**Response of Estonia to the questionnaire on the rights of persons with disabilities**

# Please provide information in relation to the existence of legislation and policies concerning mainstream and/or specific social protection programmes with regard to persons with disabilities, including:

## institutional framework in charge of its implementation

[The Ministry of Social Affairs](http://www.sm.ee) *(Sotsiaalministeerium)* is responsible for social security and social welfare. Under the Ministry there is a governmental agency - [the Social Insurance Board](http://www.sotsiaalkindlustusamet.ee/?lang=en) *(Sotsiaalkindlustusamet)* and two public legal bodies - [the Health Insurance Fund](https://www.haigekassa.ee/en) *(Eesti Haigekassa)* and [the Unemployment Insurance Fund](https://www.tootukassa.ee/eng) *(Eesti Töötukassa)* - which are responsible for the administration of the different branches of social security. In addition, [the Astangu Centre of Disability Information and Assistive Technology](http://eng.astangu.ee/whatwedo/ptak.html) which is responsible for rehabilitation, the quality of social services, and advises about assistive devices and the adaptation of environments for disabled people.

The Social Insurance Board administers the schemes of pension insurance, family benefits, social benefits for disabled persons, funeral grants, rehabilitation services, special welfare services, and is responsible for the assessment of the degree of disability and additional expenses incurred. It also maintains the register of insured persons and beneficiaries. The Board ensures that pensions and benefits due in line with the national legislation and international agreements are paid on time. Medical examination to assess permanent incapacity for work is executed by a Commission of the Board. The regional bureaus subordinated to the Social Insurance Board, process applications for the above mentioned benefits and arrange the payment through banks or post offices.

The Unemployment Insurance Fund is in charge of the unemployment insurance scheme and the provision of employment services, the aim of which is to pay out unemployment insurance benefits (töötuskindlustushüvitis), redundancy benefit and benefits following the insolvency of an employer. It also administers the scheme of unemployment allowances (töötutoetus), while the processing of claims and granting and paying of allowances is carried out by the regional employment offices, subordinated to the Fund.

The Health Insurance Fund runs the health insurance scheme, which includes medical services, compensation for pharmaceuticals and medical devices, and administrates cash benefits (sickness, maternity and care). The Fund forms annual contracts with medical services providers, and covers the expenses incurred by them for the medical care of insured persons under these contracts. The Fund also pays sickness, maternity and care benefits directly to insured persons.

Also operating within the area of government of the Ministry of Social Affairs are [the Health Board](http://www.terviseamet.ee/en/information.html) (Terviseamet), [the State Agency of Medicines](http://www.ravimiamet.ee/en) (Ravimiamet) and [the Labour Inspectorate](http://www.ti.ee/ingliskeelsed-lehed/) (Tööinspektsioon).

## legislative, administrative, judiciary and/or other measures aiming to ensure access of persons with disabilities to mainstream social protection programmes (e.g. poverty reduction, social insurance, health care, public work, housing);

Pursuant to [the Constitution of the Republic of Estonia](https://www.riigiteataja.ee/en/eli/530102013003/consolide) (§ 28), 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 allocation thereof are provided by the law. Unless otherwise provided by the law, citizens of foreign states and stateless persons 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.

The disability benefits are primarily financial allowances stipulated in [the Social Benefits for Disabled Persons Act](https://www.riigiteataja.ee/en/eli/ee/514112013021/consolide/current). There are eight types of social benefits: disabled child allowance, disability allowance for a person of working age, disability allowance for a person of retirement age, disabled parent’s allowance, education allowance, work allowance, rehabilitation allowance, and in-service training allowance.

The social assistance cash benefits and social services are provided mainly by local municipalities, however some more complex services (e.g. rehabilitation, assistive devices) are provided on the national level. The provision of social services is governed by [the Social Welfare Act](https://www.riigiteataja.ee/en/eli/ee/523012015002/consolide/current) which regulates the financing and administration of the following:

* social counselling;
* rehabilitation service;
* everyday life support service;
* employment support service;
* supported living service;
* community living service;
* 24-hour special care service;
* provision of prosthetic, orthopedic and other appliances;
* childcare service;
* domestic services;
* housing services;
* foster care;
* substitute home service;
* care in social welfare institutions;
* other social services needed for coping.

In addition to the services defined by the law, local municipalities have the right to establish additional social benefits and services.

In addition to the disability benefits outlined above, disabled persons of working age may apply the pension for incapacity for work, if their loss of capacity for work is 40–100%. Starting from 1 January 2016 the Government will start the preparations to launch a comprehensive work ability reform which entails a paradigm shift in the approach to disability and employment, and is aimed at encouraging and enabling disabled persons to participate in the labour market to the greatest degree possible. The work incapacity pension will be replaced by a work capacity allowance for persons with partial or no work capacity. Persons with partial work capacity must fulfil an activity requirement in the labour market to qualify for a benefit, and will have access to an increased number of improved labour market services and social services. The reform foresees a number of measures to inform, train and provide financial support and incentives for employers to increase opportunities in the labour market for disabled persons.

Disabled people have equal right to all twenty labour market services provided by the Unemployment Insurance Fund. The specific labour market services needed by a person depend on the factors hindering him or her from starting to work. Some labour market services (working with a support person, adaptation of premises and equipment, free use of special aids and equipment necessary for working and assistance in job interviews) are specially designed for people with disabilities. The number of disabled people having received the services of the Unemployment Insurance Fund has significantly increased over the recent years, reaching almost 5,000 in 2012. The labour market services most used by disabled people are work training and career counselling; the practical training, work exercises and work club services are also used more. For example in 2014, 72 people used the assistance in job interview, 167 people used the service of working with a support person, technical aids needed for working were given for free use to 39 disabled unemployed people and 31 workplaces were adapted to the needs of a disabled person during the year. 14 disabled unemployed people received aid to start a business and 116 disabled unemployed people were hired with a salary subsidy[[1]](#footnote-1). Thus currently the use of services targeting people with disabilities or special needs is quite modest, however there has been an upward trend.

## creation of disability-specific programmes (such as disability pensions, mobility grants or others);

The state pays social benefits to disabled people if the disabled person incurs additional expenses due to his or her disability, for example in order to obtain necessary technical aids, care, rehabilitation or if the expenses are related to transport, work or studies. Social benefits paid to disabled people of working age are related to the person’s activeness. A special benefit is paid to disabled children. The amounts of social benefits for disabled persons in 2015 are:

* Allowance for disabled person in working life for the compensation of additional costs caused by the disability – from 16,62 to 53,7 Euros per month depending on the degree of disability
* Allowance for disabled person in pensionable age for the compensation of additional costs caused by the disability – from 12,79 to 40,91 Euros per month depending on the degree of disability
* Disabled child allowance for the additional expenses caused by the disability and, upon existence of a rehabilitation plan – from 69,04 to 80,55 Euros per month depending on the degree of disability
* Disabled parent’s allowance to disabled single parent, foster parent or guardian or one of two disabled spouses – 19,18 Euros per month
* Education allowance to non-working disabled student attending upper secondary, vocational or higher education for the compensation of actual additional expenses in relation to the studies – from 6,39 to 25,57 Euros per month
* Employment allowance to compensate partly for the actual expenses made by the disabled person in relation to working with the disability in the social benefits rate (25,57 Euros) of up to 10 times during three calendar years from the time of firstly granting the benefit.
* Rehabilitation allowance for working age disabled person to compensate partially for actual rehabilitation expenditure up to 51,14 Euros per calendar year
* In-service training allowance for vocational training and formal education acquired by a working disabled person within the adult education system. In-service training allowance shall be paid to compensate partially for actual training expenditure in an amount of up to 24 times the social benefit rate (25,57 Euros) during three calendar years as of the first grant of the allowance.

Disabled people can also apply for various additional social benefits from local governments, however the types and amounts of those benefits as well as their provision depend on the possibilities and established procedures of each local government.

Upon developing social welfare services, the state is guided by the principle that the services must support independent coping, working, living at home, and deinstitutionalisation. [The development plan of the Ministry of Social Affairs for 2015–2018](http://www.sm.ee/sites/default/files/content-editors/Ministeerium_kontaktid/Ministeeriumi_arengukava_ja_tooplaan/sotsiaalministeeriumi_valitsemisala_arengukava_2015-2018.pdf) sets a goal that the number of those using community-based care services among people in need of services must increase and exceed the number of those using institution-based care services. We focus on the developing the services that support independent living and working, including support person and counselling services, social coping, and vocation and work related rehabilitation programs. In order to support the disabled people’s possibilities to live at home, we support the adaption of the housing according to the needs of the people with disabilities. To meet these objectives, the European Union’s structural funds will be used in the period 2014 – 2020.

In addition to the state and local allowances and rehabilitation service, there are special services that target children with disabilities and their families. In order to enable normal daily life for such families, it is necessary to ensure children’s day care service for the children with disabilities. In many cases, it is necessary to offer in addition to day care also nursing service which is integrated to the day care service. As local municipalities are closest to children with disabilities they have the main competence to offer services for children with disabilities. According to [the Social Welfare Act](https://www.riigiteataja.ee/en/eli/ee/523012015002/consolide/current) rural municipality governments and city governments shall: 1) establish opportunities to reduce or remove restrictions caused by the disability by treatment, rehabilitation, education and translation services; 2) organize transportation; 3) guarantee access to public buildings; and 4) appoint a support person or personal assistant, if necessary. Ministry of Social Affairs has set the objective for years 2014-2020 to support local municipalities in developing and offering services for children with disabilities. During the six years the European Social Fund funding (37 million euros) helps to develop and offer transportation service, childcare and support persons for children with severe and profound disabilities. The aim of the program is to restructure current system and ensure that children with disabilities receive the support required, access to education and everyday activities.

Alternative care is usually implemented in a situation where a disabled child cannot live for certain reasons with their biological families. The forms of alternative care are adoption to another family, setting custody for the child, placing the child to foster family or to substitute home service (social welfare, mostly institutional). 22,7% of children who are living in different alternative care forms are with disabilities (by the end 2014 – 580 children with disabilities in alternative care, total number of children in alternative care is 2556). Most of them 73,3% are living in substitute homes (425 children). However the existences of disabilities are not legal reasons to place the child to alternative care.

What is more, the Ministry of Social Affairs is in the process of drafting a Social Protection, Inclusion and Equal Opportunities Development Plan for 2016-2023, which will as one part of the development plan, set out a clear strategy for disability policy, i.e. the promotion and protection of equality, respect for the requirement of non-discrimination on the basis of disability, the provision of reasonable accommodation, and fulfilment of other obligations under the UN Convention on the Rights of People with Disabilities. The Development Plan will be completed at the end of 2015.

## fiscal adjustments or other similar measures.

The resources of the European Social Fund are used for improving the socioeconomic situation of disabled people. The programme “Social welfare measures to foster obtaining work in 2010-2013” (extended until 2015) supports the efforts to improve the employment situation of people with social or economic coping problems and special needs as well as their family members. The targets set for that purpose are:

1. to improve the availability of counselling services supporting people in obtaining work;
2. to increase the supply of rehabilitation programmes supporting people in obtaining work;
3. to improve the availability and quality of the support person service provided to young people leaving substitute homes and family-based care; and
4. to improve the quality of social welfare services by training the service providers and implementing a quality management system.

The resources of the European Social Fund for the period of 2014-2020[[2]](#footnote-2) will promote the implementation of social services that support working. Improving the quality and accessibility of social services aims to decrease the care burden of caregivers and to improve the independent coping and possible entrance to the labour market of people with special needs/disabilities. For that purposes following activities are planned.

* A number of social services – home services, care services (including interval and day care), social transportation, personal assistant service, support person service and rehabilitation services will be offered.
* With the purpose to find innovative solutions and optimizing the use of time and financial resources, new social services (for example video and audio care service, alarm button service) will be piloted.
* Clients with coping difficulties will be provided with social counselling services, including psychological counselling, family counselling, debt counselling, support person service, specialised social worker’s (for example hospital social worker) counselling and specific expert counselling (for example legal counselling, clinical psychologists’ counselling, psychiatrical aid and social pedagogue counselling).
* Several activities (for example trainings, supervision etc. for social workers) have been planned to improve the quality of social services and social sector workers competences.

Altogether, at least 10500 persons with disabilities, elderly and their family members with care burden will be provided with social welfare services that support their working possibilities (including retaining their job, starting to work) or entrance into the labour market services. The measures planned to finance from ESF will increase the availability and quality of social welfare services and encourage more service providers to enter the market.

# Please provide information on how persons with disabilities are consulted and actively involved in the design, implementation and monitoring of social protection programmes?

There is a widespread practice in Estonia that Government authorities include stakeholders and public in the elaboration of decisions concerning them with the purpose to ensure the best possible quality and legitimacy of the decisions.

On 30. March 2012 a Memorandum of Principles of Cooperation was signed between the Government of the Republic and the organisations representing disabled people with the purpose to involve the organisations representing disabled people better into the decision-making processes. For the implementation of the Memorandum a cooperation assembly in order to mainstream disability issues, coordinate activities to ensure protection of the rights of persons with disabilities, set strategic objectives and priorities etc. was formed. All the ministries as well as Estonian Chamber of Disabled People and four main DPOs (Association of Persons with Reduced Mobility, Association of the Blind, Association of the Deaf, Association of People with Intellectual Disabilities) are represented in the cooperation assembly.

The purpose of the Good Public Engagement Code of Practice[[3]](#footnote-3) is to provide guidelines for planning and organisation of involvement of stakeholders. The wider goal of engagement is to increase transparency of decision making and trustworthiness of the public in relations with stakeholders and wider public. According to the Code of Practice, engagement in decision making process means informing stakeholders, consulting with them, hearing out their opinions, providing feedback etc. In accordance with the Code of Practice, Ministries include stakeholders into preparation of decisions, present draft legislation, strategies and development plans to them for opinion and provide feedback to their inputs. With the purpose to improve the practices of engagement of partners, a special handbook is elaborated by officials and NGOs.

It is common, that representatives of stakeholders (including Estonian Chamber of Disabled People) participate in the working groups and steering committees of development plans, drafting legislation etc. All draft legislation, strategies, development plans, concept papers etc. are published in [www.osale.ee](http://www.osale.ee) website for public debate, in Government’s Draft Legislation Information System [www.eis.ee](http://www.eis.ee) for opinions and also presented directly to the Estonian Chamber of Disabled People for opinions.

# Please provide information in relation to difficulties and good practices on the design, implementation and monitoring of mainstream and/or specific social protection programmes with regard to persons with disabilities, including:

## Conditions of accessibility and the provision of reasonable accommodation;

Based on the information from the state and local governments it can be concluded that with the measures currently taken the accessibility for the people with disabilities is improving constantly. With regards to the access to public services, the picture varies in different administrative areas, because different local governments have different administrative capabilities due to their territory, revenues, population size, etc. Currently we do not have a precise picture of the public services offered by private companies, however many private service providers have been flexible and have already taken into account the necessary conditions for accessibility.

The Estonian Ministry of Social Affairs, Estonian Unemployment Insurance Fund Estonian Unemployment Insurance Fund Estonian Unemployment Insurance Fundthe Estonian Unemployment Insurance Fund and the Estonian Chamber of Disabled People are systematically raising the awareness of the employers. Also the new work ability assessment and support system will use measures for employer’s awareness raising, to make them see the people with reduced work capacity as valuable labour force and will offer the possibility to compensate the expenses for the adaption of the workplace to the employer to provide the people with disabilities accessibility to the workplace.

## Consideration of the specific needs of persons with disabilities within the services and/or benefits of existing programmes;

The Rules for Good Legislative Drafting and Technical Rules for Drafts of Legislative Actsprepared by the Government of the Republic[[4]](#footnote-4) set the obligation to analyse the impact of legislation. The purpose of the impact assessment of legislation[[5]](#footnote-5) is to improve and unify the capability of government authorities upon planning and implementation of the government policy. Impact assessment improves the quality and transparency of the decision-making processes of the government and creates better conditions for those decisions to have the intended impact on the society. The impact assessment questionnaire[[6]](#footnote-6) provides guidelines on how to assess the rights of social risk groups or people needing special treatment (incl. people with disabilities). Upon preparing a draft, it is analysed whether it will affect the equality of people with disabilities and the principle of not discriminating anyone. Also, the policy changes impacts on the coping and living quality of disabled people, their opportunities to find work and their social inclusion have to be assessed. Thus in the process of designing services and/or benefits of the existing programmes, the specific needs of persons with disabilities are taken into consideration.

## Difficulties experienced by persons with disabilities and their families in fulfilling requirements and/or conditions for accessing social protection programmes;

With regards to the difficulties experienced by persons with disabilities the most recent statistical information dates back to 2009[[7]](#footnote-7), however a new survey is about to take place in 2015. According to the data from 2009 most frequently mentioned reason by the people with disabilities for not receiving services is the lack of information (30%). Almost every fifth person who needs services hasn’t got the financial resources for making the expenditures related to the services (19%). For 13% of the disabled the municipality hasn’t created the services they need. Some do not have access (3%) to the agency offering the services or they cannot get in touch with the service-providing agency (2%). Other reasons mentioned were the complexity of the procedure and excess time spent, the lack of appropriate services, too long waiting lines, municipality’s financial difficulties in paying for the service, and tedium of constantly applying for the services. Some hearing-impaired people mentioned as an additional reason the lack of sign language interpreters, because of which they have not been in contact with their family doctor or other officials for receiving necessary services.

## Consideration to age, gender and race or ethnic-based differences and possible barriers;

[The Equal Treatment Act](https://www.riigiteataja.ee/en/eli/ee/530102013066/consolide/current) is designed to protect people from discrimination by nationality (ethnic origin), race, colour, religion or belief, age, disability, or sexual orientation. Because of the current scope of the Equal Treatment Act, the prohibition of discrimination to certain groups varies and is more far-reaching for some groups. If discrimination based on religion or belief, age disability, or sexual orientation is prohibited only in the matters regarding work or vocational training, then the prohibition of discrimination based on nation (ethnic origin), race or colour, is more extensive and applies also to social welfare, social security and healthcare, including social benefits, education, and goods and services offered to the public.

It is problematic that the Equal Treatment Act in force might leave the impression that discrimination is prohibited only in certain areas of life, whereas [the Constitution of the Republic of Estonia](https://www.riigiteataja.ee/en/eli/530102013003/consolide) (§ 12) stipulates the general right to equality. To resolve this conflict we are currently in the process of changing the legislation. The aim is to eliminate the existing hierarchy in the scope of the Equal Treatment Act, so that the protection against discrimination would be ensured to all of the target groups of this law equally as stipulated in the § 12 of the Constitution.

## Conflicts between the requirements and/or benefits of existing programmes, and the exercise by persons with disabilities of rights such as the enjoyment of legal capacity, living independently and being included in the community, or work;

In order to enable independent living in a community and enable people with disabilities to cope with every-day life, [the Social Welfare Act](https://www.riigiteataja.ee/en/eli/ee/523012015002/consolide/current) provides for a number of social services (§ 10) and local governments organise support for disabled people in need of assistance, by the provision of social services, payment of social benefits, and provision of other assistance (§ 26). [The Local Government Organisation Act](https://www.riigiteataja.ee/en/eli/ee/509012014003/consolide/current) (§ 6 (1)) sets out the local government’ duties in the social welfare sector i.e. to organise social assistance and social services in the relevant city or rural municipality.

Local governments regulate, organise and fund services the provision of which requires knowledge and assessment of people’s needs and the region’s possibilities as well as flexibility in satisfying those needs. In order to ensure as independent life as possible for disabled people, the following services are offered: social counselling, home services, dwelling adapting services, support person service, sign language interpretation service, and personal assistant service. The personal assistance service is expensive, therefore it is ordered relatively rarely (e.g. for 389 people in 2013).

The main problems with the provision of social services to disabled people are related to availability and quality of the services, as those vary across local governments, because different local governments have different administrative capabilities due to their territory, revenues, population size, etc. Lower administrative capability of local governments is not a justification for not providing services. The practice of ensuring services based on the person’s place of residence is problematic as it does not support working and studying outside one’s home. Yet social services are residence-based which excludes the receipt of services from both local governments. The state sees the need to develop the domain and to encourage local governments to co-operate more.

One of the problems of the social protection programmes in Estonia that should be solved in the near future is that the services and benefits offered do not support each other and thus fail to give adequate support the person and his family members. With the development of the new Social Protection, Inclusion and Equal Opportunities Development Plan for 2016-2023 the Estonian Ministry of Social Affairs has set as an objective to review this gap.

## Allocation of grants to personal budgets;

Every local government can establish within their administrative boundaries various additional social security measures, which does not rule out cases of allocation of grants to personal budgets.

## Disability-sensitive training and awareness-raising for civil servants and/or external partners;

Over the years, the state, private sector and third sector have addressed the awareness of the society about disabled people as fully valued members of the society.

* Since 2010, the Progress Programme of the European Union in cooperation with the Ministry of Social Affairs and the Tallinn University of Technology has funded the promotion of equal treatment and equal opportunities for disabled people through information campaigns. For example, the Tallinn Law School of Tallinn University of Technology in cooperation with the Estonian Human Rights Centre conducts a project *Erinevus rikastab* (“Diversity Enriches”)[[8]](#footnote-8) intended to raise the awareness about equal treatment and to combat intolerance. Lately also trainings have been organised for employers of the private and the public sector and the Diversity Agreement has been introduced. The businesses and public sector organisations having undersigned the Diversity Agreement recognise the value of diversity among their employees and customers. The undersigned parties form a joint community, sharing experiences and promoting equal treatment both within their organisation and in the society as a whole.
* Increasing the awareness of employers – informative materials have been issued, specialist trainings and information campaigns have been conducted. Cooperation networks have been established at the levels of ministries, the private sector and the third sector. The award of Good Company (*Hea Ettevõte*) has been developed as a way to recognise businesses that create equally good work conditions for all employees and offer jobs and practical training opportunities for disabled people. Companies can use the trademark *h.e.a* i.e. *Hingega Ehe Asi* (“Genuine Item with a Soul”) to mark products made with the involvement of disabled people, thereby helping consumers more easily to notice the products that disabled people have helped make. Representatives of the Estonian Chamber of Disabled People have been included in the work of councils, boards and committees of several organisations for the purpose of protecting and representing the interests of disabled people.
* Training for service providers – in order to implement adaptation activities (e.g. lowering doorsills, construction of wheelchair ramps, accessibility of lifts and information signs, etc.), the awareness and motivation of service providers have been increased, primarily through preparation of guidance materials (e.g. the manuals of the Astangu Center of Disability Information and Assistive Technology) and regulations as well as utilisation of funding schemes (e.g. the European Regional Fund to improve the accessibility of services).
* Training for professionals (incl. judges, court registrars, prison officials, police officers, education employees, etc.)
* A fair for the disabled (*Invamess*) takes place regularly. The expositions of participant organisations encompass learning opportunities, activities of disabled peoples’ associations, assistive technology and medical products, rehabilitation services and other aspects related with disabilities. Also, information sessions and social worker consultations take place.
* The Gender Equality and Equal Treatment Commissioner publishes an annual report of implementation of the principles of gender equality and equal treatment, and also provides training and other awareness raising activities for the public sector and the public at large.

## Existence of complaint or appeal mechanisms.

According to [the Social Welfare A](https://www.riigiteataja.ee/en/eli/523012015002/consolide)ct § 33 (3) in case of a complaint regarding social services, benefits or other type of social assistance offered by the local municipality a challenge can be filed to the county governor. In case of a complaint regarding rehabilitation service provider or the Social Insurance Board, the person can file a challenge to the Social Insurance Board. A challenge shall be filed within 30 days as of the day when a person becomes or should become aware of the challenged measure or administrative act and it will be resolved within three months after the registration of the challenge by the Social Insurance Board. If a person disagrees with a decision on the challenge, he or she has the right to recourse to an administrative court within three months.

Pursuant [to the Equal Treatment Act](https://www.riigiteataja.ee/en/eli/ee/530102013066/consolide/current), alleged cases of discrimination are heard by a court or labour dispute committee. A person whose rights are violated due to discrimination may demand that the discrimination be discontinued and may claim compensation for damage caused by the violation. A victim of discrimination may also claim a reasonable sum of money to be paid as compensation for non-patrimonial damage caused by the violation. In determining the amount of compensation, the court or labour dispute committee must take into account, inter alia, the scope, duration and nature of the discrimination. Sanctions for incitement to hatred and violation of the principle of equality are also provided for in [the Penal Code](https://www.riigiteataja.ee/en/eli/ee/519032015003/consolide/current) (§ 151 and § 152).

The Gender Equality and Equal Treatment Commissioner is an independent and impartial expert who acts independently and is in charge of the monitoring of [the Equal Treatment Act](https://www.riigiteataja.ee/en/eli/ee/530102013066/consolide/current). The Commissioner additionally advises members of the public upon filing a complaint regarding discrimination and provides opinions on alleged cases of discrimination on the basis of complaints lodged or on the Commissioner’s own initiative. While the Commissioner’s opinion is non-binding, the Commissioner has the right by law to obtain information from all persons who may possess information which is necessary to ascertain the facts relating to a case of discrimination, and demand written explanations concerning facts relating to an alleged case of discrimination, and filing of documents or copies thereof within the term set by the Commissioner. The right to obtain information also includes information concerning remuneration calculated, paid or payable to an employee, conditions for remuneration and other benefits.

Additionally, the Chancellor of Justice is competent to resolve cases of discrimination by way of conciliation procedure. The Chancellor of Justice further reviews legislation of general application of both the state and local government for conformity with the Constitution, including with the principle of equality and non-discrimination set out in the Constitution. The Chancellor of Justice also serves as an Ombudsman, and thus reviews complaints of alleged violations of fundamental rights by public authorities.

# Please provide any information or data available, disaggregated by impairment, sex, age or ethnic origin if possible. In relation to:

## Coverage of social protection programmes by persons with disabilities;

In 2013 the government sector spent 500 million euros per quarter on cash benefits of the social welfare system, with the benefits for disabled persons accounting for about 3% of this amount. The government expenditure on social benefits for persons with disabilities have increased each year – it was approximately 57 million euros in 2009, but increased by 7 million euros by 2013.

It is also possible to estimate the social protection expenditure of local governments, including their expenditure on the social protection of persons with disabilities. In Estonia as a whole, this expenditure increased 5.2% in 2009–2013, with the largest growth recorded between 2011 and 2013. There are notable variations in the expenditure of different counties on the social protection of disabled persons.

The biggest share of expenditure is state social insurance benefits (excluding pension for incapacity for work), such as the disability allowances for adults (persons in retirement age or in working age) and the disabled child allowance. The state spends less on the rehabilitation allowance, the disabled parent’s allowance, the in-service training allowance, the work allowance and the education allowance. The total expenditure on state social benefits for disabled persons was nearly 58 million euros in 2013. Compared to 2009, the expenditure has increased by almost 11 million, with the largest increase recorded in the expenditure on disability allowances for adults. The expenditure on the education allowance has remained virtually the same, and the expenditure on the in-service training allowance and the work allowance has decreased.

It is also possible to compare government expenditure on different social services. The biggest amount (about 60%) is spent on special care services, particularly the 24-hour special care service. About a quarter of the expenditure is spent on prosthetic and other aids, with less spent on rehabilitation services. The expenditure of local governments is primarily related to domestic services, housing services, care in social welfare institutions, adult day services and so on. In the local government budgets for 2013, the largest funds were allocated for the care of adults in social welfare institutions – it accounted for nearly a half of the total expenditure on social services. The operation of adult day care centres and the provision of domestic services also require significant finances (Statistics Estonia 2014).

However, not all services are free. Often, cost-sharing is required. Based on the data of the

Ministry of Social Affairs, we can determine the out-of-pocket cost in the case of special care services, domestic services and care in social welfare institutions, for example. It is also possible to estimate the out-of-pocket cost of prosthetic and other appliances for disabled persons. According to 2013 data, the cost-sharing portion of special care services is about 25%, with the rest paid by the state and local governments. The purchase of prosthetic and other aids is a little more expensive, with 32% provided out of pocket. The most expensive service is the care for adults in social welfare institutions, with 67% of the costs covered by the person using the service. The cost-sharing portion is the lowest (4%) in the case of domestic services.[[9]](#footnote-9)

## Rates of poverty among persons with disabilities;

In 2013, the at-risk-of-poverty rate of disabled persons exceeded the at-risk-of-poverty rate of the total population by 1.5 times on average. While the absolute poverty rate was smaller than the rate of the total population, because the various disability allowances and pensions help the persons with disabilities to avoid severe poverty. In 2013, the at-risk-of-poverty rate of disabled persons was 32,2% but their at-risk-of-poverty rate before social transfers was 78,5%, which shows that transfers help more than half of the persons with disabilities to get out of relative poverty. The role of social transfers is the biggest in the case of disabled persons in retirement age – in 2013, two thirds of the disabled persons aged 65+ were helped out of relative poverty by social transfers. (Statistics Estonia, calculations by the Ministry of Social Affairs)

In 2013, 5,6% of persons with disabilities lived below the absolute poverty rate (the absolute poverty rate of the total population was at the same time 8%). 9,6% of working age (18-64 years old) persons with disabilities was living below the absolute poverty rate.

Children with disabilities are the most affected by poverty. Compared to 2009, their poverty indicators have deteriorated. In 2013, 12,7% of disabled children lived in absolute poverty and 26,2% of disabled children (0-17 years old) lived in relative poverty. The relative poverty rate of children with disabilities is 6 percentage points higher than the absolute poverty rate of all children. The absolute poverty rate of disabled children is 2,6 percentage points higher than poverty rate of all children. Since it is often impossible to work while taking care of a disabled child, disabled children are inevitably one of the most vulnerable risk groups in the society. Quite many disabled children live with a lone parent, which further complicates the financial situation of families with a disabled child. Almost quarter (24,2%) of all children with disabilities aged under 18 live with a lone parent. (Statistics Estonia, calculations by the Ministry of Social Affairs).[[10]](#footnote-10)

## Additional costs or expenses related to disability;

The Ministry of Social Affairs in Estonia conducts the Survey of persons with disabilities, which includes questions about additional costs or expenses related to disability. First wave was conducted in 2005/2006, second wave in 2009[[11]](#footnote-11), and third wave is planned in 2015.

In 2009, the vast majority of disabled persons (90%) pointed out the need of [additional expenses](http://www.sotsiaalkindlustusamet.ee/determination-of-the-degree-of-severity-of-disability-and-additional-expenses/) related with disability. 85% of people with disabilities appear additional expenses for medications, 45% for transport and 37% for general utilities. 10-13% did not know their additional expenditures and 2% were people who refused to answer. All other additional expenses named (10% of people with disabilities) are related with everyday expenses as newspapers, books, dental care, heating, housing, food, phone and so on.

Research showed that almost 90% of persons with disabilities who were retired and 80% of persons of working age did additional expenses for medications. Persons with disabilities of working age spent more for transport than retired persons with disabilities, but for general utilities spent more people with disabilities who were retired.

# **Please provide information in relation to the eligibility criteria used for accessing mainstream and/or specific social protection programmes with regard to persons with disabilities, including**:

## Definition of disability and disability assessments used for eligibility determination;

According to [the Social Benefits for Disabled Persons Act](https://www.riigiteataja.ee/en/eli/ee/514112013021/consolide/current) chapter 1 **§ 2.**  Defines disability as the loss of or an abnormality in an anatomical, physiological or mental structure or function of a person which in conjunction with different relational and environmental restrictions prevents participation in social life on equal bases with the others.

The severe, profound or moderate degree of disability of children of up to 16 years of age and persons of the retirement age is established proceeding from the need for personal assistance, guidance or supervision. There are the following degrees of severity of disabilities:

1. profound disability is the loss of or an abnormality in an anatomical, physiological or mental structure or function of a person as a result of which the person needs constant personal assistance, guidance or supervision twenty-four hours a day;
2. severe disability is the loss of or an abnormality in an anatomical, physiological or mental structure or function of a person as a result of which the person needs personal assistance, guidance or supervision in every twenty-four hour period;
3. moderate disability is the loss of or an abnormality in an anatomical, physiological or mental structure or function of a person as a result of which the person needs regular personal assistance or guidance outside his or her residence at least once a week.

The degree of severity of disability and the necessity for additional expenses caused by the disability of a person of 16 years of age until attaining the retirement age is established proceeding from restrictions on participation in daily activity and social life. There are the following degrees of severity of disabilities:

1. a person whose daily activity or participation in social life is wholly restricted has a profound disability;
2. a person whose daily activity or participation in social life is restricted has a severe disability;
3. a person who has difficulties in his or her daily activity or participation in social life has a moderate disability.

The additional expenses caused by a disability means expenses on medicinal products, transport, maintenance of medical devices, self-care and household, use of the means of communication, clothing and footwear not financed from the health insurance and other state budget funds to be made at least once a month in order to reduce restrictions caused by the disability.

## Consistency of the eligibility criteria among different social protection programmes;

In the Estonian social protection system some social services and allowances are specifically designed for people with disabilities, some to the families who have disabled children, and others are designed universally for all. We do not restrict access to any service or benefit on the basis of disability.

## Use of income and/or poverty thresholds;

In Estonia, under minimum income schemes mainly the subsistence benefit stipulated in [the Social Welfare Act](https://www.riigiteataja.ee/en/eli/ee/523012015002/consolide/current) has been considered. Subsistence benefit is paid by local governments, but funded by state budget. So it is state financial aid to people in need. Subsistence benefit is paid if all other measures to alleviate poverty and need (including insurance benefits and allowances) have proved to be insufficient. A person living alone or a family whose monthly net income, after the deduction of the fixed expenses connected with dwelling (within the established limits) is below the subsistence level has the right to receive a subsistence benefit.

The parliament (*Riigikogu*) establishes the subsistence level for each budget year for people living alone or the first member of the family. The subsistence level is established on the basis of minimum expenses incurred in the consumption of food, clothing, footwear and other goods and services satisfying primary needs. In 2015 the subsistence level has been set to 90 Euros per month. However since 2015 the subsistence level for minors became equal to the subsistence level of a single person or first member of the family (i.e. 90 Euros per month). For the second and each following adult household member, the subsistence level stands on 72 Euros per month.

As mentioned, in addition to granting the subsistence level, subsistence benefit is also paid to cover monthly housing costs, i.e. expenses connected with dwelling within the limits established by the local government councils.

## Consideration of disability-related extra costs in means-tested thresholds.

The subsistence benefit does not take into consideration disability-related extra costs, however also people with disabilities have the right to apply this benefit. What is more, according to [the Social Welfare Act](https://www.riigiteataja.ee/en/eli/ee/523012015002/consolide/current) **§ 23.** Supplementary social benefits can be paid from local government budget. Disabled people can also apply for various additional social benefits from local governments but the types and amounts of those benefits as well as their provision depend on the possibilities and established procedures of each local government.

1. Statistics of Estonian Unemployment Insurance Fund. [WWW] https://www.tootukassa.ee/eng [↑](#footnote-ref-1)
2. Partnership Agreement for the use of European Structural and Investment Funds in 2014-2020: <http://www.struktuurifondid.ee/public/PA_EE_20062014_ET.pdf> [↑](#footnote-ref-2)
3. The Government adopted the Good Public Engagement Code of Practice in 29 December 2011 and the document is available at the Government Office website [www.riigikantselei.ee/et/kaasamise-hea-tava](http://www.riigikantselei.ee/et/kaasamise-hea-tava) [↑](#footnote-ref-3)
4. Government of the Republic Regulation No. 180 of December 22, 2011 *Rules for Good Legislative Drafting and Technical Rules for Drafts of Legislative Acts*. [↑](#footnote-ref-4)
5. The methodology of impact assessment (2012) is published at the Ministry of Justice website: <http://www.just.ee/sites/www.just.ee/files/elfinder/article_files/mojude_hindamise_metoodika.pdf> [↑](#footnote-ref-5)
6. The impact assessment questionnaire is published at the Ministry of Justice website: <http://www.just.ee/sites/www.just.ee/files/elfinder/article_files/kontrollkusimustik.pdf> [↑](#footnote-ref-6)
7. Puuetega inimeste ja nende pereliikmete hoolduskoormuse uuring 2009. / Survey on Disabled People and the Care Burden of their Family Members 2009. Tallinn, Ministry of Social Affairs, 2010. [WWW] http://www.sm.ee/sites/default/files/content-editors/Ministeerium\_kontaktid/Uuringu\_ja\_analuusid/Sotsiaalvaldkond/piu2009\_loppraport.pdf [↑](#footnote-ref-7)
8. The project is being funded from the European Commission’s PROGRESS programme and co-funded by Tallinn Law School of Tallinn University of Technology as well as the Ministry of Social Affairs. The project’s website is [www.erinevusrikastab.ee](http://www.erinevusrikastab.ee) [↑](#footnote-ref-8)
9. Statistics Estonia. (2014). Expenditure on social protection for persons with disabilities. In collection *Social integration of disabled persons.* [↑](#footnote-ref-9)
10. Statistics Estonia. (2014). The income and poverty of persons with disabilities*.* In collection *Social integration of disabled persons.* [↑](#footnote-ref-10)
11. Ministry of Social Affairs. (2009). Survey of persons with disabilities. [WWW] http://www.sm.ee/sites/default/files/content-editors/Ministeerium\_kontaktid/Uuringu\_ja\_analuusid/Sotsiaalvaldkond/piu2009\_loppraport.pdf [↑](#footnote-ref-11)