

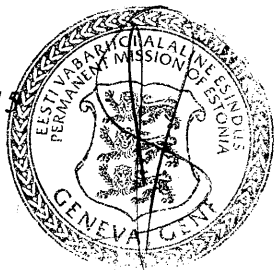
*Permanent Mission of Estonia  
Geneva*

No. 19.1-6/219

*The Permanent Mission of the Republic of Estonia to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in response to the Latter's letter from 31 March 2015 has the honour to forward the reply of the Government of Estonia to the questionnaire by the Independent Expert on the enjoyment of all human rights by older persons to assess the human rights implications of the implementation of the Madrid International Plan of Action on Ageing, pursuant to Human Rights Council resolution 24/20.*

*The Permanent Mission of Estonia in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.*

Geneva, 29 July 2015



Enclosure: 7 pages

*Office of the High Commissioner for Human Rights  
GENEVA*

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## Response of Estonia to the questionnaire on the human rights of older persons

**Question 1. Please provide information on how your Government has incorporated a human rights-based approach in the implementation framework of MIPAA and how this translated into concrete policies and normative actions? How does your Government monitor and evaluate the impact of MIPAA implementation on the enjoyment of all human rights by older persons?**

In 2013 the Active Ageing Development Plan 2013-2020 was approved by the Minister of Social Affairs. The Development Plan, targeting people over 50 years of age, sets out the priorities of the Estonian policy for the elderly: to create an age-friendly society and ensure quality of life and equal opportunities for older persons covering social, labour, education and health policy. The Development Plan, based on the principles of Madrid International Plan of Action on Ageing (MIPAA), aims to increase older people's participation in society, participation in the labour market and lifelong learning, increase satisfaction with working life and promote their health and everyday coping. The aims in four policy areas are supported by overarching principles of creating age-friendly life environment and attitudes, values and practices supporting active ageing; increasing people's awareness and knowledge of the matters related to active ageing (including the needs, resources and opportunities of older persons); and supporting cooperation and coordinated activity for the provision of innovative and successful solutions and for the achievement of established goals.

The Active Ageing Development Plan 2013-2020 will be incorporated into wider social sector policy document - Social Protection, Inclusion and Equal Opportunities Development Plan 2016-2023 that, together with the detailed action plan, will be submitted to the Government by the end of 2015.

In recent years Estonia has substantially improved the quality of legislative drafting. The methodology of regulatory impact assessment<sup>1</sup> was elaborated in 2012. Among other types of impacts, the methodology foresees the need to assess the socioeconomic impact of legislative changes. Regarding the policy for the elderly, a number of reference questions have been elaborated. For example, whether the draft legislation has impact on:

- employment, unemployment and inactivity of different social groups (including the elderly) and how their access to labour market is affected;
- possibilities for reconciliation of work and family life and the care burden (including taking care of an elderly family member) of men and women;
- rights of people who need special treatment or belong to a risk group;
- equality of different groups and avoiding of discrimination (including in the basis of age);
- coping and living standards of different social groups;
- social inclusion/exclusion of people who need special treatment or who belong to a risk group.

In 2014 the Ministry of Finance published the revised Guidelines for Analysing Horizontal Themes in Development Plans.<sup>2</sup> The guidelines specify people over 50 years-of-age as one of the vulnerable groups. The criteria that help to assess the impact on older persons of the measures and activities in the development plan include the assessment of their possibilities to be included and participate in the labour market. Similar to regulatory impact assessment, the impact of measures and activities must be assessed in the fields of employment (including access to the labour market, employment rate, inactivity due to care burden, part-time and distance working possibilities etc.), poverty (including the

<sup>1</sup> <http://www.just.ee/et/eesmargid-tegevused/oiguspoliitika/oigusaktide-moju-analuus>

<sup>2</sup> <http://www.fin.ee/doc.php?110806>

number and share of older persons living below poverty line or at risk of poverty), share of older persons participating in lifelong learning and being included in other ways (for example taking part of cultural activities, etc.).

**Question 2. Has your government taken into consideration the needs of specific groups of older persons in the process of implementation of MIPAA?**

The newly formed Government of Estonia has put ageing and the policy on the elderly onto its agenda. The Coalition Policy Agreement<sup>3</sup> (signed in April 2015) emphasizes the need to guarantee dignified coping. Everyone must have the possibilities to use his/her creativity and willingness to work for improving their wellbeing, and the wellbeing of their families and the whole nation. The Government values human rights and fundamental freedoms. The Government pays special attention to children, the elderly and people with special needs.

Regarding pensions and the elderly, the Government has agreed to:

- raise the indexation of pensions to the maximum rate and ensure that average old-age pensions continue to be exempt from income tax;
- initiate a discussion about the possibility of developing and implementing a pension system with flexible retirement age as of 2019;
- help older people who wish to continue working to preserve their jobs by offering services to maintain and increase job skills;
- analyse the possibility for the promotion of employer pensions and increasing the sustainability of the pension system;
- implement the support scheme for old-age pensioners who live alone as of 2017;
- implement the parental pension scheme as of 2018;
- improve the quality of social welfare services (including care home service) by elaborating a single quality framework that helps to guarantee uniform quality and accessibility in all regions of Estonia.

**Question 3. How has your government informed older persons about MIPAA and how are older persons participating in the implementation of MIPAA including in decision-making about MIPAA implementation?**

Estonia used the political momentum created by the European Year 2012 „European Year for Active Ageing and Solidarity between Generations” (EY2012) for initiating a wider discussion and awareness-raising about active ageing and the policy for the elderly. The EY2012 was a European Union campaign year with the purpose to raise public awareness and support the efforts of all stakeholders (including Member States, their regional and local authorities, social partners, civil society and the business community) to promote active ageing and to do more to mobilise the potential of the rapidly growing population in their late 50s and over, and to foster solidarity and cooperation between generations. During the EY2012 in Estonia a number of conferences and seminars were organised by the Ministry of Social Affairs and NGOs active in social policy (for example Estonian Association of Pensioners' Societies, Estonian Chamber of Disabled People, Estonian Social Work Association, etc.). The traditional annual Festival for the Elderly<sup>4</sup> was organised, and a number of Estonian initiatives were introduced at national and European Union<sup>5</sup> level. Awareness of ageing and intergenerational

<sup>3</sup> The Coalition Policy Agreement is available at the Government website:<https://valitsus.ee/sites/default/files/content-editors/failid/coalition-policy-agreement-may2015.pdf>

<sup>4</sup> [www.eakatefestival.ee](http://www.eakatefestival.ee)

<sup>5</sup> <http://ec.europa.eu/archives/ey2012/ey2012main0cb2.html>

solidarity was raised among professionals (for example, a special issue of professional journal "Social Work" was published) and wider audience through special TV and radio broadcasts.

There is a widespread practice that Government authorities include stakeholders and the public into elaboration of the decisions concerning them to ensure the best possible quality and legitimacy of those decisions. The purpose of the Government Communication Handbook<sup>6</sup> (elaborated in 2011, with later amendments) is to provide clearer instructions for planning and organisation of inclusion and to standardise the quality of inclusion practices of government authorities. The wider goal of inclusion is to increase the transparency of decision-making and the trustworthiness of the public sector in relationships with stakeholders and the wider public. Inclusion in decision-making means informing stakeholders, consulting with them, hearing out their opinions, providing feedback, etc. The document sets out instructions for proper informing of stakeholders and arrangement of public consultation. Ministries include stakeholders into preparation of decisions, present to them a draft for opinions and provide feedback regarding taking into account the opinions gathered. For better inclusion of partners, the Public Participation Handbook<sup>7</sup> has been prepared for officials and NGOs. The drafts of all national legislation and development plans are presented to the Estonian Association of Pensioners' Societies for opinions.

In recent years the Estonian Government has improved the accessibility of public information. The Public Information Act provides that public information is generally free of charge. According to § 4 of the Civil Service Act, as quick and easy access to information as possible must be ensured for all persons. Public authorities are required by law to have a website on which public information is published (§ 31 (1)). All Government ministry websites have recently adopted a common visual and technical standard, which complies with the Web Content Accessibility Guidelines (WCAG) 2.0 recommendations, that make content accessible to a wider range of persons with disabilities, including blindness and low vision, deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity and combinations of these<sup>8</sup>. According to the Interoperability of the State Information System<sup>9</sup> requirements set by the Ministry of Economic Affairs and Communications, all public sector websites must aim to meet the WCAG criteria.

#### **Question 4. What impact has MIPAA had on equality and non-discrimination of older persons?**

The Equal Treatment Act<sup>10</sup> protects persons from discrimination on grounds of their age. The Act establishes principles of equal treatment, tasks to implement and promote the principles of equal treatment, and regulation for resolution of discrimination disputes. According to the Equal Treatment Act, discrimination of persons on grounds of age is prohibited in recruitment, promotion, vocational education, and membership in professional organisations.

The Equal Treatment Act provides for the possibility to apply positive discrimination measures. It is permitted for the purpose of reducing certain diminished representation to treat certain persons more

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<sup>6</sup> The Government Communication Handbook is available at: [https://riigikantselei.ee/sites/default/files/content-editors/Failid/valitsuskommunikatsiooni\\_kasiraamat\\_eng.pdf](https://riigikantselei.ee/sites/default/files/content-editors/Failid/valitsuskommunikatsiooni_kasiraamat_eng.pdf)

<sup>7</sup> The Public Participation Handbook is available at: [https://riigikantselei.ee/sites/default/files/kaasamine\\_avalikus\\_sektoris\\_ja\\_vabakonnas1.pdf](https://riigikantselei.ee/sites/default/files/kaasamine_avalikus_sektoris_ja_vabakonnas1.pdf)

<sup>8</sup> Web Content Accessibility Guidelines 2.0, <http://www.w3.org/TR/WCAG20/>.

<sup>9</sup> Interoperability of the State Information System, [https://www.mkm.ee/sites/default/files/interoperability-framework\\_2011.doc](https://www.mkm.ee/sites/default/files/interoperability-framework_2011.doc)

<sup>10</sup> The Equal Treatment Act is published in State Gazette: <https://www.riigiteataja.ee/en/eli/530102013066/consolide>

favourably in a comparable situation. Positive measures must be adequate, i.e. they must respect the principle of proportionality.

In the fields of employment, vocational education and social protection, dissimilar treatment is not considered as discrimination if it has reasonable legitimate objective and measures to achieve that are appropriate and necessary. Minimum age or work experience requirements may be established for certain work, position or work related benefits. Maximum age may be established if it is based on training requirement or need to work on the position for certain time before retirement. Age limits may be established for obtaining social protection measures.

Bearing in mind that the scope of application of the Equal Treatment Act is narrow (currently applicable only to employment and vocational education) and differs according to the ground of discrimination, the Ministry of Social Affairs has initiated amendments to the Act. Planned amendments will bring the Act into conformity with § 12 of the Constitution and standardise the equal treatment requirements. The draft amendment aims to expand the principles of equal treatment to social welfare, health services, social security benefits, public goods and services (including housing). According to the draft amendment, discrimination is prohibited and measures shall be taken regarding accessibility to goods, services and physical environment. The amendments to the Equal Treatment Act are planned to enter into force from 2016.

All discrimination disputes (including age related) shall be resolved by a court or a labour dispute committee. Discrimination disputes shall also be resolved by conciliation procedure by the Chancellor of Justice. The Gender Equality and Equal Treatment Commissioner has competence in all types of discrimination. The Commissioner accepts applications of complaints from individuals and provides opinion and recommendations on discrimination issues. The Commissioner is also authorised to act on her own initiative. In recent years, the Commissioner's counselling and other services have become more available all over Estonia as the Commissioner has started organising legal counselling days in all Estonian counties in 2013. In 2013, 14 applications regarding possible age discrimination were submitted to the Commissioner. Eleven of the applications were directly related to age, three were regarding multiple discrimination (including age). Six of the applicants were men, seven were women, and one legal entity. The applications were related to the availability of goods and services (7 applications), employment (6 applications), education (1 application) and other (1 application)<sup>11</sup>.

**Question 5. What impact has implementation of MIPAA had on the fulfilment of the right of older persons to an adequate standard of living?**

In 2010 amendments were made to the State Pension Insurance Act<sup>12</sup> to raise the pensionable age from 63 to 65 years. The transition period for the people born from 1954 to 1960 will start in 2017 by gradually increasing their retirement age by three months for every year of birth and reaches the age 65 in 2026.

From 2013, a pension supplement for raising a child will be added to the old-age pension, work incapacity pension or survivor's pension according to the following:

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<sup>11</sup> <http://www.vordoigusvolinik.ee/wp-content/uploads/2015/01/Voliniku-2013.-aasta-tegevuse-ylevaade.pdf>

<sup>12</sup> The State Pension Insurance Act is published in State Gazette:  
<https://www.riigiteataja.ee/en/eli/525032015003/consolide>

- a supplement equivalent to the value of two years of pensionable service to one of the parents, the parent's spouse, guardian or foster carer for each child born between 31 December 1980 and 31 December 2012 whom he or she has raised for at least eight years;
- a supplement equivalent to the value of three years of pensionable service to one of the parents, the parent's spouse, guardian or foster carer born before 1 January 1983 who is not an obligated person as defined in the Funded Pensions Act for each child born on 1 January 2013 or later whom he or she has raised for at least eight years;
- a supplement equivalent to the value of one year of pensionable service to one of the parents, the parent's spouse, guardian or foster carer for each child born before 1 January 2013 whom he or she has raised for at least eight years (amendment since 2015).

Since 2013, the state pays supplementary contributions to the 2nd pillar for persons required to contribute to mandatory funded pension who are raising a child up to three years of age.

In June 2015 the Government approved the concept paper on the implementation of the support scheme for old-age pensioners who live alone. The scheme will enter into force since 2017.

According to the Labour Market Services and Benefits Act<sup>13</sup>, all people from the age 55 until pensionable age are entitled to all labour market services. People who are entitled to old age pension can only be registered at the Unemployment Insurance Fund as jobseekers. The scope of recipients of the labour market services has been widened - since 2015 old age pensioners, who are registered as jobseekers at the Unemployment Insurance Fund are entitled to provision of information on the situation on the labour market, and of the labour market services and benefits, job mediation, labour market training, career counselling, work practice, business start-up subsidy, adaptation of premises and equipment and free use of special aid and equipment. In addition, the Employment Programme 2014-2015<sup>14</sup> establishes the possibility of old age pensioners to be supported in obtaining a qualification.

The elderly are entitled to the social welfare services and benefits set out in the Social Welfare Act<sup>15</sup>. In addition to general measures, the Act stipulates that in order to assist the elderly to cope in surroundings familiar to them and to have a life of equal value with other persons, local governments shall provide special measures:

- establish opportunities for cheaper catering;
- ensure the accessibility of information concerning services provided and establish opportunities for the use of social services;
- establish opportunities for interaction and hobbies;
- ensure the security and independence of the elderly living in social welfare institutions, respect for their private life and the opportunity to participate in decision-making pertaining to their physical and social environment and future.

<sup>13</sup> The Labour Market Services and Benefits Act is available at State Gazette:  
<https://www.riigiteataja.ee/en/eli/530062015005/consolide>

<sup>14</sup> The Employment Programme 2014-2015 is available at: <https://www.riigiteataja.ee/akt/128042014003> (only in Estonian)

<sup>15</sup> The Social Welfare Act is available at State Gazette:  
<https://www.riigiteataja.ee/en/eli/530062015001/consolide>

To standardise the service quality, recommended guidelines for social services<sup>16</sup> in the area of responsibility of local governments have been prepared in 2011 and planned to be revised and complemented 2015.

**Question 6. Please provide examples of best practices from a human rights perspective identified by your government in the implementation, monitoring, review and appraisal of MIPAA?**

The Elderly Policy Committee (EPC), acting as a consultant advisory body for the Ministry of Social Affairs already from 1997, has launched a discussion about how to tackle the challenges linked to the ageing population in Estonia. The EPC members are the most influential social partners who have the knowledge about the challenges in the field of everyday life of the older persons. With the initiation of the Elderly Policy Committee, the Minister of Social Protection acknowledges outstanding older persons in each county respective to the theme of the year (for example, in 2010 the older persons who promote social inclusion in their living areas received an award as the year was dedicated to the fight against poverty and social exclusion; in 2014 the older persons who are promoters of active and healthy lifestyle received an award as the year was dedicated to sport in Estonia, etc.). The EPC publishes regular free of charge newspaper "Elukaar" (*Arc of Life*) for older persons.

Elderly policy organisations (for example Estonian Association of Pensioners' Societies, Self-Help and Advisory Association for Senior Citizens etc.) and smaller local initiatives receive project-based financing from Estonian Gambling Tax Board. In 2015, one of the financing priorities of the Gambling Tax board are projects that support active ageing, including the activities that support the development of age friendly society and support the increase of life quality and equal opportunities of the elderly.

Estonian policy making is supported by regular statistics and analyses. In addition to regular statistics, collected and published by Statistics Estonia and the Ministry of Social Affairs, special analysis and surveys have been conducted. For example a special issue of an analytical collection, Social Trends<sup>17</sup>, (published by Statistics Estonia in 2010) focused on the ageing population and analysed the trends in labour market participation, material welfare, social welfare, health and social cohesion of the elderly in Estonia. In 2009 the Ministry of Social Affairs carried out a Survey on Elderly<sup>18</sup> that focused on employment, education and lifelong learning, living conditions, health and restrictions of movement, welfare services, social activity, quality of life and financial coping. A repeat survey will be carried out in 2015 and the results will be published at the beginning of 2016.

**Question 7. Please provide information about the main challenges (such as institutional, structural and circumstantial obstacles) faced by your Government at the various levels of government (communal, provincial and national etc.) to fully respect, protect and fulfil the human rights of older persons in the implementation of MIPAA.**

The development of social welfare policy is supported from the finances of European Structural Funds (European Social Fund and European Regional Fund). For the next financing period until 2020 the

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<sup>16</sup> The recommended guidelines for local government services are available at the Ministry of Social Affairs website: <http://www.sm.ee/et/muud-toetused-ja-teenused#Kohalike%20omavalitsuste%20sotsiaalteenuste%20soovituslikud%20juhised>

<sup>17</sup> <http://www.stat.ee/38017>

<sup>18</sup> [http://www.sm.ee/sites/default/files/content-editors/Ministeerium\\_kontaktid/Uuringu\\_ja\\_analuusid/Sotsiaalvaldkond/veu2009\\_final2.pdf](http://www.sm.ee/sites/default/files/content-editors/Ministeerium_kontaktid/Uuringu_ja_analuusid/Sotsiaalvaldkond/veu2009_final2.pdf)

following measures that support the employment of older persons and their family members have been planned:

- the delivery of a number of social welfare services (home services, care services (including interval and day care), social transportation, personal assistant service, support person service) will be increased;
- new innovative services (for example video and audio care service, alarm button service) will be piloted with the purpose to find innovative solutions and optimizing the use of time and financial resources;
- people and their families with multiple coping difficulties will be provided with social counselling services, including psychological counselling, family counselling, debt counselling, support person service, counselling from specialised social workers (for example hospital social worker) and specialised expert counselling (for example legal counselling, clinical psychologists' counselling, psychiatric aid and social pedagogue counselling);
- altogether, at least 10 500 persons with disabilities, the elderly and their family members with care burden will be provided with social welfare services that support their possibilities of employment (including retaining their job, starting work) or entry into the labour market;
- several activities (for example training, supervision etc. for social workers) have been planned to improve the quality of social services and the competences of social sector workers and to encourage more service providers to enter the market.

The Estonian social policy is guided by the principle of support to working, independent coping and living in the familiar environment (i.e. at home) as long as possible. The orientation is towards prevention, reduction of needs for institution-based care and promotion of deinstitutionalisation. The current year plans include the establishment of a high-level committee at the Government Office with the purpose to map the most important problems regarding care burden and will propose solutions (including financing schemes) to alleviate the care burden. The Committee will be established by the end of 2015. The Ministry of Social Affairs has started the elaboration of a concept paper for the development of affordable and quality services to people with dementia and development of telecare services (until the end 2019). The Ministry of Social Affairs has started preparation to elaborate needs-based assessment methodologies and to better integrate social and health care services in order to offer the best possible assistance, prevent worsening of problems and reduce the use of institutional care.