategy*. The Central Health Insurance Fund finances the preparation of the *Environmental Health Action Plan* that is modelled on the Pan-European Environmental Health Action Plan and the so-called pilot countries (United Kingdom, Hungary, Latvia), as well as the experience of Sweden and Finland.

664. As to the working environment, please see the section under Article 7.

665. The Labour Inspectorate and the Health Protection Inspectorate are two agencies operating in the area of government of the Ministry of Social Affairs.

666. The main duties of the Labour Inspectorate are to carry out state supervision over the observance of legislation regulating the field of occupational safety, health and employment relations in the working environment, and to impose state enforcement on offenders as provided by the law. The Labour Inspectorate has 14 local (regional) inspectorates.

667. State supervisory activities are aimed at improving the working environment and creating safe and healthy working conditions. Based on the results of inspections and an analysis of occupational accidents and diseases, supervision, inspections and advice are mainly provided for the following sectors that account for more than 75 per cent of occupational accidents:
- construction industry;
- transport;
- timber industry;
- furniture industry;
- engineering;
- food industry;
- chemical industry;
- mining industry;
- forestry;

- agriculture.

668. Particular attention is being paid to the organisation of work in undertakings. An analysis of occupational accidents indicates that mistakes in work organisation and poor safety of workplaces is one of the main causes of fatal occupational accidents and accidents that result in grave bodily injury. The priorities are now to:

- create a system of legal acts regulating the working environment on the basis of which the tools, workplaces and the working environment in Estonia will be harmonised with EU standards;
- achieve compliance of machinery, equipment and protective equipment that is manufactured or marketed under EU requirements.

669. The most important duties of the Health Protection Inspectorate are to control the spread of communicable and parasite disease, to keep records of communicable and parasite diseases and to examine the prevalence of infections in human beings. To achieve these goals, the Health Protection Inspectorate has set up several agencies, such as the Central Laboratory of the Health Protection Inspectorate, the Central Laboratory of Microbiology, the Central Laboratory of Virology, and the AIDS Prevention Centre.

Prevention of diseases

670. In Estonia, prevention of diseases is carried out through:

- state health care programmes focused on combatting tuberculosis, drug addiction, alcohol abuse, AIDS and other sexually communicable diseases;
- activities financed by the health insurance fund which are aimed at preventing diseases in pregnant women, new-borns, children (including school health) and adults;
- immunisation of the population (based on the state development plan of vaccinations).

671. As to the prevention of occupational diseases, please see paragraphs 171–183 under Article 7.

672. The prevention of diseases and the preparation and implementation of patient's individual health education plans are some of the main duties of family doctors who practice in the Estonian health care system. Family doctors are thus some of the main distributors of health education information among patients.

673. Public health specialists have been working in counties since 1997. Their duties are to promote healthy living habits, including informing people on health education, provide training and counselling for health teachers, prepare and implement health promotion programmes, and create local infrastructure (advisory and family planning centres, health centres and centres for young people, family doctor centres, A-policlinic in Tartu, etc).

674. The Estonian Health Education Centre was set up in 1993. One of its duties is to provide training on health issues. The Centre has developed a national health promotional project which includes methodological guidance and training activities, and has set up a network of specialists. From February 1995 until October 1996, a

training programme for county public health specialists was conducted in co-operation with the Centre and the British Health Promotion Board. The objective of the programme was to provide county specialists with a survey of the main concepts in health promotion, most popular strategies, methods of situation analysis and planning, implementation and assessment of health promotion.

675. The Public Health and Social Training Centre was set up with the objective of providing supplementary training and counselling in the field of public health. Training programmes are planned for a large number of public health specialists.

Medical care

676. By the end of 1998, Estonia had 77 health care establishments with hospital beds. The total number of hospital beds was of 12 309, of which 10 484 were in use. There were approximately 400 outpatient clinics and family doctor practices.

677. The medical staff that is employed in health care establishments is professional and qualified for the provision of medical services. The majority of health care establishments are equipped with modern medical technology and high-quality pharmaceuticals in order to provide patients with high-quality medical services.

678. Pursuant to Article 5 of the *Health Activities Organisation Act*, each person staying on the territory of Estonia has the right to emergency medical care. Emergency medical care is medical care which, if delayed, would directly endanger the life or health of a human being.

679. There are 79 ambulance units and 6 mobile reanimation units in Estonia. The units include a driver who has received paramedical training, a nurse, a doctor's assistant and a physician. A unit may also consist only of paramedics. The response time of the ambulance unit is between 8 and 30 minutes, depending on the area and its population density (in towns the response time is shorter, an average from 8 to 15 minutes).

680. Pregnant women have guaranteed access to qualified medical care. Pursuant to the *Health Insurance Act*, compulsory health insurance coverage extends to all persons on whose behalf social tax has been paid or must be paid for. Pregnant women are equal to the insured persons after the twelfth week of pregnancy (subsections 2 (1) and (2)). Women's advisory offices have been opened in counties throughout Estonia.

Table 33. Medical care of pregnant women

	1995	1996	1997
Registered as of end of previous year	6 881	6 690	6 366
Total number of registered persons	13 982	13 130	12 525
of which during the first 12 weeks	10 022	10 066	8 895
Pregnancies with childbirth *	12 870	12 289	11 842
Pregnancies interrupted by abortion *	430	539	433
Registered as of end of year**	-	-	5 908

* data does not indicate the total number of births and abortions

** figures do not reflect the number who left the register during the year
Source: "Estonian Health Statistics Yearbook 1997"

Table 34. Mortality caused by complications in pregnancy, childbirth or after childbirth

	1990	1991	1992	1993	1994	1995	1996	1997	1998
Complications caused by pregnancy, childbirth or after childbirth									
- Number of death;	7	6	4	5	8	7	0	2	2
- Maternal mortality rate (per 100 000 live birth)	31.4	31.1	22.2	33.0	56.4	51.6	0	15.8	16.3

Source: "General demographic data on population 1996, 1998"

Gender-specific use of health and medical care

681. The following indicators have been taken into account in assessing the quality of life of men and women:

- general self-assessment of health (lower for women);
- need for medical care (women use it 2 or 3 times more frequently than men);
- disorders of mental health (more prevalent among women);
- use of pharmaceuticals (women exceed men in the use of painkillers, sedatives, antidepressants, sleeping pills and herbs);
- smoking (mainly a habit of men);
- abuse of alcohol (mainly male problem);
- physical activity (equally low for both men and women);
- healthy nutrition (observed by more women than men, although the share of overweight women is higher).

682. Both sexes who, in 1990-1998, rated their health as very good or fairly good have become more positive in their self-assessment of health. The general assessment of health during the period in review was higher for men, although the difference with women has narrowed in recent years. A positive self-assessment of health fell, as a rule, with the increase in age. Although the average life expectancy of women is higher than men, women are more pessimistic about their health than men. This has also been confirmed by the Living Conditions in Estonia Survey that was conducted at the end of 1994.

683. Since, according to the survey, more women had a permanent diseases or complications than men, women were more active in contacting a physician. The dominant cause of complaint for women was headache, as opposed to backache for men. The percentage of persons contacting a physician, excluding dental visits, has remained between 61 and 67 per cent, according to the health behaviour survey for the period in review. This figure does not differ notably from the data provided by the Estonian Medical Statistics Bureau.

684. In comparison with men, women suffer more from excessive stress and pressure. The majority of persons, both men and women, who suffer under excessive stress (more than 30 per cent) are aged 35 to 55. Women also suffer more from insomnia and depression. According to the data, high blood pressure is a problem for 43 per cent of men and 27 per cent of women.

685. Figures on the intake of pharmaceuticals have been stable. Women tend to use more pharmaceuticals than men. Both sexes use pharmaceuticals most often against headache, but women tend to take medical drugs twice as often as men. Women also use more sedatives, vitamins and herbs.

686. Most smokers in Estonia smoke cigarettes. The popularity of cigarette smoking has increased since 1990 and reached the maximum level in 1994. Since then, smoking among both men and women has been falling. The percentage of daily smokers is now at the 1990 level. The biggest smoking age group for both men and women is 25-44 years old. Women find it more difficult to quit smoking and their percentage among persons who have stopped smoking is lower than for men.

687. The tobacco-free environment outside houses is increasing. This is indicated by the falling percentage of passive smokers in working areas. Working premises of already half of women are smoke-free. Also the respective percentage for men has increased, although it is still 30 per cent. At the same time the percentage of passive smokers at home has not notably decreased, reaching 47 per cent and 42 per cent for men and women, respectively.

688. In the last year in review, 25 per cent of adults drank no wine, 36 per cent drank no beer and 48 per cent of adult drank no long drinks. 19 per cent of adults do not consume strong alcoholic beverages. The consumption of vodka and other strong alcoholic beverages has increased notably since 1990, but the growth has stabilised at the current time. For women, drinking of wine once a week or more has increased from 3 per cent in 1990 to 11 per cent in 1998. The respective percentage for men has remained relatively stable for the decade in review (10 per cent in 1998).

689. Lack of physical activity is a characteristic feature in the newly independent Estonia. While around 50 per cent of women and men were engaged in a fitness sport at least twice a week in 1990, their share has fallen notably since then. Although women have become slightly more interested in fitness sport, there is still a great difference between the 1990 level of interest and that of today. The trend in the physical activity of men has not changed notably in the last six years. Contrary to popular belief, the age group that is least engaged in fitness sport is not the elderly, but middle aged, between 35 and 54 years of age.

690. Obesity is a growing problem in most age groups, for both men and women. In 1998 the percentage of women and men of normal weight (62 per cent and 57 per cent, respectively) did not notably exceed the 1992 level. At the same time there are more women than men among persons whose body weight index is above 20 per cent of normal weight.

691. Every third man and second woman has started to eat fresh vegetables at least three times a week. In comparison with men, women tend to balance food intake and choose healthy nutrition more often. There are notably fewer men than women who balance meat with vegetables and fruits. Men also use more sugar and salt than women.

692. Women are more interested in preserving health and are more health-oriented than men. Men's non- healthy living style and poor health behaviour has notably widened the gap between average life expectancy of women and men.

Medical care of persons with disabilities

693. Persons with disabilities have an equal right to quality medical care, rehabilitation and aid appliances as all other persons. At the same time disabled persons are entitled to receive services and benefits at favourable conditions.

694. The scope of health insurance extends to all disability pensioners, parents nursing a disabled child of up to 18 years of age, persons nursing a person with Group 1 disability, and all children (including disabled children). Persons with disabilities are exempt from visitation fee and are entitled to compensation of the cost of pharmaceuticals and aid appliances.

695. There are rehabilitation wards in all major hospitals and hearing and visual rehabilitation centres in Tallinn and Tartu. The adaptability centre in Karaski in Põlvamaa County and the Tallinn rehabilitation centre provide services to all disabled people throughout Estonia. In addition, local governments have set up smaller rehabilitation centres. Aid appliance centres are located in Tallinn and Tartu, with affiliates in all counties. All disabled persons are able to get a necessary appliance, although the state tends to provide them with less expensive and less technically advanced appliances (e.g., providing a disabled person with a mechanical wheel-chair instead of the electrical one).

696. According to the 1998 report by the Central Health Insurance Fund, the health insurance system paid out 2 439.5 million EEK in medical services, of which 20 million EEK was spent on rehabilitative care and 6 million EEK on post-surgery appliances (including 3.7 million EEK for prostheses after an amputation of a hand or a foot). In 1999, 40 million EEK is planned to be allocated for rehabilitative care. No separate records are kept on how much of these funds are spent on the medical care and rehabilitation of the recipients of disability pension.

697. In 1998 the state paid 23.7 million EEK from the state budget in compensation for technical appliances to 68 587 disabled persons and provided rehabilitation services to 4 661 disabled persons in the amount of 4.3 million EEK.

698. The amount of medical care guaranteed to persons with grave disabilities is insufficient, in particular in terms of examinations and rehabilitation (e.g., instead of daily physical rehabilitation, the disabled persons are able to receive health insurance funding for only two days of physical rehabilitation a week).

699. Because of the limited health insurance budget and state budget allocations, hospitals, rehabilitation wards, rehabilitation centres, adaptation and rehabilitation centres and county centres of appliances cannot utilise their full technical capacity and staff qualification. Very few disabled persons are able to pay for their care themselves.

Healthcare of the elderly

700. Pursuant to Article 2 of the *Health Insurance Act*, persons who receive state pensions granted in Estonia are considered equal to the insured. Therefore, medical care provided under the valid Price List of Medical Services and Health Examinations is free to pensioners.

701. No studies of health quality of the elderly have been carried out.

702. The number of elderly people in Estonia is increasing. In twenty years, it is estimated that approximately a quarter of the Estonian population will have reached the retirement age. As a rule, women have better health and higher life expectancy than men. There are around 90 persons who are over 100 years old. Studies are conducted and records are kept on elderly Estonians by the Estonian Pensioner's Society in the framework of the self-help project "A hundred years' old Estonian". The elderly are provided with more information on the principles of healthy nutrition, the need for moderate fitness sports, weight-watching, the need for regular medical examinations, etc.

703. The next priority is to develop health rehabilitation programmes, as well as to provide more opportunities for home care and nursing hospitals.

Medical care of persons without health insurance coverage

704. Pursuant to Article 2 of the *Health Insurance Act*, insured persons are all persons for whom a payer of social tax has paid or has an obligation to pay social tax shall be deemed to be insured with mandatory medical insurance. The following non-working persons shall have equal status to an insured person:

- a spouse dependent upon an insured person;
- a child under 18 years of age;
- a student enrolled in daytime study;
- a parent or a guardian who is caring for a disabled child under 18 years of age or a person disabled since childhood;
- a care taker of a person with severe disability;
- a pregnant woman from the twelfth week of pregnancy;
- a person who receives a state pension granted in Estonia.

705. The health insurance of persons who are serving sentences or are held in custody in penal institutions shall be organised pursuant to agreements entered into between the corresponding agencies and health insurance funds.

706. The health insurance of residents of foreign states not covered by mandatory medical insurance pursuant to this Act shall be organised pursuant to the procedure provided by international agreements. Such agreements have been signed with Finland, Latvia, Lithuania, Ukraine and Sweden.

707. Any person on the territory of Estonia has the right to emergency medical care. The care of persons who are uninsured and without any sources of income is paid by the local government from funds allocated by the state for this purpose.

708. It is estimated that approximately 10% of the population of counties is not covered with health insurance. In Tallinn there are around 50,000 persons who have no health insurance coverage. The majority of uninsured persons are:

- dodgers of health insurance tax who pay for their medical care themselves;
- long-term unemployed;
- persons without a permanent place of residence and employment.

709. However, there is no accurate survey on the number or health status of such persons.

710. For the last five years, no changes have occurred in the legal protection that have affected the opportunities of uninsured persons for emergency medical care.

International co-operation

711. The Ministry of Social Affairs is involved in the following co-operation projects:

712. The World Bank:

- Estonia Health Project; Total Cost: 36 million USD, from which 18 million USD is the World Bank loan, 13.5 million USD from the state budget and 4.5 million USD from donors. Duration: 1996-2000. The Estonian Health Project finances development activities necessary for achieving health reform goals. The project consists of the following sub-components: health policy and economic analysis; functional planning of health care institutions; development of hospital management; programme of medical equipment; quality control and licensing of health care; health promotion; development of Health Care Institute and Policlinic of the Tartu University; development of the Public Health Training Centre; designing, building and equipping of Tartu University Biomedicum.

713. EU Phare:

- "Integrated support to Health Sector Reforms", (ES 9503.02); Cost: 1 231 000 ECU; Duration 1996-1998. Project components: health policy analysis, overview of health care financing, defining of health sector human resources and analysis of information structure.

714. Finland:

- "Training of physiotherapists and occupational therapists"; Cost: 765 000 FIM, Duration: 1996-1998.

715. Sweden:

- "Training and development of health care management in Valga and Pärnu Counties"; Cost: 1 079 000 SEK; Duration: 1997-1998.
- "Training of trainers in health promotion among District Nurses in Estonia"; Cost: 699 600 SEK; Duration: 1998-2000.

716. Denmark:

- "Bed assessment project"; Cost: 700 000 DKK; Duration: 1998. Activities: a bed assessment of a nation-wide hospital bed inventory, bed use profile and

patient profile; development of bed requirements based on a health needs planning with appropriate provision to meet clinical teaching needs, physical facilities assessment and evaluation of medical equipment.
- "Health management education"; Cost: 595 000 DKK; Duration: 1998.

717. The Netherlands:
- "Quality improvement of Estonian health care"; Cost: 256 630 NLG; Duration: 1996-1998.

718. Switzerland:
- "Disinfection and sterilisation"; Cost: 3 444 436 CHF; Duration: 1996-1999. Activities: replacement of morally and physically outdated sterilisation equipment in Estonian hospitals by modern equipment.

719. WHO:
- "Copernicus Care Support"; Cost: 350 000 ECU; Duration: 1997-1999. Activities: development of a national system of health care indicators in each participating country.
- "Health for all – statistical database"; Duration: 1998-1999. Activities: creation of system of health indicators and defining of indicators.
- "NEHAP-DEPA"; Cost: 200 000 USD; Duration: 1999. Activities: development the Estonian National Environmental Health Activity Plan in co-operation with Danish Environmental Protection Agency.

720. EL/WHO:
- "EUPHIN-EAST (European Public Health Information Network for Eastern Europe)", Duration: 1997-1999.

Article 13 of the Covenant

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
a) Primary education shall be compulsory and available free to all;
b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Right to education

721. The *Constitution* states that everyone has the right to education. Education is compulsory for school-age children to the extent specified by law, and shall be free of charge in state and municipal general education schools (Article 37). This constitutional principle lays the foundation for the legislation which regulates the Estonian educational system.

722. The educational system is governed by the *Education Act* which provides a legal basis for building, organising and developing the educational system.

723. The *Education Act* lays down the following principles for the organisation of the educational system:

- the state and local governments provide opportunities in Estonia for everyone to fulfil his or her school obligation and for on-going learning at conditions and by the procedures laid down by law;
- the state and local governments provide, on the territory of Estonia, an opportunity to obtain education in the Estonian language in public educational institutions and universities on all levels of education;
- the Republic of Estonia guarantees training of the Estonian language in all public educational institutions providing education in foreign languages and in foreign language study groups;
- the training and learning of religious study is voluntary;
- the educational system and the national educational standard enable everyone to progress from one level of education to another;
- economic sustainability of the activities of educational institutions are separated from pedagogical guidance and inspection;
- secondary education obtained in public educational institutions is free of charge;

- educational institutions employ the following forms of study: daily study, remote study, externship, home study and individual study;
- the educational system is managed on the principle of appropriate decentralisation;
- educational institutions are managed by a combination of the personal responsibility of their head, collegial decision-making and public supervision.

724. The *Education Act* also lays down general principles on the fulfilment of school obligation and education of children with special needs.

- the children of school age are obliged to attend school;
- local governments ensure that persons who have a physical impairment, a speech impairment, a cognitive impairment or a mental impairment and who need special assistance can study in schools of their place of residence. If such conditions cannot be provided, the state and local government will guarantee them a possibility to study in special educational institutions.
- the state and local government provide children who need special conditions for care an opportunity to study in special educational institutions, ensuring their full subsistence.

Preparations for school

725. *Pre-school Children's Establishment Act* states that rural or urban governments provide all children who live on their administrative territories an opportunity to go to a children's establishment. A pre-school children's establishment provides care and pre-school education for children who are below school age. Such institutions will take care of children's needs and specific features related to their age, gender and individual needs. Children's establishments are founded on a resolution of the local government council of a rural or urban municipality and on the basis of a educational license issued by the Minister of Education. The setting up and operating of a children's establishment requires adequately qualified teaching staff, suitable premises and a special curriculum. The latter is required to comply with the framework curriculum for pre-school education approved by the Government.

726. In the case of children with special needs, a rural or urban local government provides the conditions for their development and nursing in adaptation groups together with other children. If such a group cannot be opened in the children's establishment at the place of residence of the child, the rural or urban government will open special kindergartens or special groups.

727. The decision to include a child with special needs in an adaptation group or a special group is made on the basis of a parent's written application by a counselling committee. The counselling committee consists of a special education teacher, a speech therapist, a psychologist, a social worker and a representative of the county government or the city government accordingly.

728. The number of children in special groups is smaller than in regular groups.

729. The number of children attending pre-school children's establishments fell 4.7 per cent by the end of 1998 in comparison with 1997, although their share among children of respective age increased.

730. While the number of places in pre-school children's establishments in recent years has not changed significantly, the number of births has fallen notably in comparison with 1980s. Therefore, the availability of pre-school children's establishment has increased. There were 6 647 children who were waiting for a place in a kindergarten at the end of 1998 (11 per cent less than at the end of 1997), of whom 6 364 applied for a group in Estonian and 283 in Russian groups. The number of children waiting for a place in a kindergarten also fell while the number of places in special children's establishments almost doubled. By the end of 1998, there were 16 private children's establishments with 378 children, up from respectively 9 and 280 a year before.

Table 35. Pre-school children's establishments at year-end

	1980	1985	1990	1994	1995	1996	1997	1998
Pre-school children's establishments	713	744	767	663	671	667	670	668
Number of children in the establishment (th.)	83.5	90.4	81.1	61.9	60.9	58.4	56.3	53.5
Percentage of children in the establishment to the total number of children aged 1–6-, %	63	69	56	53	57	59	61	62
same in urban municipalities, %	74	76	68	64	68	72	73	74
same in rural municipalities, %	39	50	31	32	37	39	44	44
Percentage of age rate of children in a children's establishment in the age group 3–6, %	...	...	69	59	63	67	70	72
Number of children per 100 places of children's establishments*	106	99	84	140	120	118	115	111
same in urban municipalities	107	101	88	142	121	118	114	111
same in rural municipalities	100	90	67	137	120	120	117	113

* Due to changing the definition of a norm place data available on 1995-1997 is not comparable to data on previous years
Source: Statistical Office

731. Progress has been made with the new form of providing pre-school education that was set up in 1996 – preparatory groups for children who do not attend a pre-school children's establishment. These are set up at day-care schools and day-care centres at the parents' initiative. More than one thousand children attended to such preparatory groups in 1997. There were 170 groups with 2 137 pre-schoolers (who went to school on 1 September) in the first half of 1998 and 172 groups with 2 108 pre-schoolers in the second half. There were 147 such groups set up at 147 schools (71 schools in 1997), mainly in Lääne-Virumaa, Viljandimaa and Pärnumaa counties which had 20, 19 and 17 groups, respectively.

Basic and upper secondary education

732. The provision of basic and upper secondary education is regulated by the *Basic and Upper Secondary School Act.* This Act lays down the legal status of state and municipal government basic schools and upper secondary schools. By law, basic education is the compulsory general educational minimum provided by the educational standard, the completion of which creates the preconditions for continuing studies for obtaining secondary education. Basic secondary education is a set of requirements laid down by the national curriculum of basic and upper secondary education, the completion of which creates the preconditions for continuing studies for obtaining higher education.

733. By law, a basic and upper secondary school is a combined school in which each level (class) is directly based on previous levels and enables a student to progress from one school to another.

734. Pursuant to the Basic and Upper Secondary School Act, school is obligatory for children who have reached 7 years of age by 1 October of the current year. Students complete this school obligation by the time they complete basic education (graduate from Grade 9), or by the time they reach 17 years of age. For ensuring availability of basic education and guaranteeing fulfilment of school obligation, fundamental schools (including day-care centres, fundamental schools) can be set up, as necessary and as appropriate, for Grades 1-6. Schools are required to ensure that all children who reside in their service area and are under school obligation have a possibility to obtain education. Parents can freely choose the school for their child who is under school obligation if the schools has a vacancy.

735. Parents can request that the counselling committee postpone the fulfilment of school obligation (counselling committee was described under the section of Pre-school Children's Establishments Act). The committee is competent to decide on the curriculum and form of study which is most appropriate for a disabled child, refer the child to a boarding school, special school or a special class for disabled children with parental consent, or, if applied for by a parent, postpone of the school obligation. According to the Constitution, parents shall have the final decision in choosing education for their children.

736. The Ministry of Education or urban or rural municipal government will set up in a state or municipal school, if necessary:

- classes for children with physical, linguistic, mental and physical disorders;
- transitional classes for teaching children with learning difficulties;
- assistance classes to teach children with minor mental disability;
- coping classes for teaching children with minor mental disability and care classes for teaching children with severe and profound mental disabilities.

737. Students who have no further need to go to a boarding school or a special school for disabled children are entitled to continue their studies in the former school.

738. School obligation can also be fulfilled by studying at home or at a hospital. Students who are on home study have a similar right to the necessary textbooks,

workbooks and other materials necessary for study as other children fulfilling school obligation. The teacher of the respective class has a duty to counsel the parent of the child in the methods and content of study, to lend parents the necessary guidance and methodical materials. The results of home study are checked by the teachers of the respective class.

739. For organising home study a parent will submit an application to the school director. Permission for home study is granted by the study council of the school for one year. A student who is at home study will be enrolled at the school and will be entered in the list of students.

740. In all cases medical indicators of home study are determined by the children's hospital or a medical commission of a county hospital. A teacher will prepare an individual curriculum according to the abilities of the child together with the school physician, parent and the child. The evaluation of the student is based on the requirements of the individual curriculum.

741. The Estonian educational system is developing towards integrated teaching of disabled children, but only a network of special schools has been finally developed. Other systems, such as integrated classes in regular schools and integration of disabled children in regular classes, are only being developed at this time.

742. The Ministry of Education and the universities carry out projects to develop the methods of teaching and to prepare teachers. However, since many schools are not physically accessible to children with graver disabilities and the schools lack the necessary teaching aids, disabled children do not have equal opportunities with other children in educational matters.

743. Blind children have insufficient teaching literature in quality sound language or in Braille. Deaf children study in special schools and the Estonian educational system recognises sign language as the mother tongue of deaf children.

744. Within the home, parents have the obligation to create favourable conditions for children to study and fulfil school obligation. If a child disobeys his or her school obligation, his or her parents are fined in the amount of 20-100 daily wages.

745. According to the *Basic and Upper Secondary School Act* the state and local governments provide applicants with a possibility to obtain secondary education.

746. Requirements for basic and upper secondary schools are provided in national curricula that provide a basis for school-specific curricula. The national basic and upper secondary education curriculum was approved by the Government in 1996 and it was implemented for the first time in 1997-1998. It is a national document that provides a basis for study in all state, municipal and private schools which provide basic education in Estonia.

747. The national curriculum contains certain specific provisions for teaching boys and girls. These provisions concern physical training and handicraft. Tuition of boys and girls in other subjects is carried out on the same basis. However, it should be noted that by the *Basic and Upper Secondary School Act* a student is entitled to select

a school according to his or her interests and abilities, to select subjects within the range of select subjects taught at school, or to study according to an individual curriculum. Students are also entitled to use of out-of-class school facilities, the library as well as educational, sports, technical and other equipment free of charge.

Table 36. General schools providing daily study at the beginning of educational year

	1980	1985	1990	1994	1995	1996	1997	1998
No. of schools	539	559	641	741	742	739	730	722
Elementary schools	72	81	127	197	196	191	182	177
Basic schools	238	232	247	265	269	270	268	268
Basic and upper secondary schools	186	204	224	229	228	229	232	231
Schools for children with special needs	43	42	43	50	49	49	48	46
No. of teaching staff*	…	…	16 917	15 453	16 205	16 628	16552	16571
Full-time teaching staff	10 137	11 375	15 957	14 225	14 852	15 276	15342	1458
Percentage of female teachers, %	87,1	86,0	85,8	85,9	87.6	87,5	85.9	86.6
Percentage of teachers with higher education, %	69,6	74,4	74,1	75,7	76,3	77,3	77.3	77.8
No. of part-time teachers	…	…	960	1 228	1 353	1 352	1210	1989

* Data on 1980 and 1985 without schools for children with special needs.
Source: Statistical Office

Table 37. Enrolment in general schools by educational level 1994-1999

	1994	1995	1996	1997	1998	1999
General education	218,6	221,1	222,7	224,1	223,7	222,2
basic education	181,8	184,2	184,8	185,8	186,6	184,7
full-time	180,5	182,7	183,3	184,5	185,4	183,5
secondary education	36,8	37,8	37,8	38,3	37,1	37,5
full-time	31,8	31,8	32,4	33	32,2	32,4

Source: Statistical Office

Table 38. Drop-out rates in general education 1993/94 – 1998/99

	Basic school (grades 1-9)			Upper-secondary schools (grades 10-12)		
Year	Average	Girls	Boys	Average	Girls	Boys
1993/94	0.7%	0.4%	1.0%	6.6%	5.4%	8.4%
1994/95	0.8%	0.5%	1.1%	6.7%	5.5%	8.5%
1995/96	0.7%	0.4%	1.0%	6.4%	5.4%	7.9%
1996/97	0.8%	0.5%	1.0%	6.8%	5.4%	8.8%
1997/98	0.7%	0.4%	1.0%	7.5%	6.4%	9.0%
1998/99	0.7%	0.4%	1.1%	6.6%	5.6%	8.1%

Source: Ministry of Education

748. For those persons who have not completed the whole period of their basic and upper secondary education the adult upper secondary schools (usually evening schools and evening and correspondence departments at day schools) have been

established. Adult schools operate on the same basis with other basic and upper secondary schools.

Table 39. Part-time general education in 1990, 1995, 1997-1999

	1990	1995	1997	1998	1999
Evening schools	28	21	19	19	19
Evening and correspondence departments at day schools	2	13	14	14	12
Students	6 596	6 498	6 585	6 083	6 359
at gymnasium level	5 258	4 999	5 304	4 926	5 121
Graduates					
with basic school leaving certificate	365	472	544	438	398
with upper secondary school leaving certificate	1073	1139	202	1224	1228

Source: Statistical Office of Estonia

Vocational secondary education

749. Pursuant to *the Vocational Education Institution Act***,** vocational education institutions are either state or municipal vocational schools. Vocational secondary education is a set of requirements laid down with professional, occupational and vocational state curricula. Vocational secondary education is obtained on the basis of basic or upper secondary education. Completion of vocational secondary education creates the preconditions for and entitles one to pursue employment in the obtained profession, occupation and vocation, or to continue studies to obtain higher education.

750. Persons who have completed basic or upper secondary education may enrol in vocational education institutions. Children without basic education are not entitled to study at vocational education institutions. Children with mental disabilities who have completed basic education on the basis of simplified curriculum are entitled to study at a vocational education institution. As a rule, disabled children study in a regular study group, if necessary, on the basis of an individual curriculum. Most educational institutions are not adapted to persons with physical disabilities. Teachers need in-service training, and schools need more assistant teachers and teaching aids.

751. Study in a vocational education institution is free of charge. Students are also entitled to use school facilities, premises, library and educational, sports, technical and other equipment free of charge as provided for by the school for out-of-class activities.

752. As a rule, vocational education institutions organise professional training for adults in subjects taught there. Schools are also entitled to provide professional training in other subjects provided there is the need, required materials, information and teaching staff with the required qualifications. Adult persons with disabilities may learn a vocation, profession or occupation when they so wish and the necessary resources exist for this pursuit.

753. The form of professional study organised for adults at school is a course that can be carried out as:

- first study to obtain a new vocation, profession or occupational or as re-training;
- in-service training in obtained vocation, profession or occupation.

Table 40. Vocational education institutions at the beginning of study year

	1993	1994	1995	1996	1997	1998
No. of vocational education institutions	88	87	85	91	90	87
No. of students	28 208	27 806	29 438	31 487	31 316	31 190
No. of graduates	10 599	9 449	7 345	8 231	8 495	8 537
No. of full-time teachers	1 073	1 585	1 642	1 634	1664	1653
No. of vocational teachers	689	655	836	900	750	995

Source: Statistical Office

Higher education

754. Higher education is being provided pursuant to the *Applied Higher Education Institution Act* and the *University Act*.

755. Pursuant to the *Applied Higher Education Institution Act*, an applied higher education institution is a state body that is founded by the Government of the Republic on a proposal of the Minister of Education and governed by the latter. This is an indication of a far bigger role of the state in comparison with the legal acts regulating the activities of secondary schools, since the law does not provide for setting up municipal higher education institution.

756. Complimentary education is provided in the subjects taught in applied higher education institution and in the respective form approved by the Minister of Education and according to regulations governing the organisation of complimentary education.

757. According to the *University Act*, the education must enable professional, vocational and occupational preparation. Universities can be both public and private.

758. In 1998-1999 there were 40 621 students learning on the basis of a higher education curriculum. It is 18 per cent more than in the last educational year. Higher education in Estonia is provided by 37 educational institutions, of which almost half are in private law (5 private universities and 13 private higher schools).

Table 41. Number of students studying according to higher education curriculum

Type of educational institution	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99
Total	25 064	25 483	27 234	30 072	34 542	40 621
Public universities	21 388	20 161	19 945	20 609	22 231	24 740
Private universities*	-	-	949	1 219	3 291	4 305
Private higher schools	1 852	3 031	3 618	4 619	4 527	6 173
State higher schools	1 824	2 291	2 591	2 835	3 285	3 616
Vocational education institutions	-	-	131	790	1 208	1 787

* Students are considered students of private universities from the time the educational establishment obtains the legal status of a university.
Source: Statistical Office

759. The number of students enrolled in private educational institutions has increased notably, accounting for 26 per cent of all students. However, public universities and state higher schools have remained popular among those attaining higher education. There were 3.16 candidates per one place in public universities in 1998-1999. The respective figure was 1.54 in private universities and 1.33 in private higher schools.

760. 34 per cent of all students pay a fee. Among students of public and state higher schools education is paid for by 9 per cent of students.

761. In comparison with last educational year, the number of university students who study in Russian increased 21 per cent and that of Estonian by 11 per cent. There were an average of 1.75 candidates per place in Russian study groups and 2.63 in Estonian groups. The number of applications was 2 913 and 26 255, respectively.

762. The number of students increased most in graduate studies (39 per cent). This is partly due to the transition of some secondary special education curricula to graduate studies. There were 2.01 candidates per place in graduate studies and 3.31 candidates for post-graduate studies. The number of students obtaining a post-graduate degree increased 8 per cent.

763. There are 2 822 students in bachelor study (6 per cent more than last educational year) and 1 071 in master's study (up 19 per cent). Last year 1 135 students enrolled in bachelor studies and 324 students in master's studies. The number of graduates of bachelor studies was 586 and that of master's studies was 106. A little more than half graduated within a nominal period of study.

Table 42. Higher education institutions at the beginning of educational year

	1980	1985	1990	1994	1995	1996	1997	1998
No. of higher schools*	6	6	6	22	26	32	35	38
of which universities	6	6	6	6	7	7	10	11
of which applied higher schools	-	-	-	-	18	20	21	22
of which vocational education institutions which issue diplomas	-	-	-	-	1	5	4	4
No. of students	25 472	23 516	25 899	25 483	27 234	30 072	34 542	40 621
Admittance	5 288	5 117	5 289	6 323	7 292	8 651	10 691	12 002
No. of graduates**	3 655	3 575	3 129	3 254	3 355	3 301	3 821	4 039

* In 1995 it was possible to obtain higher education also in one vocational education institution.
** Data on 1980–1990 graduates by calendar year; otherwise during an educational year.
Source: Statistical Office

764. Tuition in applied higher education institutions are funded by the state budget according to the state educational order. The Ministry of Education finances study places created on the basis of the state educational order for the duration of nominal period of study as laid down in the curriculum. Students are entitled to use, free of charge, auditoriums, laboratories, computer classes, libraries, inventories, equipment and other devices of the applied higher education institution for educational purposes pursuant to the procedure established by the school.

765. By the *University Act*, costs of student places formed on the basis of a state educational order are funded from the national budget during nominal period of study.

Table 43. Female pupils and students at all educational levels 1996-1999

Educational level	Number of female pupils and students, thousands				Share of females in the total number of pupils and students, %			
	1996	1997	1998	1999	1996	1997	1998	1999
General education	111.6	112.0	112.0	111.1	50.2	50.2	50.1	50.0
basic education	89.5	89.3	89.9	88.9	48.4	48.1	48.2	48.1
secondary education	22.2	22.7	22.1	22.2	58.7	59.2	59.7	59.2
Vocational education	15.2	15.1	14.7	14.6	48.2	48.1	47.1.	47.0
Higher professional education	..	..	..	2.7	..	..	..	86.2
Higher education	15.9	18.9	23.0	26.1	53.0	54.7	56.6	56.3
diploma courses	4.4	6.1	9.1	9.6	56.3	58.4	60.6	58.0
bachelor courses	9.7	10.8	11.7	13.9	51.7	52.8	53.8	54.9
master courses	1.5	1.5	1.6	2.0	53.8	55.6	57.9	58.5
doctor courses	0.4	0.5	0.6	0.7	49.5	52.5	53.9	54.7

Source: Statistical Office

Tuition in private schools

766. Basic, secondary and university education can also be obtained in private schools. According to the *Private School Act*, the enrolment terms for private schools are laid down by the private school itself. Enrolment in basic schools, gymnasiums, applied higher schools or universities is subject to the terms laid down by law for state and municipal schools or public universities of the same type. The board of a private school is entitled to establish additional requirements for enrolment.

767. The rights of students are protected by the agreement made between the student and the private school in which the school will be obliged to provide the student education in accordance with the curriculum and in which the student will be obliged to adhere to school regulations and pay the tuition fee.

768. The curriculum is the basic document for education in a private school, laying down objectives and duration of education. A state diploma attesting education obtained in a private school is issued according to the procedure and terms provided in legislation regulating state or municipal schools or public universities of the same kind.

769. Wages of the teaching staff of private basic schools, basic schools, gymnasiums and vocational education institutions, and the costs of procurement of

teaching aids are funded from the national budget to the extent of state curricula on the basis and by the procedure provided by state or municipal schools of the same kind.

Financing of the education

770. According to the *Basic and Upper Secondary School Act*, the state funds the wages of teaching staff, directors and their teaching and education deputies and compensates for the cost of procuring textbooks. The remuneration of the teaching staff is based on the cost-per-student that is laid down by a regulation of the Minister of Education. Wage rates are established by the Government.

Table 44. Public expenditures for education (1997-1999)

	1997	1998	1999
Expenditure on education in State budget (EEK, million)	2 011.4	2 360.2	2785.0
Education expenditures as per cent of State budget	16%	15.7%	15.8%
Municipal schools (EEK, million)	809.0	1008.7	1211.2
Universities (EEK, million)	468.3	521.7	612.8
Applied higher education institutions (EEK, million)	95.9	102.7	116.6
Vocational education and training institutions (EEK, million)	333.6	380.3	437.5
State schools (EEK, million)	139.7	158.1	176.7
State Student loans (EEK, million)	26.7	30.2	60.0
Other expenditures (EEK, million)	138.2	158.6	170.1

*State budget expenses do not include social and health insurance budgets
Source: Ministry of Education

Table 45. Full-time teachers minimum salary (EEK per month), 1994-1999

	1994	1995	1996	1997	1998	1999
Not-qualified teacher	737	955	1 395	1 650	2 030	2 654
Junior teacher	1 061	1 387	1 845	2 330	2 860	3 739
Teacher	1 242	1 620	2 115	1 490	3 060	4 000
Senior teacher	1 729	2 251	2 415	2 830	3 480	4 549
Teacher-methodologist	1 841	2 404	2 920	3 210	3 950	5 163

Source: Ministry of Education

Table 46. Average gross teachers' wages per month compared to monthly gross wages for all economic activities, 1997-1999

	1997	1998	1999
Average gross teachers' wages (EEK)	3 408	3 718	4 440
Average monthly gross wages (EEK)	3 573	4 125	4 300

Source: Ministry of Education

The right of the persons to participate in educational programmes

771. The elderly extend their knowledge in a variety of ways. More than 2 000 persons annually attend Third Youth Universities, training courses, information days, lectures and workshops organised by various organisations.

772. The role of the elderly as carriers of intellectual values and traditions in the Estonian society is significant. The older generation shares its knowledge and life experience with young people, mainly within the family. In particular, grandparents play these roles as the creators and bearers of family traditions.

773. Meetings, debates and brainstorming sessions are held by day-care centres for the elderly and by other voluntary organisations in which both younger and older generations take part. Electronic and print media channels play a major role in influencing the opinions and recommendations of elderly people.

774. The elderly are particularly active in keeping the traditions of national song and folkdance festivals alive. They also organise heritage and home-study events, local contact days, activities of local heritage foundations and sports events. Older people play an important role in promoting traditional Estonian handicrafts, handicraft fairs and exhibitions.

International co-operation

775. The Ministry of Education has founded Archimedes, a Foundation of EU Educational and Research Programmes with a view of:

- preparing the Estonian educational and research system and youngsters' organisations for co-operation with EU structures,
- preparing the participation of Estonia in various EU educational, research and young people's programmes and organising application of such programmes.

776. Estonia set up the EU innovation information centre at the beginning of 1997. The objective of the centre was to distribute information on EU research and development programmes and to provide advice. The centre carries out active co-operation with similar innovation information centres in EU Member States and countries of Central and Eastern Europe, as well as with several research and development organisations both abroad and in Estonia. The centre provides information on EU R&D programmes, assists in finding co-operation partners and prepares R&D projects. The work of innovation information centres is co-ordinated by the XIII Directorate-General of the European Commission and by the Co-ordination Centre of Innovation Centres.

777. The Estonian Vocational Education and Employment Monitoring Centre takes part in the joint project of the European Training Fund's Monitoring Centre and partnership countries. The objective of the Centre is to map the current situation of the Estonian vocational training system, taking into consideration general aspects of the current educational system, labour market and other aspects related to vocational education. The key task of the project is to contribute to making the Estonian vocational educational system more effective and efficient. Information related to the

local education and labour market is being collected, processed and distributed, and sharing of information between all various parties is being promoted. The principle of lifelong learning is being stressed.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:
a) To take part in cultural life;
b) To enjoy the benefits of scientific progress and its applications;
c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

Right to take part in cultural life

778. The *Constitution* states that science and art and their instruction are free. Universities and research institutions are autonomous within the restrictions prescribed by law (Article 38). An author has the inalienable right to his or her work. The state shall protect the rights of the author (Article 39).

779. Every resident of the Republic of Estonia has the right to participate in cultural life according to his or her wishes, abilities and possibilities, and to develop cultural activities. The state culture policy is aimed at creating the possibilities for creative work for artists irrespective of their specialisation and to create conditions for the cultural development of children and youth in order to satisfy their cultural needs.

780. On September 16, 1998 the *Riigikogu* adopted the *Concept of the Estonian State Culture Policy* and the *Government of the Republic Action Plan for*

Implementing State Culture Policy. This document is a mapping of the current situation in various cultural fields and possible development scenarios.

Financing of culture

781. The state expenditure on culture is channelled mainly through the Ministry of Culture and equalled 863.9 million Estonian crowns in 1999. This figure includes the expenditures of the Estonian Cultural Endowment (83.9 million crowns) and the state investment programme (78 million crowns). In 1997, the cultural expenses of local governments summed up to 493.3 million Estonian crowns, which corresponded to 41% of the cultural expenses of the whole public sector.

782. Culture expenditure per capita in 1997 was 822 Estonian crowns per annum (including expenses on the state, regional and local government level). It corresponded to 1.9% of the GDP.

783. In 1997, the share of local government expenditure was 41.1% of the public expenditure for cultural life, the Ministry of Culture amounted to 55.9%, and the regional administration approximately 2.9%.

Table 47. State cultural expenditure by activity in 1998 (in million Estonian crowns and in %)

Cultural activity	Total	%
1. Museums and archives	61.5	9.2
2. Monuments and sites	27.4	4.1
3. Literature	18.5	2.8
4. Libraries	118.6	17.7
5. Printed press	3.7	0.6
6. Music	40.6	6.1
7. Performing arts	120.0	17.9
8. Visual arts	17.1	2.6
9. Film/Cinema/Photography/video	28.6	4.3
10. Radio/television	139.2	20.8
11. Socio-cultural activities	16.6	2.5
12. Education and training	5.8	0.9
13. General administration of culture	25	3.7
14. Sport	47.2	7.0
TOTAL	**669.8**	**100**

Source: Ministry of Culture

Institutional infrastructure

784. In the cultural sphere the privatisation took place mainly in the years of 1988-1995. The overall monetary principles of designing the state budget have forced the state to withdraw from many of its previous functions. Some of the privatised companies - especially cinemas - have been closed down due to economic difficulties. At the same time, the business sector has not yet been very active in promoting culture.

Museums

785. In 1999, there were 179 museums (including their separate branches) in Estonia. By the type of museum the most numerous are regional museums (64) and museums of history and archaeology (32). During the 1990s, the number of museums has grown considerably (in 1990 they were 77 in numbers) and the number of exhibitions arranged by the museums themselves has risen from 471 to 1120 per annum. At the same time, museum attendance has decreased (in 1990, it was 1235 per 1000 inhabitants; the corresponding number in 1999 was 950). However, in 1999 the number of visitors increased by 138 250 visitors (11%) compared with 1998.

786. In 1999, museums were annually open 216 days on an average, of which 28% with free admission.

Libraries

787. There were 1233 libraries in Estonia in 1999, 597 of them were public libraries, 542 school libraries and 94 specialised and scientific libraries.

788. The National Library of Estonia has a special place among other libraries. It is a national library with the aim of collecting, preserving and making publicly accessible documents published in Estonia, in Estonian, or about Estonia, regardless of their place of publication. It is also a national centre of statistics on book publishing and on Estonian libraries, a centre for research on book preservation and conservation and a cultural centre where various book and art exhibitions are held along with concerts, conferences and other cultural activities.

Table 48.Total indicators of libraries work, in 1999

Indicator	**Total**	**Public libraries**	**Specialised and scientific libraries**	**School libraries**
Number of libraries	1 233	597	94	542
Main collection, million library units	67.0	10.8	50.3	5.9
Visits, thousands	11 395	5 875	2 546	2 974
per 100 inhabitants	790	407	176	206
Registered users, thousands	813.2	440.8	167.9	204.5
per 100 inhabitants	56	31	12	14
Library units lent, millions	22.7	15.8	3.5	3.4
average per user, units	28	36	21	17

Source: Statistical Office

Theatres

789. In addition to ten state-owned theatres many private and municipal theatres have been established during the last decade. The Ministry of Culture has information only about those private and municipal theatres, which regularly present data on their activity to the Ministry and get financial support from the state budget.

790. Opera and ballet ensembles on a permanent basis are engaged in Tallinn and Tartu. The Estonian National Opera "Estonia" became a professional theatre in 1906. In 1949 its drama troupe was liquidated and "Estonia" continued as an opera theatre. In 1998 it acquired the official status of Estonian National Opera.

791. Attendance of state theatres has grown continuously in the years 1995-1999. In 1999 compared with the previous year, the growth was 33,014 visitors (4%), despite the fall in the number of productions from 429 to 413.

Table 49. Indicators of theatres' performance, 1999

Indicator	State theatres	Small theatres	Total
Number of theatres	10	9	19
Seating capacity	6 389	817	7206
Number of performances	3 423	1 264	4687
Number of productions	413	107	520
new productions	107	37	144
Attendance total	819 000	133 227	952 288
per performance	239	105	203
Attendance per 1,000 inhabitants	568	92	660
Income, thousands kroons	226 417	11 295	237 712
from state budget	162 077	1 877	163 954
from local budget	4 700	4 751	9 452
from tickets sold	39 968	2 346	42 314

Source: Statistical Office

Cinema and film production

792. In 1999, there were 11 cinemas in Estonia; most of them are located in Tallinn, Tartu and other bigger towns. Three active film importing and distributing companies imported 79 full-length feature films in 1999: 57 from the United States, 21 from Europe and one from CIS. There were 874,560 visits to cinemas in 1999. Compared with corresponding figures in 1998 the attendance of cinemas decreased by 17.5%.

793. In 1999, 16 full-length and 104 short films were produced in Estonia or 120 films in total (12% less than in 1998).

Table 50. Film production, 1999

Type of film	Feature films	Documen-taries	Animations	Commer-cials	Educational films	Other
Full-length films	4	10	-	-	-	2
movies	3	-	-	-	-	-
videofilms	1	10	-	-	-	2
Short films	3	20	3	59	8	11
movies	2	-	2	9	-	-
videofilms	1	20	1	50	8	11

Source: Statistical Office

Participation in cultural life

794. There has been a decline of participation in cultural activities since the beginning of the 1990s. Towards the mid-1990s, some indicators of participation have demonstrated a slow recovery. Access to culture of different social groups has differentiated greatly in recent years. Young, well-educated Estonian inhabitants of bigger towns, with incomes above average, are culturally far more active than the others. For the rural population, the access to culture is more limited, this is due to their lower incomes.

795. The preservation of state-financed cultural institutions outside Tallinn (theatres, museums, and libraries) is one of the tasks of regional cultural policy. Estonian professional theatres have a tradition of organising performances in smaller towns. During the past two or three years, several new summer festivals have been initiated outside the bigger centres. These kinds of initiatives have also received financial support from state bodies.

Table 51. Participation in cultural life: selected indicators 1988-1998

Indicator	1988	1990	1992	1994	1996	1998
Registered users of public libraries, thousands	498.7	417.3	366.8	344.9	387.4	428.4
Library units lent, millions	10.8	8.9	8.9	11.1	13.6	15.3
Number of amateur performance groups	4663	…	2289	2537	2625[1]	…
Number of hobby groups in clubs	2722	…	1003	654	552[2]	…
Museum attendance, thousands	2930	1940	816	808	1145	1240
Theatre attendance, thousands[3]	1518	1242	690	696	960	967
Cinema attendance, millions	16.3	10.9	3.4	1.4	1.0	1.1
Publishing of books and booklets (millions of copies)	17.1	18.9	16.0	8.6	6.7	6.0

Notes:
[1] Since 1996, figures on amateur performance groups have also been obtained through from local governments. In 1996 and 1997, the numbers reported were 7278 and 7253, respectively.
[2] According to information from local governments, the number of hobby groups in 1996 and 1997 was 2862 and 2758, respectively.
[3] From 1996 the numbers include private theatres.
Source: Ministry of Culture

Protection of cultural rights of persons with disabilities

796. Access of disabled persons to cultural and sports facilities has improved in recent years. The disabled have taken part in the sports activities held in the framework of Special Olympics and Paraolympics.

797. There is still very little literature available in such technologies as sound language and Braille and almost all public events are held without translation into sign language. Although the public-service broadcaster *Eesti Televisioon* daily broadcasts news programme translated into sign language. In the same time there are practically no publications available in simplified languages for persons with disabilities.

Protection of cultural rights of elderly persons

798. Access of elderly persons to cultural establishments (theatres, libraries and cinemas) has improved over the recent years. Discounts to the elderly are available in certain months, days, etc.

799. The state provides assistance to active non-governmental organisations of the elderly. *Prillitoos*, a regular TV programme dedicated to the problems of the elderly which has been aired in the Estonian Television for ten years has made a major contribution in forming positive attitudes.

800. The Estonian Gerontology and Geriatrics Association, founded in August 1997, focuses on improving the knowledge of people working with the elderly and the society as a whole about normal ageing, prevention of premature ageing, possibilities to improve the quality of life of people in need of help and assisting of family members.

Cultural identity of minorities

801. According to the Article 49 of the Estonian Constitution everyone has the right to preserve his or her national identity. Article 50 of the Constitution further stipulates that national minorities have the right, in the interests of national culture, to establish self-governing agencies under conditions and pursuant to procedure provided by the National Minorities Cultural Autonomy Act.

802. Article 3 of the Act emphasises and specifies the provisions of Article 49 of the Constitution: "(1) Every member of a national minority has the right to preserve his or her ethnic identity, cultural traditions, native language and religious beliefs. (2) It is prohibited to ridicule and to obstruct the practice of ethnic cultural traditions and religious practices and to engage in any activity which is aimed at the forcible assimilation of national minorities."

803. The National Minorities Cultural Autonomy Act is not of an obliging nature. Its purpose is to encourage national minorities to make use of their constitutional rights. The task of the state authorities is to provide legal guarantees, without interfering in minority group's or individual's right to decide for themselves all matters concerning preservation of their ethnic identity, cultural traditions and native language.

804. As stated above, the Concept of the Estonian State Culture Policy and the Government of the Republic Action Plan for Implementing State Culture Policy was adopted by Riigikogu in 1998. The document stresses that the state shall encourage cultural activities of national minorities and their cultural contacts with their ethnic

homelands. Also, the Republic of Estonia shall support countrywide activities of Estonia's national minorities. Under the head of cultural training the strengthening of cultural training of national minorities has been stressed.

805. Since 1997 there is a Cultural Council of National Minorities under the Ministry of Culture, which participates in decision-making concerning support to cultural endeavours of national minorities, and in co-ordinating their cultural life and activities. Pursuant to the by-laws of the Cultural Council its functions are, *inter alia*, to analyse the structure and activities of national minorities cultural societies, to support cultural societies in developing relations with their motherlands, to develop co-operation between the cultural societies of national minorities and Estonian national societies.

806. Through the Ministry of Culture more than 60 presently operating cultural societies and collectives of national minorities receive allocations from state budget. Both, in 1998 and 1999, 2 million kroons was provided to this end. In addition, the state has supported projects presented by the cultural societies through the Integration Foundation. Allocations can also be granted from the budgets of local governments.

807. *Eesti Raadio* (Estonian Radio) and *Eesti Televisioon* (Estonian Television) are broadcasting organisations in public law, which in accordance to the Broadcasting Act are, *inter alia*, obliged to satisfy the information needs of all nationalities, including national minorities.

808. Estonian Radio transmits different programmes also in minority languages. Russian-language channel *Raadio 4* of the *Estonian Radio* broadcasts in addition to its programme in Russian also several programmes in other languages, such as Armenian, Ukrainian and Byelorussian.

809. The main task of *Raadio 4* is to inform the non-Estonian speaking population about the Estonian political environment, to familiarise Estonian history, culture, literature, music, to generate interest in the learning of Estonian and to support aspirations of national groups to preserve their identity, especially in the case of the younger generation.

810. Estonian Television has a daily Russian news programme and a half-hour magazine programme and a special longer programme on weekends.

Mass media

811. In 1999 there were 105 officially registered newspapers published in Estonia, including 73 in Estonian and 930 periodicals, including 725 in Estonian. There were 17 daily newspapers in 1999, including 13 in Estonian. The only publishing house remaining in state property is *Perioodika*, which publishes 12 different cultural and educational periodicals.

812. In 1999, one public-service broadcaster *Eesti Raadio (Estonian Radio)* and 26 commercial broadcasters are operating in Estonia: 14 of them on the basis of local broadcasting licence, 12 on the basis of regional licence and 1 is operating on the basis of international licence.

813. There is one public-service broadcaster *Eesti Televisioon (Estonian Television)* and 4 commercial TV stations in Estonia, 1 of them operating on local licence and 3 on regional licence, in addition to this 5 cable TV licences have been issued.

814. According to the Broadcasting Act, the public-service radio and TV broadcasters should produce "mainly programmes dealing with information, culture, education and entertainment". One channel of the Estonian Radio is entirely devoted to transmission of classical music. Of the total transmission time, 1.8% of the nation-wide TV programmes and 13.1% of the local and regional TV programmes were, in 1998, classified as cultural programmes. For the state-owned Estonian Radio, the corresponding figure was 8.3% and for private radio broadcasters 2.8%.

Heritage Protection

815. All activities concerning Estonian heritage are regulated by the Heritage Conservation Act adopted in 1994. The Heritage Conservation Act distinguishes between different types of historical monuments, which ought to be registered by the National Heritage Board. Their use is subject to relatively strict regulations in order to guarantee the preservation of their historical value. According to the law, the responsibility for specifying, controlling and administering regulations concerning cultural monuments lies with local governments and with the Ministry of Culture. Within the Ministry, these functions are being taken care of by the National Heritage Board.

816. Estonia has over twenty thousand movable and fixed monuments which are divided into historical, archaeological, architectural, artistic and industrial monuments. As far as attitudes are concerned, the protection of the cultural heritage is seen as an important task both by state officials and by the public. However, the resources from the state budget are quite limited.

817. At the international level, Estonia is a party to several conventions relating to protection of the cultural heritage. Within the Council of Europe, Estonia has ratified both the Convention for the Protection of Architectural Heritage of Europe of 3. October 1985 and the European Convention on the Protection of the Archaeological Heritage of 16 January 1992 in 1996.

818. Since September 1992 Estonia has been represented in the Council of Europe Heritage Committee, and since September 1993 it has participated in the events organised by the Council of Europe and the European Heritage Protection Days Foundation.

819. Estonia has also ratified three UNESCO Conventions on the protection of cultural property. These are the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the Convention concerning the Protection of the World Cultural and Natural Heritage, all ratified in 1995. The Historic Centre (Old Town) of Tallinn is included in the world heritage list drawn up by UNESCO.

Freedom of creation and performance

820. The freedom of artistic creation and dissemination of the products of such activities is protected under different articles of the Constitution. It is stated in the Article 38 that science and art and their instruction are free. Article 45 further stipulates that everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. This right may be restricted only by law to protect public order, morals, and the rights and freedoms, health, honour and good name of others. The same article states explicitly that there is no censorship in Estonia.

821. In 1991 the Estonian Press Council was set up by the Estonian Newspaper Association in order to protect the freedom of expression and the freedom of press. In April 1997 several media organisations decided to reorganise EPC on a wider basis, i.e. a non-profit organisation was founded on the grounds of private agreement, made by the Newspaper Association, the Association of Broadcasters, the Journalists' Union, the Union of Media Educators and the Consumers' Union. At present, also the Network of Estonian Non-profit Organisations, the Estonian Council of Churches and the Baltic News Service have become the members of the non-profit organisation. The organisation is meant to be a self-regulating system for the press and its aims are to protect press freedom, to examine complaints about print media (and broadcasting) from the aspect of media ethics, to support the development of journalists' professional skills (including ethics) and adherence to the good tradition of journalism.

Professional education in the field of culture and art

822. There are two public universities, two public professional high schools (the most recent of them established in 1999), and one private professional high school educating professional artists, actors and musicians. In addition, two public universities and one private university have departments for professional education in arts, music and theatre. In 1998, the total number of students at diploma and B.A. levels in this field was 1 440; in addition, there were 181 postgraduate students. To date, there is no higher education programme available in cultural management; however, as a result of an initiative from the UNESCO Estonian national committee, such courses are planned for the near future in co-operation with existing universities.

Freedom of scientific research and creative activity

823. The restructuring process of Estonian science started in 1988. The main aim of restructuring of Estonian science was to form the balanced system of research, serving both the community and science in general. The necessities of the country are the continued existence of the nation and the state, and progress within the international framework. The opportunities of a small country are, however, limited due to a limited state budget. The comprehensive analyses of the situation of Estonian science is presented in the document “Research and Development in Estonia 1996-1999” annexed to the present report.

824. The new legislative system gave the bases for more flexible funding, formed the framework for the structures for the research and also set the general rules for evaluation. In 1994 the Research Activities Organisation Act was adopted by *Riigikogu.* In 1997 the amended version, *Research and Development Activities Organisation Act,* was adopted.

825. According to the act the research and development institutions are autonomous institutions that are free to choose ways and methods of research and development activities and to decide on how to use the results of their activities. The research and development activities in universities are regulated by the *University Act.*

826. The Estonian Research Fund and the Estonian Innovation Fund allocate budget funds for research activities and innovative projects according to public tenders. All research and development institutions, groups of researchers and individual researchers have a right to participate in those tenders.

827. The state arranges public tenders to finance long-term research activities, which are of national importance. The only research and development institutions that are eligible to submit their bids for such tenders are those that are registered in the Ministry of Education and are internationally evaluated. This eligibility criteria helps to ensure the quality of research work. The majority of Estonian research institutions are integrated with public universities, turning them into strong research centres where the tuition is based on research work.

828. Estonia has put a lot of emphasis on intellectual rights and their protection. In 1994 the Republic of Estonia joined the *Berne Convention for the Protection of Literary and Artistic Works* which provides for the protection of authors' rights outside Estonia. The authors' rights to the use and presentation of his or her work and to the respective remuneration are provided in the *Copyright Act*. The purpose of the Copyright Act is to ensure the consistent development of culture and protection of cultural achievements, the development of copyright-based industries and international trade, and to create favourable conditions for authors, performers, producers of phonograms, broadcasting organisations, producers of first fixations of films, makers of databases and other persons specified in this Act for the creation and use of works and other cultural achievements.

829. The Copyright Act provides for: the protection of a specific right (copyright) of authors of literary, artistic and scientific works for the results of their creative activity; the persons who may acquire rights to literary, artistic or scientific works created by an author and the rights of such persons; the rights of performers, producers of phonograms and broadcasting organisations (related rights); the rights of makers of databases and conditions for the exercise and protection thereof; the related rights of producers of first fixations of films and of other persons specified in this Act; limitations on the exercise of copyright and related rights upon the use of works in the interest of the public; guarantees for the exercise of copyright and related rights and the protection of such rights.

International co-operation

830. Estonia has signed co-operation agreements on research, technology and culture with a large number of countries on a national level.

831. Estonian researchers have successfully competed for international grants in the Fourth EU Framework Programme and joined the Fifth EU Framework Programme. For co-ordinating work in those programmes a contact point has been created at the Ministry of Education and the information point. Estonian universities take an active part in such international co-operation programmes as Archimedes, Socrates, Lingua, Erasmus, TEMPUS, PHARE, etc. The Estonian research sector is fully internationalised.

LIST OF APPENDICES

1. “Culture 1999”
2. “Research and Development in Estonia 1996-1999, Structure and Trends”

Legal acts (in order of appearance)

1. Legal Chancellor Act (RT I 1999, 29, 406)
2. Criminal Code (RT 1992, 20, 288)
3. The Constitution of the Republic (RT 1992, 26, 349)
4. Social Allowances for Persons with Disabilities Act (RT I 1999, 16, 273)
5. State Allowances Act (RT 1993, 15, 256)
6. State Pension Insurance Act (RT I 1998, 64/65, 1009)
7. Employment Contracts Act (RT 1992, 15/16, 241)
8. Wages Act (RT I 1994, 11, 154)
9. Public Service Act (RT I 1995, 16, 228)
10. Police Service Act (RT I 1998, 50, 753 (Proposal to the Government of the Republic to initiate the Draft Act amending the Police Service Act (RT I 1997, 11, 101)
11. Adults Training Act (RT I 1993, 74, 1054)
12. Social Protection of the Unemployed Act (RT I 1994, 81, 1381)
13. Aliens Act (RT I 1993, 44, 637)
14. Income Tax Act (RT I 1993, 79, 1184)
15. Provision of State Aid to Businesses Act (RT
16. Land Tax Act (RT I 1993, 24, 428)
17. Republic of Estonia Education Act (RT 1992, 12, 192)
18. Republic of Estonia Child Protection Act (RT 1992, 28, 370)
19. Vocational Education Institutions Act (RT I 1998, 64/65, 1007)
20. Applied Higher Education Act (RT I 1998, 61, 980)
21. Labour Protection Act (RT 1992, 25, 343)
22. Wages Act (RT I 1994, 11, 154)

23. Individual Labour Dispute Resolution Act (RT I 1996, 3, 57)

24. Holidays Act (RT 1992, 37, 481)

25. Non-Profit Associations Act (RT I 1996, 42, 811)

26. Collective Agreement Act (RT I 1993, 20, 353)

27. Workers' Representative Act (RT I 1993, 40, 595)

28. Collective Labour Dispute Resolution Act (RT I 1993, 26, 442)

29. Old-Age Pensions on Favourable Terms Act (RT 1992, 21, 292)

30. Superannuated Pensions Act (RT 1992, 21, 294)

31. State Pension Insurance Act (RT I 1998, 64/65, 1009)

32. Social Tax Act (RT 1990, 9, 102)

33. Health Insurance Act (RT 1991, 23, 272)

34. Child Allowances Act (RT 1992, 6, 90)

35. Civil Code (ENSV Ülemnõukogu Teataja 1964, 25, 115)

36. Social Assistance of Persons with Disabilities Act (RT I 1999, 16, 273)

37. Social Welfare Act (RT I 1995, 21, 323)

38. Youth Work Act (RT I 1999, 27, 392)

39. General Principles of the Civil Code Act (RT I 1994, 53, 889)

40. Family Law Act (RT I 1994, 75, 1326)

41. Working and Rest Time Act (RT I 1994, 2, 12)

42. Employees Disciplinary Punishments Act (RT I 1993, 26, 441)

43. Interruption of Pregnancy and Sterilisation Act (RT I 1998, 107, 1766)

44. Code of Enforcement Procedure (RT1 1993, 49, 693)

45. Code of Civil Court Procedure (RTI 1998, 43, 666)

46. Means of Influencing Minors Act (RT I 1998, 17, 264)

47. Pre-school Children's Establishment Act (RT I 1993, 40, 593)

48. Basic and Upper Secondary Schools Act (RT I 1999, 42, 497)

49. Food Act (RT I 1995, 21, 324)

50. Consumer Protection Act [consolidated as of 25 February 1999] (RT I 1999, 35, 450)

51. Public Health Act (RT I 1995, 57, 978)

52. Water Act (RT I 1994, 40, 655)

53. Package Act (RT I 1995, 47, 739)

54. Republic of Estonia Agricultural Reform Act (RT 1992, 10, 143)

55. Republic of Estonia Property Reform Bases Act (RT 1991, 21, 257)

56. Republic of Estonia Land Reform Act (RT 1991, 34, 426)

57. Apartment Ownership Act (RT I 1994, 28, 426)

58. Republic of Estonia Housing Act => Housing Act (RT 1992, 17, 254)

59. Residential Space Privatisation Act (RT I 1993, 23, 411)

60. Apartment Associations Act [consolidated as of 17 February 1999] (RT I 1999, 42, 498)

61. Planning and Building Act (RT I 1995, 59, 1006)

62. Land Readjustment Act (RT I 1995, 14, 169)

63. Land Evaluation Act (RT I 1994, 13, 231)

64. Land Evaluation Act Amendment Act (RT I 1995, 2/3, 4)

65. Expropriation of Immovables Act (RT I 1995, 30, 380)

66. Ambient Air Protection Act (RT I 1998, 41/42, 624)

67. Republic of Estonia Waste Act (RT 1992, 21, 296)

68. Land Cadastre Act (RT I 1994, 74, 1324)

69. Act amending Article 20 of the Land Cadastre Act (RT I 1997, 16, 261)

70. Land Tax Act (RT I 1993, 24, 428)

71. Health Care Organisation Act (RT I 1994, 10, 133)

72. Medicinal Products Act (RT I 1996, 3, 56)

73. University Act (RT I 1995, 12, 119)

74. Private School Act (RT I 1998, 57, 859)

75. Organisation of Research and Development Activities Act (RT I 1997, 30, 471)

76. Hobby School Act (RT I 1995, 58, 1004)

77. Government of the Republic Regulation No. 214 Annex 3 on the list of heavy and hazardous activities where employment of women is prohibited and the list of activities carried out underground and related to sanitary and household service where employment of women is prohibited (RT 1992, 34, 454)

78. Government of the Republic Regulation No. 265 of 25 November 1998 on the terms and procedure of tuition of disabled persons in vocational education institutions (RT I 1998, 104, 1729)

79. Minister of Education Regulation No. 25 of 27 October 1998 on the specialisation, forms and procedure of training of adults provided by a vocational education institutions (RTL 1998, 335, 1369)

80. Government of the Republic Resolution No. 214 of 22 July 1992 on the list of activities requiring prior and periodical health examination of workers (RT 1992, 34, 454)

81. Government of the Republic Regulation No. 318 of 23 December 1996 on the terms and procedure of payment of state social benefits (RT1 1996, 91, 1615)