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The Permanent Mission of Estonia to the United Nations and Other International Organisations 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, 15 March 2013

Enclosure: 5 pages

Office of the High Commissioner for Human Rights

GENEVA
Public consultation on the human rights of the older persons-Human Rights Council resolution 21/23

1. Please provide information on the main challenges related to promotion and protection of the human rights of older persons that your country is facing

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<tr>
<th>Challenge</th>
<th>Description</th>
<th>Solution</th>
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| Unemployment | In Estonia in 2011 the employment rate of older persons (age group 55-64) and unemployment rate (11.6%) were both high. Once older persons are unemployed it is difficult for them to find a new job and for these reasons they are considered to be one of the risk groups on the labour market. | National Reform Programme "ESTONIA 2020" aims to:  
- decrease long-term unemployment rate;  
- increase the labour participation rate;  
- increase healthy life expectancy by improving health-related behaviour and continuing to work toward reducing accidents and improving healthcare infrastructure;  
- improve the quality of the educational system and adjusting it to demographic changes;  
- increase the effect of active labour market policies and the sustainability of funding. |
| Long-term unemployment | In 2011, the number of long-term unemployed persons in the 50-74 age group increased up to 14,600 which is 6.6% more than in 2010; in other age groups, however, the number of long-term unemployed persons decreased. Having become unemployed, finding a new job is more difficult for older persons than for younger persons as their education, obtained decades ago, does not often meet the requirements of the labour market and thus, there is a greater risk of being unemployed for a long time. | Development plan for Estonian adult education 2009-2013 stipulates following:  
- To increase the participation in lifelong learning among people aged 25-64;  
- To facilitate the improvement of the labour market situation and economic situation by means of adult training;  
- To enable non-formal study for adults in order to increase their competitiveness and to develop their creativity, talent, initiative and social responsibility;  
- To ensure the quality and flexibility of training, raising awareness. |
| To maintain the employability of older persons | In 2011, the number of inactive persons among older persons was 58,300, i.e. 35% of all older persons. Inactive persons are persons who are neither employed nor looking for a job for some reason. Persons over 50 years of age are inactive mostly because of an illness. Approximately 41,000 persons (21% of inactive persons) were not in the labour market due to an illness, injury or disability. | Development plan for active ageing 2013-2020 aims to:  
- Decrease the inactivity and unemployment of older persons;  
- Increase the competitiveness of older persons in labour market. |
| Lifelong learning and social cohesion | 51% of the people among over 55 years old people consists of those, who do not consciously educate themselves neither through trainings nor independently (i.e. do | Development plan for active ageing 2013-2020 aims to:  
- To increase the willingness to study of older persons. |
not learn by formal, nonformal or informal means).

In the case of the group of people who do not study actively, it is important to discuss the value of acquisition of knowledge as well as the formation of identity through cultural and media consumption, which serve as preconditions for social cohesion.

- To achieve equal opportunities for older persons to participate in the lifelong learning process.

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- To enable non-formal study for adults in order to increase their competitiveness and to develop their creativity, talent, initiative and social responsibility;
- To ensure the quality and flexibility of training, raising awareness.

| Health care and social care | Responsibility for provision of long-term care has been divided between the health and welfare systems. 72% of people aged 50-84 were suffering from a chronic disease or long-term health problem. Approximately 21% of the older persons had been significantly restricted in their everyday activities for at least six months due to health and 36% had been restricted, but not significantly. The remaining 43% had not suffered from health related restrictions. Thus, every fifth elderly person had great difficulties in managing everyday activities on their own or without technical aids. People in older age groups had a bigger need for long-term nursing care in addition to curative care. Nursing care is provided at nursing care hospitals and different curative care hospitals in Estonia. Nursing care is also provided in nursing homes owned by the local municipalities. | Estonian national Health Plan 2009-2020 aims to:
- Achieve longer lifespan and better quality of life.

The activities are carried out in five different fields: social cohesion; children's and young people's health; the environment; healthy lifestyles; health care.

Development plan for active ageing 2013-2020 aims to:
- Integrate social and medical sector services delivery in organizational and functional levels. |

2. Please indicate whether your country’s constitution or legislation explicitly forbids discrimination on the basis of old age.

Please include information on the existence of specific bodies which protect against age discrimination or are mandated to protect and promote the rights of older persons.

Section 12 paragraph 1 of The Constitution of the Republic of Estonia covers prohibition of discrimination, including prohibition of discrimination on the basis of old age. Everyone is equal before the law. No one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or on other grounds.

Incitement to ethnic, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law. Incitement to hatred and violence between social classes or to discrimination against a social class is also prohibited and punishable by law.

In addition to section 12 of The Constitution of the Republic of Estonia prohibition of discrimination is covered by the Equal Treatment Act.
The Equal Treatment Act explicitly forbids discrimination on the basis of age. Section 2 paragraph 2 states: discrimination of persons on grounds of religion or other beliefs, age, disability or sexual orientation is prohibited upon:

1) establishment of conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, as well as upon promotion;
2) entry into employment contracts or contracts for the provision of services, appointment or election to office, establishment of working conditions, giving instructions, remuneration, termination or cancellation of employment contracts or contracts for the provision of services, release from office;
3) access to vocational guidance, vocational training, advanced vocational training and retraining, practical work experience;
4) membership in an organisation of employees or employers, including a professional organisation, and grant of benefits by such organisations.

Discrimination disputes shall be resolved by a court or a labour dispute committee. Discrimination disputes shall also be resolved by the Chancellor of Justice by way of conciliation procedure. The Gender Equality and Equal Treatment Commissioner has competence in all types of discrimination. She accepts applications of complaints from individuals and provides her opinion and recommendations on discrimination issues. She is also authorised to act on her own initiative. Persons can also turn to the Chancellor of Justice, an independent institution created in accordance with the Constitution (§ 139). In addition to accepting applications on possible infringements of fundamental rights and freedoms by a public authority, he also accepts applications regarding constitutionality or legality of legal acts. Neither the Commissioner nor the Chancellor can give legally binding opinions, neither is there an enforcement mechanism for them. They can both make recommendations to state and local authorities. The Chancellor can also make recommendations to the parliament.

3. Please provide information on specific legislation, national policies, strategies and plans of action adopted by your country to ensure the equal enjoyment of rights by older persons, particularly in the areas of prevention and protection against violence and abuse, social protection, food and housing, employment, legal capacity, access to justice, health support, long-term and palliative care.

Prevention and protection against violence and abuse

According to section 13 of the Constitution of the Republic of Estonia everyone is entitled to protection by the government and of the law. The Estonian government also protects its citizens abroad.

The law protects everyone from arbitrary exercise of governmental authority.

Section 14 of the Constitution of the Republic of Estonia states that it is the duty of the legislature, the executive, the judiciary, and of local authorities, to guarantee the rights and freedoms provided in the Constitution.

In the section 16 of the Constitution of the Republic of Estonia is laid down that everyone has the right to life. The right to life is protected by the law. No one may be arbitrarily deprived of his or her life.

According to the section 17 of the Constitution of the Republic of Estonia no one's honour or good name may be defamed.

Section 18 of the Constitution of the Republic of Estonia states no one may be subjected to torture or to cruel or degrading treatment or punishment.

No one may be subjected to medical or scientific experiments against his or her free will. The wording "no one" and "everyone" includes also older persons.

Social protection, food and housing

According to section 27 paragraph 5 of the Constitution of the Republic of Estonia the family is required to provide for its members who are in need.
According to section 10 of the Constitution of the Republic of Estonia basic principles of constitution are human dignity and the principles of the welfare state. From these principles fundamental social rights are derived, including those which are laid down in section 28. Essence of the Fundamental Social Rights is to prevent possible damage which may be incurred by the realization of the social risk, and to mitigate the consequences of the damage and thereby ensure to person a decent living.

However, if a person cannot itself ensure their own coping, according to section 27 paragraph 5 of the Constitution of the Republic the family of the person is required to provide for its members who are in need. If the family members are unable to adequately meet the needs of member’s need for assistance, person’s need for assistance must be partially or fully granted by the society.

Employment

Estonian Equal Treatment Act forbids discrimination on the basis of age concerning area of employment. Section 2 paragraph (2) states discrimination of persons on grounds of religion or other beliefs, age, disability or sexual orientation is prohibited upon:

1) Establishment of conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, as well as upon promotion;
2) entry into employment contracts or contracts for the provision of services, appointment or election to office, establishment of working conditions, giving instructions, remuneration, termination or cancellation of employment contracts or contracts for the provision of services, release from office;
3) Access to vocational guidance, vocational training, advanced vocational training and retraining, practical work experience;
4) membership in an organization of employees or employers, including a professional organization, and grant of benefits by such organizations.

Legal capacity

The general Part of the Civil Code Act covers the area of legal capacity. According to sections 7 and 8 of the Act, the notion of legal capacity is divided into two, passive legal capacity and active legal capacity.

According to section 7 paragraph (1) passive legal capacity of a natural person (human being) is the capacity to have civil rights and perform civil obligations. All natural persons have uniform and unrestricted passive legal capacity. Section 7 paragraph (2) states that passive legal capacity begins with the live birth of a human being and ends with his or her death.

According to section 8 paragraph (1) of General Part of the Civil Code Act active legal capacity of a natural person is the capacity to enter independently into valid transactions. (2) Persons who have attained 18 years of age (adults) have full active legal capacity. Persons who are under 18 years of age (minors) and persons who due to mental illness, mental disability or other mental disorder are permanently unable to understand or direct their actions, have restricted active legal capacity. The restricted active legal capacity of an adult affects the validity of the transactions entered into by the person only to the extent in which he or she is unable to understand or direct his or her actions.

(3) If a guardian is appointed by a court to a person who due to mental illness, mental disability or other mental disorder is permanently unable to understand or direct his or her actions, the person is presumed to have restricted active legal capacity to the extent in which a guardian has been appointed to him or her.

Access to justice

Section 15 of the Constitution of the Republic of Estonia states following: Everyone whose rights and freedoms have been violated has the right of recourse to the courts. Everyone is entitled to petition the court that hears his or her case to declare unconstitutional any law, other legislative instrument or measure which is relevant in the case.

The courts observe the Constitution and declare unconstitutional any law, other legislative instrument or measure which violates any rights or freedoms provided in the Constitution or which otherwise contravenes the Constitution. Hence, it is ensured that everyone including older persons have access to justice.
Health support

In section 28 of the Constitution of the Republic of Estonia it is laid down that everyone is entitled to protection of his or her health.

Every citizen of Estonia is entitled to government assistance in the case of old age, incapacity for work, loss of provider, or need. The categories and extent of the assistance, and the conditions and procedure for its allocation are provided by law. Unless otherwise provided by law, citizens of foreign states and persons with undetermined citizenship in Estonia enjoy this right equally with citizens of Estonia.

The national government facilitates voluntary provision of welfare services and provision of welfare services by local authorities.

Families with a large number of children as well as people with disabilities enjoy special care of the national government and of local authorities. In the area of health support the Constitution of the Republic of Estonia explicitly states that every citizen of Estonia is entitled to government assistance in the case of old age.

Long-term and palliative care

Health Insurance Act section 2 paragraph (1) states the following: Health insurance is system which covers health care costs for the prevention and treatment of diseases of the insured person, to finance the purchase of drugs and medical devices, and temporary disability benefits and other benefits provided by this Act.

According to section 5 paragraph (1) of the Act the insured person according to this Act is a permanent resident of Estonia, a person with temporary residence permit or with right of residence.

According to section 5 paragraph (4) subsection 3, a person equal to an insured person under this Act, is a person who is entitled to the state pension. Therefore, older persons are guaranteed the health care.