

*Permanent Mission of Estonia  
Geneva*

No. 10-6/365

*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 5 May 2014 has the honour to forward the reply of the Government of Estonia to the questionnaire on the ways and means to promote and protect the rights of migrant children, pursuant to the General Assembly resolution 68/179.*

*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, 10 June 2014*



*Enclosure: 1 page*

*Office of the High Commissioner for Human Rights  
GENEVA*

## Response of Estonia to the questions on the protection of migrants

- **Challenges and best practices in promoting and protecting the human rights of all migrants at international borders; and**
- **Ways and means to promote and protect the human rights of migrant children, including unaccompanied children and children separated from their families, with particular reference to the risks faced by adolescent in this regard.**

In 2004 the Victim Support Act<sup>1</sup> entered into force, providing the basis for state organisation of victim support, organisation of conciliation services, compensation for the cost of the psychological care paid within the framework of provision of victim support services and the organisation of payment of state compensation to victims of crimes.

On 28.04.2013, amendments to the Victim Support Act entered into force, bringing the Act into conformity with Directives 2011/36/EU and 2011/93/EU of the European Parliament and of the Council. The amendments extended access to victim support services and compensation, among others, to minor victims of human trafficking and sexual offences and irregular unaccompanied minors.

The changes introduced an obligation to take into account special needs of all vulnerable groups, including unaccompanied minors, in all proceedings undertaken under the Obligation to Leave and Prohibition on Entry Act<sup>2</sup>. According to the amendments an unaccompanied minor staying in Estonia illegally is not detained but referred to substitute home or foster care by the Social Insurance Board, and they are entitled to all services available to asylum seekers. A return decision is issued to an unaccompanied minor alien if:

- 1) upon the issue of the return decision the representation of the unaccompanied minor is ensured and his or her rights, interests and special needs have been taken into account;
- 2) the unaccompanied minor alien is sent back to his or her family member or appointed guardian or to the reception centre of the receiving state.

The amendments also specify the regulation of representation and guardianship of unaccompanied minors. According to the Obligation to Leave and Prohibition on Entry Act the provisions of the Family Law Act<sup>3</sup> shall be applied to the representation of an unaccompanied minor, i.e. the guardianship is fulfilled by the local government where the minor is staying. In addition, Police and Border Guard Board may enter into a contract with a natural or legal person to represent the unaccompanied minor. That person has to be trustworthy and needs to have knowledge and skills to represent the unaccompanied minor. It is expected that the cooperation agreements will improve the representation, making it more flexible and operative and raise the knowledge and skills of representatives of unaccompanied minors.

In addition to the above, Estonia would like to note that in previous years regular training of officials has been organised. The training has included the improvement of officials' knowledge and practical procedural skills, incl. the recognition and reception of asylum seekers at the border. Relevant training is also planned to be provided in the coming years.

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<sup>1</sup> Victim Support Act: <https://www.riigiteataja.ee/en/eli/521122013001/consolide>

<sup>2</sup> Obligation to Leave and Prohibition on Entry Act: <https://www.riigiteataja.ee/en/eli/522122013001/consolide>

<sup>3</sup> Family Law Act: <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/503042014006/consolide>