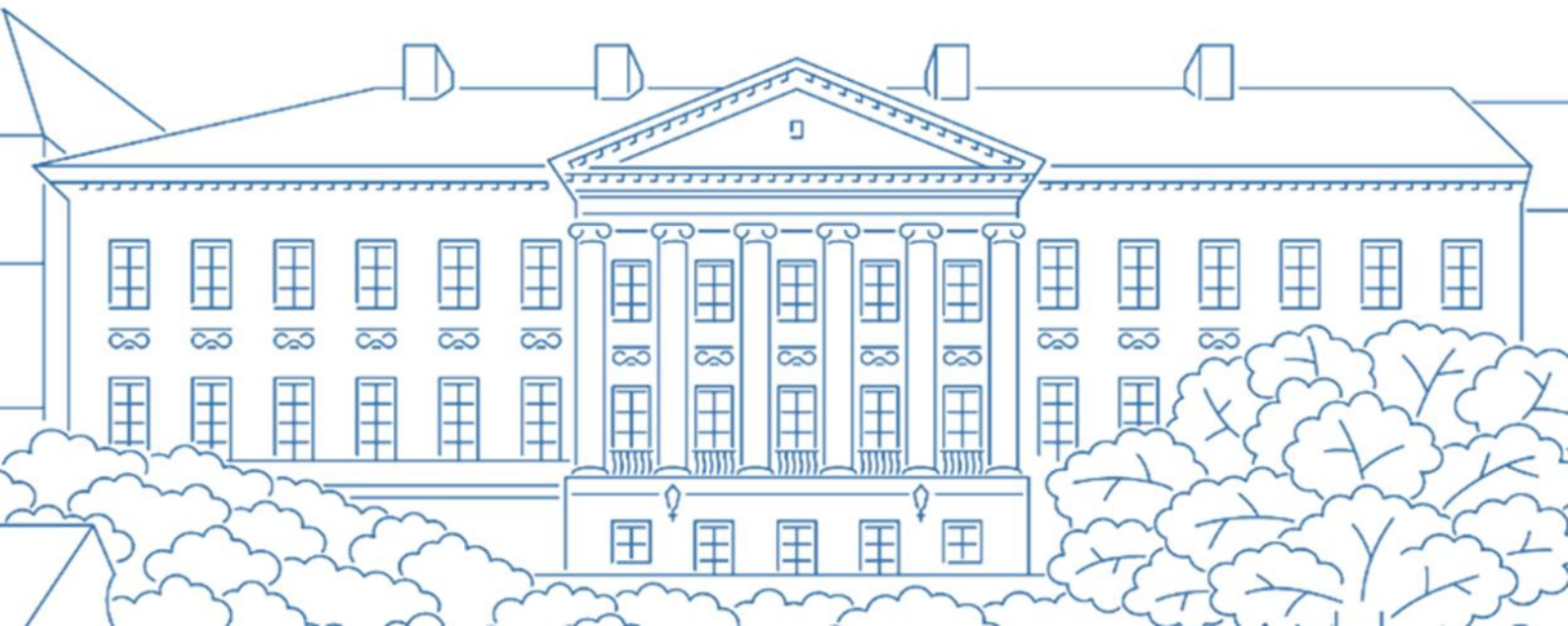
Õiguskantsler

2024/2025 OVERVIEW OF THE CHANCELLOR OF JUSTICE OF ESTONIA ACTIVITIES

Tallinn 2026



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Content

Chancellor's Year in Review

Dear Reader,

In summing up the past year, I will start with what has gone well. Through daily cooperation with officials from various institutions, ministers, and members of the Riigikogu, the Office of the Chancellor of Justice has managed every day to resolve people's concerns and to make Estonia a better place: more just and more dignified, insisting on compliance with societal agreements – that is, with laws. It is also encouraging that inspection visits to care homes, closed hospital wards, childcare institutions, and prisons are now received with understanding and empathy, rather than populist scorn.

I would also like to thank the staff of the Chancellor of Justice's Office, which successfully passed a very thorough accreditation process at the United Nations this spring. For the next five years, the Office will continue to operate as an A-status national human rights institution – a recognition that it fully meets all internationally established standards.

I thank all those officials and other decision-makers who, upon realising that something has gone wrong, do not set about hiding mistakes or shifting blame onto others, but instead seek solutions. Even the best expert may err despite the best of intentions – that is inevitable. For instance, the car tax brought an enormous number of complaints to the Chancellor of Justice. Often these were not merely expressions of indignation, though there were plenty of those too. We then explained that the Constitution allows property taxes, as long as they are not confiscatory in effect – meaning they must not be so burdensome that a person is compelled to give up a vehicle essential to their daily life or the land connected to their home.

It may indeed be difficult to imagine a situation where a car is destroyed in the first days of the year, or where a minibus adapted to transport a severely disabled family member is subjected to such a high tax that paying it becomes genuinely impossible. Real life, unfortunately, showed immediately that such situations do occur. I would like to thank the Riigikogu for supporting our proposal for constitutional review on this matter. I also thank you for the readiness to introduce in future exemptions from car tax for families with many children and for persons with disabilities.

In the future, more time should be allowed for constitutional review when introducing such fundamental tax changes. This would help prevent situations where, based on a notice issued at the very beginning of the year, tax had to be paid even on property that had already been destroyed – even though the provision in question was amended just a few months later due to its unconstitutionality.

Perhaps resentment was also stirred by the rhetoric accompanying the justification of the car tax – the claim that only in this way could we keep our climate favourable. Such decisions imposed in this manner may arouse defiance rather than understanding. In drafting the Climate Act, this was ultimately understood – even the right and necessary goals must be pursued in a way that does not make large numbers of people feel

crudely dismissed as bad or foolish, or as if the state were dictating how they should feel and “think correctly.” No goal or public good is automatically more important than the others – neither public health, security, balance of the state budget, nor a warming climate. Concerns, interests, and measures must always be fairly weighed to ensure that we feel as safe as possible, may freely engage in enterprise, stop climate change, protect property, and at the same time preserve our freedom.

The darker side of the reporting year was marked by the removal of voting rights in local government elections from all long-term residents of Estonia holding residence permits. Unfortunately, it is unclear how, or whether at all, depriving people of a right that has existed for 30 years will contribute to Estonia’s internal and external peace. Estonia grants a long-term residence permit only to those who are law-abiding, pose no threat to public order or security, have a legal income and place of residence, and possess Estonian language proficiency to the extent prescribed by law.

Local government is meant to resolve local matters: where and how construction is permitted, how waste collection is organised, when and where buses run, how nursery schools and care homes are managed. Whether the political-technological aim of amending the Constitution will be achieved will become clear in October after the local elections. Past attempts to change electoral rules to reduce competitors’ vote tallies have backfired on the changers themselves. In any case, local government bodies remain obliged to organise local life in such a way that the interests of all residents are considered.

Throughout the reporting year, it was repeatedly necessary to emphasise that the language of instruction in schools is a matter of state policy, not a local issue. The principle of Estonian-language education is consistent with both the Constitution and the European Convention for the Protection of Human Rights and Fundamental Freedoms, and it also protects the interests of children with other mother tongues. However, effort is still needed to overcome difficulties that have arisen in the transition: to support schools and teachers so that Estonian-language instruction is of good quality in every school.

As usual, the Chancellor of Justice received numerous complaints concerning schools and kindergartens. It seems that people often expect the education system to deliver mutually contradictory things. On the one hand, there is a demand for complete objectivity in assessing learning outcomes; on the other, for consideration of each child’s individuality. On the one hand, people want diverse and independent schools, yet at the same time they call for every detail of school life to be regulated and every decision to be recorded. Unfortunately, educational stratification in Estonia is increasing, and with it we are drifting further away from the ideal of the comprehensive school that has historically benefited our nation. What is clear is that the ruthless competition for places in the first grade and upper secondary school is not in the best interests of children.

Perhaps in the age of artificial intelligence, school life and assessment of learning outcomes will need to be reorganised. This could help reduce the present contradiction between demands for complete uniformity and verifiability on the one hand, and for consideration of each pupil’s and each school’s particularities on the other. Perhaps standardised tests, crammed for by memorising “correct answers”, will no longer carry

such weight; oral assessment of knowledge, creativity, the ability to solve real-life problems, and intelligent human conversation may become more important.

The advance of the surveillance society was seen during the reporting year above all in the context of the erosion of the principle of legality. That the Riigikogu give clear and carefully considered authorisation for the use of data collected about individuals through the coercive power of the state is truly essential to preserving a free society and constitutional order – not merely an exercise in empty legal formalism. It is not fair to blame police officers, supervisory officials or others on the frontline, whose ranks and working conditions have been eroded by cuts over the years, while the complexity and volume of their work have increased. It is only natural that every smart manager will look for ways to replace costly human labour with technology. Ministries and representatives of the people must ensure that plans for the use of technology are always subjected to prior constitutional analysis, carefully weighing whether the expected benefit really outweighs the risks of leaks or abuses and the costs to the state budget of securing data warehouses.

Sometimes people are placed under scrutiny simply because it is possible, because it is technically feasible. Sometimes there is a sincere belief in total security, a society that has pre-emptively eliminated all risks. But such an entirely risk-free order is neither supported nor presumed by our Constitution. The Republic of Estonia is founded on freedom and responsibility, justice, and only thereafter on legal norms and control.

As a society we have not agreed to a so-called preventive state model, in which mass data processing is used to try to prevent even the possibility of risk. Nor have we agreed that the state should analyse people’s lives and then, under the slogan of proactive services, rush to “help” them.

Modern technology indeed enables unprecedentedly effective control over each individual. Human nature has not changed in essence, so in every country there are those who would gladly seize a monopoly of power. If we add to this a mechanism of total control achieved with the aid of technology, all scrutiny or resistance to state-level falsehood and violence would suffocate. That would spell the end of democracy and freedom. We should not believe the soporific tale that officials already know what needs to be done at the expense of people’s fundamental rights, so there is no need to discuss openly or to lay down limits and frameworks in law, let there be flexibility and speed! The claim that “an honest person has nothing to fear” holds true only as long as a democratic state governed by the rule of law safeguards everyone’s freedom and responsibility, the principle of decentralisation of data registers is upheld, and all wielders of power remain bound by laws whose observance is itself subject to oversight.

It must be reminded again and again that in Estonia’s parliamentary democracy of coalition governments, it is the Riigikogu that governs the state and bears responsibility for the people’s well-being. We do not have a talking parliament, but a working one. We have one hundred and one full-time representatives of the people whose constitutional duty is to scrutinise every provision of law: to assess whether it aligns with the principle of individual and associative freedom and responsibility, to set clear limits on any restrictions of liberty, and to oversee the work of the executive.

Unfortunately, within the Office of the Chancellor of Justice, we are observing ever more sharply how the Riigikogu has relinquished its power to ministries and other executive bodies. The Riigikogu has both the right and the duty to initiate, amend, and reject draft laws. Every law must be clear and written in good Estonian. There is no point in enacting incomprehensible verbiage under the name of a law; a law must not be an empty frame into which an official may insert any picture at will. When reading a law, every reasonable person must be able to understand what is permitted and what is prohibited. Neither the law of the European Union nor the complexity of modern life demands emptiness, confusion, or contradiction, as is sometimes claimed. Quite the contrary – the Constitution demands clarity, especially in difficult times.

The rules-based world order and the value system that favours dignity and decency are crumbling globally. Estonia should learn from all this – carefully identifying risks, but not rushing headlong with the destructive current. Estonia still has every opportunity to make use of its strengths – to harness technological progress for the benefit and well-being of its people and, as the saying goes, to draw the longest straw, just as we have done before in times of historical storms and technological upheaval.

Ülle Madise
Chancellor of Justice

International Cooperation

International cooperation is an integral part of the Chancellor of Justice's work. Many of the Chancellor's responsibilities – protecting the rights of children, preventing ill-treatment, defending the rights of persons with disabilities, and safeguarding and promoting human rights – stem, among other things, from international conventions and standards. This means that the Chancellor of Justice must regularly report to the United Nations, the European Union, the Council of Europe, and other international organisations on how Estonia is fulfilling its obligations in these areas. The Chancellor of Justice also maintains close cooperation with counterparts in other countries and takes an active part in international networks that bring together ombudsmen, human rights institutions, and chancellors of justice from around the world.

Since 2001, the Chancellor of Justice has been a member of the International Ombudsman Institute (IOI), which brings together more than 200 national and regional ombudsmen from over 100 countries across the world. The Chancellor is also a member of the Global Alliance of National Human Rights Institutions (GANHRI), the European Network of National Human Rights Institutions (ENNHRI), the European Network of Ombudspersons for Children (ENOC), as well as the European Ombudsman Network (ENO), the International Conference of Ombuds Institutions for the Armed Forces (ICOAF), the Independent Police Complaints Authorities' Network (IPCAN), and the Network of National Preventive Mechanisms (NPMs).

In autumn 2024, Andres Aru, Head of the Children's and Youth Rights Department at the Office of the Chancellor of Justice, was elected for the second time as a member of ENOC's Bureau. Andres Aru, together with Ksenia Žurakovskaja-Aru, Senior

Adviser in the Inspection Visits Department, are also members of Children of Prisoners Europe (COPE).

Cooperation and Meetings

During the reporting year, the Chancellor of Justice received visits from ombudsmen and other officials from several countries, as well as representatives of international organisations.

In October, Ombudsman of the Republic of South Africa Kholeka Gcaleka and her adviser Neels van der Merwe visited the Chancellor of Justice. The guests also participated in a training seminar on artificial intelligence organised by the Chancellor's Office.

In February, the Chancellor hosted a delegation led by Pablo Ulloa, Ombudsman of the Dominican Republic. The delegation was interested in constitutional review, as well as in oversight of prisons and the police, digitalisation, and the protection of children's rights. It was agreed that discussions would continue online in order to examine in greater depth the protection of children's rights and supervision over the police and prisons.

In May, one of the Chancellor's advisers met with the Chair of the Finnish Parliament's Intelligence Oversight Committee and the Ombudsman.

Also in May, the Chancellor of Justice received a visit from Dmytro Lubinets, the Ukrainian Parliamentary Ombudsman, accompanied by a delegation of members of parliament. The meeting focused on the difficult work of the Ukrainian Ombudsman under conditions of martial law. Mr Lubinets expressed particular concern for the thousands of Ukrainian children who have been deported to Russia by the Russian authorities from the occupied territories. According to Ukrainian data, more than 19,000 children have been unlawfully taken to Russia in recent years, and the whereabouts of many of them remain unknown.

During the year, the Chancellor hosted Ukrainian delegations on seven occasions. In September and November, advisers to the Ukrainian Ombudsman learned about the Chancellor's work, focusing particularly on the prevention of ill-treatment and the protection of children's rights. At the end of the year, the Chancellor twice hosted Ukrainian civil servants visiting Estonia within study trips organised by the Johan Skytte Institute of Political Studies of the University of Tartu. In April, the Chancellor's advisers met with representatives of the EU Advisory Mission (EUAM Ukraine), which aims to support reform of Ukraine's civilian security sector and strengthen the rule of law and law enforcement capacity. In August, the Chancellor was visited by Liudmyla Yenina, Deputy Director of the Human Rights Bureau of the Ministry of Foreign Affairs of Ukraine.

In October, an online meeting was held with the Australian National Human Rights Institution (NHRI) to discuss issues related to disinformation. In January, a six-member delegation of the National Human Rights Commission of Mongolia visited Estonia to learn about the Chancellor's human rights protection work and data protection activities.

The Chancellor continued good cooperation with the Supreme Court in training judges. In September, judges from Italy, France, the Netherlands, Bulgaria and Romania visited the Chancellor. In February, the Chancellor's Office hosted a training seminar for Moldovan judges organised by the Supreme Court. The judges were particularly interested in the Chancellor's work in the fields of constitutional review and the protection of fundamental rights.

In May, the Chancellor received a delegation from the Constitutional and Legal Committee of the Senate of the Czech Republic, which wished to learn more about the institution of the Chancellor of Justice and its work. In early June, the Chancellor briefed the Legal Committee of the Parliament of Mecklenburg-Vorpommern (Germany) on the opportunities and risks associated with e-voting and the e-state.

The Chancellor also received the Ambassador of France.

Throughout the year, the Chancellor also met representatives of international organisations to discuss, among other things, the protection of human rights, ensuring the rule of law, the reliability of elections, and the implementation of international conventions.

In February, Deputy Chancellor and member of the National Electoral Committee, Olari Koppel, met with a delegation from the Organization for Security and Co-operation in Europe (OSCE) to discuss the security and reliability of Estonia's internet voting system.

That same month, advisers of the Chancellor participated in an online meeting with the authors of the European Commission's Rule of Law Report, providing an overview of the Chancellor's observations on the functioning of the rule of law in Estonia. In April, meetings with evaluators of the Council of Europe's Group of States against Corruption (GRECO) focused on implementation of anti-corruption measures in Estonia.

In March, Acting Head of Human Rights, Margit Sarv, took part in a Council of Europe roundtable on the Istanbul Convention on preventing and combating violence against women and domestic violence, where discussions centred on how Estonia has followed GREVIO recommendations. In April, an online meeting was held with representatives of Victim Support Europe to discuss how to improve support for crime victims. In June, representatives of the Chancellor participated in the Victim Support Europe seminar "Moving Forward Together: How to Better Support Victims of Crime and Prevent Violence".

In spring, further meetings with representatives of international organisations were held. Coordinators of the EY Study Team discussed the implementation of the UN Convention on the Rights of Persons with Disabilities in Estonia. Martin Zinkler, the UN Subcommittee on Prevention of Torture (SPT) country rapporteur for Estonia, was given an overview of the Chancellor's work as the national preventive mechanism. The Chancellor's activities in the field of migration attracted interest from representatives of the UN Refugee Agency (UNHCR), the European Border and Coast Guard Agency (Frontex), and the European Union Agency for Asylum (EUAA). In May, Marianne Mikko, Vice-Chair of the UN Committee on the Elimination of Discrimination against

Women (CEDAW), visited the Chancellor to discuss the situation of women's rights in Estonia and the implementation of the Convention and its Optional Protocol.

Foreign Visits

Throughout the year, the Chancellor of Justice and her advisers took part in a number of events organised by counterparts in other countries and by international organisations.

On 27–28 March, the Chancellor attended a high-level conference in Strasbourg that focused on the challenges facing the rule of law, as well as on the opportunities and risks of the digital age. In her address, Ülle Madise emphasised that artificial intelligence must remain a tool for humans, not a substitute for them. She warned against technological dependence, opaque automated decision-making, deepfakes, and algorithmic errors that may endanger the rule of law and human rights. She also underlined the vital role of ombudsmen and human rights institutions in overseeing the use of artificial intelligence.

The Chancellor also gave a presentation on artificial intelligence in Rome at the conference "45th Anniversary of the Ombudsman of the Lazio Region" organised on 8 April 2025 by Marino Fardelli, Ombudsman of the Lazio Region. In Rome, the Chancellor also met Estonia's Ambassador Lauri Bambus and learned more about the work of the Estonian Embassy in Italy.

In September, Liisi Uder, Head of Disability Rights, participated in a Nordic-Baltic meeting on disability rights focusing on crisis preparedness and communication. Issues concerning the protection of persons with disabilities were also discussed in November at a police ombudsmen cooperation seminar in Strasbourg, which focused on ensuring the rights of persons with disabilities in law enforcement. Käti Mägi-Tammik, Adviser in the Inspection Visits Department, spoke about Estonia's experience.

In November, Deputy Chancellor and member of the National Electoral Committee, Olari Koppel, observed the presidential elections in the United States as Estonia's representative. That same month, Käti Mägi-Tammik participated in a Frontex seminar in Warsaw.

The Chancellor's Office also participated in several events organised by ENNHRI and ENOC. In autumn and spring, ENNHRI general assemblies took place in Brussels and Geneva. In April, a seminar was held in Vienna for human rights institutions on the implementation of EU sustainability directives. In September, ENOC's general assembly convened in Helsinki.

In March, Andres Aru, Head of the Children's and Youth Rights Department, attended an ENOC Bureau meeting in Brussels. He also met with Eva Kopacz, Vice-President of the European Parliament, Marie-Cécile Rouillon, the European Commission's Coordinator for Children's Rights, and Marie-Louise Coleiro Preca, President of Eurochild. The meetings presented ENOC's positions on the rights of children in alternative care, highlighting the need to better consider the experiences of children and young people and to enable their meaningful participation in decisions that shape

their lives. In May, an ENOC seminar was held in Luxembourg, focusing on children's physical health and issues related to child migration.

In early February, Chancellor of Justice Ülle Madise and Indrek-Ivar Määrits, Head of the Inspection Visits Department, took part in discussions in Brussels on the EU Migration Pact, chaired by the Ombudsman of the Netherlands. The Chancellor shared Estonia's experience in protecting the EU's external border and the challenges encountered in providing asylum in the context of hybrid attacks.

In April, Käti Mägi-Tammik, Adviser in the Inspection Visits Department, took part in a Council of Europe meeting of national preventive mechanisms in Strasbourg, which focused on the issue of migration.

In early May, advisers from the Children's and Youth Rights Department took part in the annual meeting of the ombudsmen for children of the Baltic States and Poland in Vilnius. It was jointly recognised that digital skills are indispensable in today's world, so schools should create opportunities for children to develop these skills. At the same time, rules are needed to prevent health problems that may arise from excessive use of smart devices.

In May, Anneli Kivitoa, Senior Adviser on health affairs at the Office of the Chancellor of Justice, took part in the first meeting of patient rights ombudsmen held in Gdańsk. The participants agreed, among other things, that European patient rights ombudsmen should continue to meet regularly in the future.

In early June, Acting Head of Human Rights, Margit Sarv, participated in a seminar in Liverpool on national human rights action plans (Global Network on National Human Rights Action Planning), giving a presentation on Estonia's experience with preparing such plans.

In June, Ksenia Žurakovskaja-Aru, Senior Adviser in the Inspection Visits Department, participated in the annual meeting and international conference of Children of Prisoners Europe (COPE) in Valletta, titled "Stigma dismantled, dignity upheld: Child rights standards for children affected by parental imprisonment".

International Accreditation

The active year of international cooperation culminated in March in Geneva, when the Office of the Chancellor of Justice of Estonia was, for the second time, granted A-status accreditation as a national human rights institution. This distinction reaffirms the institution's independence and its continued effectiveness in promoting and protecting human rights.

The Chancellor of Justice has carried out the tasks of Estonia's national human rights institution (NHRI) since 1 January 2019. Its activities and compliance with UN standards (the Paris Principles) are reviewed every five years in an international accreditation process organised by the Sub-Committee on Accreditation (SCA) of GANHRI. The committee is composed of four members representing NHRIs from different regions of the world.

To obtain the accreditation, the Chancellor of Justice was required to complete a comprehensive questionnaire on the institution's activities over the past five years and to respond to numerous follow-up questions. The United Nations Sub-Committee made its final decision after meeting with officials from the Office of the Chancellor of Justice on 18 March.

During the process, the SCA also gave recommendations aimed at further strengthening the independence of the institution. Among other things, the committee recommended ensuring sufficient resources for the institution to carry out its tasks.

A-status gives the Chancellor the right to participate and speak at the UN Human Rights Council and in other international human rights forums. It also enables more active contribution to international cooperation in the human rights field.

International Reporting

During the reporting year, the Chancellor contributed to the preparation of several international reports.

Among other things, the Chancellor submitted her views to the European Commission, which prepared an overview of the state of the rule of law in EU Member States. In addition, the Chancellor contributed to ENNHRI's report "State of the Rule of Law in the European Union", aimed at complementing the European Commission's review on the same topic.

The Chancellor of Justice also submitted her views to the Advisory Committee of the United Nations Human Rights Council on the issue of violence against women and girls online. Her input contributed to a global study aimed at deepening understanding of digital violence, identifying effective responses, and developing recommendations for prevention and victim protection. The findings of the study will be presented to the Human Rights Council at its 63rd session.

Continuing her cooperation with UN bodies, the Chancellor of Justice submitted her views for a report by the United Nations Independent Expert on the rights of older persons, focusing on the right to social protection and the right to work. In her contribution, the Chancellor provided a detailed overview of the situation in Estonia, including the pension system and the employment of older persons.

In addition, the Chancellor contributed to several United Nations reports addressing issues such as attacks against human rights defenders, journalists, and other persons at risk; human rights education; the situation of human rights institutions and defenders; mental health; the prevention of ill-treatment in connection with freedom of religion; the rights of persons with disabilities; and children's right to free pre-primary and secondary education.

In spring, a written summary of the Chancellor's recent work on asylum issues was sent to the EU Agency for Asylum (EUAA).

The Chancellor also responded to numerous requests from international organisations, ombudsmen of other countries, and human rights institutions on issues such as corruption, healthcare, children's rights, and discrimination.

Seminar on Artificial Intelligence and Human Rights

On 15–16 October, the Chancellor's Office, in cooperation with the e-Governance Academy (eGA) and the International Ombudsman Institute (IOI), organised an international training seminar on artificial intelligence entitled "AI and decision making processes, compliance with the rights of individuals". Participants came from Europe, Africa and Asia, representing 18 ombudsman institutions.

The two-day seminar, held at the Chancellor's Office, addressed technological, legal and ethical issues related to the use of artificial intelligence. Discussions also focused on the role of ombudsmen in supervising public services that use AI algorithms. As AI is developing rapidly, it is essential to ensure that its use respects human rights, the principles of the rule of law, and democratic values.

In the Media

Speeches and Presentations

Chancellor of Justice Ülle Madise's address at the conference "45th Anniversary of the Ombudsman of the Lazio Region", Rome, 8 April 2025

Chancellor of Justice Ülle Madise's presentation at the ombudsmen and human rights institutions conference, Strasbourg, 2 April 2025

Chancellor of Justice Ülle Madise's address at the General Assembly of the Estonian Bar Association, 7 March 2025

Chancellor of Justice Ülle Madise's presentation "The Estonian Language as a Fundamental Value of the Estonian State" at the science policy conference "Science as the Engine of Estonia's Development (XI). A Viable Estonia – Meaning and Choices", Riigikogu Conference Hall, 16 October 2024

Interviews

Interview with Deputy Chancellor Olari Koppel on concerns of permanent residents of small islands, ERR news portal, 24 July 2025

Interview with the Chancellor of Justice on banking secrecy, Kuku Radio, 3 July 2025

Interview with the Chancellor of Justice on banking secrecy, TV news programme Aktuaalne kaamera, 2 July 2025

Interview with the Chancellor of Justice on parliamentary immunity, Kuku Radio, 22 May 2025

Interview with Senior Adviser Atko-Madis Tammar on school autonomy, Õpetajate Leht, 15 May 2025

Interview with the Chancellor of Justice on overriding public interest, Vikerraadio, 21 April 2025

Interview with the Chancellor of Justice on car tax, Kuku Radio, 28 February 2025

Interview with Liisi Uder, Head of Disability Rights, on the right of persons with disabilities to perform at the Song Festival, TV programme Pealtnägija, 14 February 2025

Interview with Senior Adviser Atko-Madis Tammar on school entrance exams, TV3 News, 14 February 2025

Interview with the Chancellor of Justice on the "thin state", Kuku Radio, 3 January 2025

New Year interview with the Chancellor of Justice, Maaleht, 2 January 2025

Year-end interview with the Chancellor of Justice, Tartu Postimees, 31 December 2024

Interview with Senior Adviser Atko-Madis Tammar on local authorities' obligation to ensure kindergarten places, TV programme Pealtnägija, 13 November 2024

Interview with the Chancellor of Justice on constitutional amendment, Kuku Radio, 12 November 2024

Interview with the Chancellor of Justice on constitutional amendment, webcast Otse Postimehest, 12 November 2024

Interview with the Chancellor of Justice on constitutional amendment, TV programme Esimene stuudio, 7 November 2024

Interview with Deputy Chancellor Olari Koppel on the US presidential election, Kuku Radio, 6 November 2024

Interview with the Chancellor of Justice, Vikerraadio programme Elamus, 6 October 2024

Interview with the Chancellor of Justice on the draft state budget, Vikerraadio, 30 September 2024

Interview with the Chancellor of Justice on the Annual Report, Kuku Radio, 11 September 2024

Articles

Address by the Chancellor of Justice at the Southeast Estonia Summit, 18 August 2025

Article by Senior Adviser Vallo Olle in Juridica, June 2025

Article by Chancellor of Justice Ülle Madise and Adviser Evelin Lopman on problems related to wind farm development, newsletter of the Association of Estonian Cities and Municipalities, June 2025

Reflections by Chancellor of Justice Ülle Madise on Siiri Sisask's music, Postimees, 31 May 2025

Article by Chancellor of Justice Ülle Madise "Monopoly of Violence", special edition Tähenduse Teejuhid, Postimees, 19 April 2025

Obituary by Chancellor of Justice Ülle Madise for Supreme Court Justice Jüri Põld, Postimees, 9 April 2025

Article by Chancellor of Justice Ülle Madise "On the Possibility of Good Agreements", Edasi, 27 January 2025

Article by Chancellor of Justice Ülle Madise and Auditor General Janar Holm "Drafting the State Budget Needs a Complete Overhaul", ERR Opinion Portal, 4 October 2024

Rule of Law

Petitions submitted to the Chancellor of Justice and reports in the media have revealed that, at times, state authorities make administrative decisions without a proper legal basis. Generally, the problem lies in the desire to act faster or in a more convenient and efficient way, or simply because it is not realised that in a specific procedure such actions or methods of collecting information are not permitted by law. Sometimes the law is then amended afterwards so that it corresponds to actual administrative practice. This seems to be a problem that deepens year after year.

Such a situation may be encouraged by the lack of transparency in the state budget. The Riigikogu appears to lack an overview of what pubic authorities spend money on. Public authorities sometimes complain that they do not have sufficient funds to perform their core tasks, while at the same time money is being spent on activities that should not be carried out and that restrict fundamental rights very intensively. The Chancellor of Justice pointed out that not a single cent of public money may be spent, nor any financial obligations incurred, for the development or use of technology restricting fundamental rights before a law to that effect has been adopted and promulgated by the President of the Republic.

According to § 3 of the Constitution of the Republic of Estonia, the activities of public authorities must be constitutional and based on law. More and more often, we hear in the media that a tender has been announced or a technical solution implemented, yet it has been overlooked that such actions require a legal basis. The principle of parliamentary reservation, or the principle of significance, requires that all important issues in state life be decided by the Riigikogu or, as the highest bearer of power, by the people. All decisions important from the point of view of fundamental rights must be taken by the Riigikogu.

For example, legislative materials revealed that the issuance of the digital identity card (digi-ID) was terminated because the procurement committee of the Police and Border Guard Board (PPA) decided not to order these documents under a new contract. This was done despite the fact that the law provided for the digi-ID as an identity document.

The legislative amendment was added in haste to a bill already in the legislative process in the Riigikogu, which had reached its second reading. From the explanatory memorandum to the amendment one can read directly that, since as of 1 May 2025 digi-IDs would no longer be issued, the law also needed to be changed quickly. This means that an executive authority confronted the Riigikogu with a fait accompli, having it merely formalise a decision that had already been made by a committee within the Police and Border Guard Board.

In a state governed by the rule of law, matters should proceed in the opposite order: the Riigikogu creates the rules and the framework within which public authority operates, for example by preparing the public procurement prescribed by law. In a state governed by the rule of law, an authority cannot act arbitrarily, doing what it considers necessary. In a state governed by the rule of law, a civil servant acts on the basis of law. As long as the law is in force, officials must comply with it. Several cases reached the Chancellor of Justice this year where people had been left in trouble

because the law had not been complied with. It is particularly disgraceful when laws are ignored by authorities that exercise supervision over compliance with requirements or that can impose penalties for violations of the law.

State authorities should always clearly recognise what proceeding they are conducting and what rights and obligations each party has in that proceeding. For example, it is not permitted to request archived data from the criminal records database in misdemeanour proceedings, although this is allowed in criminal proceedings. Likewise, an extract from a bank account cannot be requested via the enforcement register in every type of proceeding, even if the authority has access to the enforcement register. If an authority is granted the right in a particular proceeding to carry out specific acts or obtain information by means of a particular technical solution, then the authority may exercise that right only in that proceeding for which the right was granted.

Elections and the National Electoral Committee

The National Electoral Committee is established under the Riigikogu Election Act and its main task is to exercise legal supervision over decisions and actions related to elections. In addition, the Committee organises the elections of the President of the Republic and the Board of the Riigikogu.

The Electoral Committee determines the results of the Riigikogu and European Parliament elections and of referendums, and registers members of the Riigikogu and the members of the European Parliament elected from Estonia. The Committee also processes complaints related to elections.

The mandate of the National Electoral Committee lasts for four years. According to law, the Committee includes: a judge of a court of first instance appointed by the Chief Justice of the Supreme Court, a judge of a court of second instance appointed by the Chief Justice of the Supreme Court, an adviser of the Chancellor of Justice appointed by the Chancellor of Justice, an official of the National Audit Office appointed by the Auditor General, a state prosecutor appointed by the Prosecutor General, an official of the Government Office appointed by the Secretary of State, and an information systems auditor appointed by the Board of the Estonian Association of Auditors. Each member of the National Electoral Committee also has an alternate member.

The Chancellor of Justice is represented on the Committee by her Deputy and the Director of the Office of the Chancellor of Justice, Olari Koppel. During the reporting year the National Electoral Committee held 16 meetings. The decisions and minutes of the meetings of the Committee can be consulted in the document register of the Chancellery of the Riigikogu.

The decisions of the Supreme Court in election complaints can be consulted in the register of constitutional review judgments of the Supreme Court.

During the reporting year, no general or local elections were held. However, in the spring of 2025, preparations began for the autumn municipal council elections. In March, the National Electoral Committee conducted the regular elections for the Board of the Riigikogu. On 24 October 2024, the Committee elected Judge Ingrid Kullerkann

of the Tartu Court of Appeal as its new Chair. The previous Chair, Oliver Kask, had left the Committee following his appointment as a Justice of the Supreme Court.

The National Electoral Committee's decision of 13 June not to develop voter applications for Android and iOS platforms for the upcoming autumn municipal elections attracted the most public attention. In other words, the Committee concluded that the existing and tested applications were not yet sufficiently secure to enable mobile voting (m-voting), an innovative form of internet voting.

Preparations for enabling voting via mobile phones and tablets have been underway for three years, initiated by the Ministry of Economic Affairs and Communications. The legal framework for this new method of voting was established through amendments and additions to the Riigikogu Election Act adopted by the Riigikogu in 2024.

The National Electoral Committee has repeatedly and extensively dealt with questions of the security and transparency of internet voting. One of the reasons for this has been doubts as to whether the various operations of opening and counting electronic votes have been audited to a sufficient extent. The matter also reached the sitting of the Riigikogu's Anti-Corruption Select Committee.

In early spring an OSCE mission visited Estonia, focusing primarily on the legal regulation of internet voting. In the report published in June several recommendations were made for further specification of election laws and for increasing the transparency of elections.

In September 2024 the Electoral Committee submitted to the Riigikogu an analysis by the University of Tartu concerning the possibilities of changing the boundaries of electoral districts in the Riigikogu elections and the number of mandates to be distributed in them. The analysis was based on the finding that demographic processes over the past two decades had led to a situation in which electoral districts in the Riigikogu elections were of very different sizes. For example, nearly 47,000 voters in the Lääne-Viru County district elect five members of the Riigikogu, whereas 151,200 voters in the Harju-Rapla district elect sixteen members. The size of the districts differs more than threefold, which creates a problem of proportionality in relation to the number of votes required to obtain a personal mandate.

The Constitutional Committee of the Riigikogu was presented with an overview of the analysis by the Deputy Chair of the National Electoral Committee, Airi Mikli, and Olari Koppel. The Committee decided to request feedback from political parties in order to deal with the matter substantively.

Election Campaigning in Shopping Centres

The Chancellor of Justice was asked whether the owner of privately owned immovable property has the right to prohibit election campaigning on their property.

The Chancellor of Justice explained that within the premises of a shop, shopping centre, or market, it is permissible to prohibit the setting up of campaign tents, stands, and other organised political canvassing, or to set specific conditions for such activities. It is entirely understandable that a private owner does not wish their trademark to be

associated with certain views, and also that they may fear the reaction of customers. After all, there are people who greatly enjoy meetings and events held as part of an election campaign, but also others who dislike them entirely, as well as those who are indifferent.

Restrictions on election campaigning may be established in the internal rules of the trading venue. Naturally, rules established in the internal regulations may not be in conflict with the law.

No specific legal provisions have been established regarding political canvassing in privately owned spaces that are open to the public. In such cases, the general provisions of the Law Enforcement Act apply. Since several fundamental rights may come into conflict in these situations – on the one hand, the right to property and the freedom of enterprise, and on the other, freedom of assembly and freedom of expression – it should be borne in mind that, in the event of a dispute, the positions of the courts and the Chancellor of Justice may not necessarily coincide.

When setting the rules of procedure, it should also be borne in mind that election campaign events must either be permitted to all candidates who wish to organise them on equal terms, or prohibited to all. Otherwise, allowing campaigning selectively is likely to be regarded as an unlawful donation.

Supervision Over Financing of Political Parties

According to the Political Parties Act, the Chancellor of Justice appoints one member of the Political Party Funding Supervision Committee (ERJK). The Chancellor of Justice appointed Kaarel Tarand, Editor-in-Chief of the cultural weekly Sirp, as a member of the Committee. The Committee and its members act independently: they are not required to report on their activities to the persons or institutions that appointed them, nor may they seek or accept instructions from those who made the appointment.

During the reporting year, there was active public debate over whether the selective presentation of studies prepared by the Foundation Liberal Citizen (SALK) to political parties contesting the 2023 parliamentary elections could be regarded as a prohibited donation from a legal person.

The ERJK ultimately concluded that, although SALK and the political parties concerned had not treated the studies and their conclusions as a paid service, SALK nevertheless conferred a benefit on certain parties free of charge – a benefit that, under the applicable legal framework, may be classified as a prohibited donation. On that basis, the ERJK issued precepts to four political parties requiring them to return the prohibited donations, totalling approximately 100,000 euros.

The parties announced that they would challenge the ERJK precept in court.

The Constitutional Committee of the Riigikogu requested the Chancellor of Justice's opinion on the draft Act to amend the Political Parties Act and the Credit Institutions Act (585 SE). The Chancellor of Justice asked the Riigikogu to consider abolishing the absolute ban on donations by legal persons (a problem already highlighted by the Chancellor of Justice in the 2017 written submission to the Riigikogu).

The Chancellor of Justice noted that this prohibition, backed by the threat of sanctions, also applies to citizens' associations operating as legal entities. Yet in a democratic society, there is nothing harmful in preferring one candidate, electoral alliance, or political party in order to promote a worldview and to cooperate with them – on the contrary, such engagement is a natural part of the functioning of a healthy and free society. In municipal council elections, for instance, neighbourhood and village associations, as well as animal and forest protection groups, should be free to publicly support candidates.

At the same time, the Chancellor of Justice stressed that such cooperation must be transparent – in other words, it must be publicly known who supported whom, when, how, and to what extent. The influence of hostile foreign states must be excluded. The Chancellor of Justice considered that the already planned improvements to supervision measures in the draft Act would help ensure transparency.

By the time this report was completed, the Riigikogu had not yet adopted this Act.

Waiving of Parliamentary Immunity

During the reporting year, the Prosecutor's Office submitted a request to the Chancellor of Justice to waive parliamentary immunity from Member of the Riigikogu Kalle Laanet.

According to § 76 of the Constitution, a Member of the Riigikogu enjoys immunity and may be prosecuted and tried in court only on the proposal of the Chancellor of Justice with the consent of the majority of the members of the Riigikogu. This constitutional provision protects a Member of the Riigikogu, for example, against court proceedings initiated for the purpose of political persecution.

The Chancellor of Justice thoroughly examined the materials of the criminal case and decided to propose to the Riigikogu to waive parliamentary immunity from Kalle Laanet. The Chancellor of Justice found that the entire investigation thus far had been lawful and there was no reason to suspect that the charges brought against the Member of the Riigikogu stemmed from any improper (including political) motive.

The Riigikogu agreed with the Chancellor of Justice's proposal.

Amendment of Protection Rules

An inventory of forest habitats is under way. In the course of this process, the state intends to place certain forest habitats under protection or to strengthen their existing protection regimes. The Chancellor of Justice, both in an earlier recommendation and in a letter sent this year to the Environment Committee of the Riigikogu, explained that while the state is indeed entitled to do so, any amendments to protection regimes must be made in accordance with the law.

In order to place a natural object under protection or amend its protection regime, the Ministry of Climate must initiate a procedure as prescribed in § 9 of the Nature Conservation Act. According to the Chancellor of Justice, the law has not been followed in this matter and the required procedure has not been initiated.

A state authority must base its activities on law. If the law provides a clear procedure for involving the public, landowners, and local government, then this procedure must be followed. It remains unclear why in the present case it was decided to ignore the requirements of the law. It is also not clear according to what rules the authorities are currently acting.

According to § 3(1) of the Constitution, state authority may be exercised only on the basis of the Constitution and laws that conform to it, while § 14 guarantees each individual the right to procedure and administration. This means that if the state seeks to restrict a person's fundamental rights, there must be a specific legal basis established by law. Furthermore, the law must clearly define how the procedure is to be carried out, what rights and obligations the individual has, and how the state reaches its decision.

Environmental Proposals to the Riigikogu

The Chancellor of Justice submitted two proposals to the Riigikogu relating to environmental protection.

The first concerned § 48(2) of the Industrial Emissions Act and the determination of the term of validity of an integrated environmental permit. Complex activities with the greatest harmful impact on the environment (such as the energy industry) require a valid integrated permit. In order to obtain an integrated permit and to avoid its revocation, the best available techniques must be used and the least environmentally harmful practices applied. The requirements attached to the permit must ensure the protection of water, air, and soil, as well as the management of waste generated in the installation in such a way that pollution is not transferred from one medium (such as water, air, or soil) to another.

Until 15 January 2024, entrepreneurs could rely on the fact that integrated permits were valid indefinitely, provided that the best available technologies were used. From that date, a provision came into force under which an official could issue a fixed-term permit instead of an indefinite permit. The law did not set out any substantive criteria for deciding whether an integrated permit should be indefinite or fixed-term.

Both indefinite and fixed-term integrated permits must be based on environmentally justified considerations. Therefore, an administrative court could not, on the basis of the law, assess whether the period of validity of an integrated permit was too short or too long, or whether the permit should be indefinite. The Constitution requires that the discretion of an official making such decisions on behalf of the state be clear to all parties involved and, if necessary, subject to judicial review.

In legal terms, a fixed-term permit protects the entrepreneur more strongly against premature termination of the permit or the imposition of new and stricter environmental requirements than an indefinite permit. The condition for an indefinite permit is the continuous improvement of production in terms of environmental friendliness. An entrepreneur who failed to comply with this obligation could easily be deprived of the permit. The law did not specify whether, in the case of a fixed-term permit, there was

also a right to require continuous new investments for the use of the best available technologies.

§ 48(2) of the Industrial Emissions Act, which entered into force on 15 January 2024, provided that an integrated permit may be issued for a fixed term if there are environmentally justified reasons. The law said nothing more about determining the period of validity of a permit. On 18 June 2025 the Riigikogu amended the law and brought the provision into conformity with the Constitution. The amendments entered into force on 1 September 2025.

The Chancellor of Justice's second proposal concerned § 59^1(2) clause 8 of the Electricity Market Act (ELTS). The Chancellor of Justice drew the attention of the President of the Riigikogu to the fact that this provision was unconstitutional because it violated the principle of legitimate expectation.

Under § 59^1(2) clause 8 of the Electricity Market Act, electricity producers are not eligible to receive renewable energy support if compliance with the recycling targets laid down in § 136^3(2) of the Waste Act has not been demonstrated. This means that an electricity producer cannot receive renewable energy support if the state has failed to meet the targets set for the reuse and recycling of municipal waste.

The provision was contrary to the principle of legitimate expectation (Constitution § 10) insofar as it applied retroactively to producers already receiving renewable energy support. The producers had acquired the right to support before this provision entered into force and could not have foreseen the imposition of such a restrictive condition. This contradicts the principle of legitimate expectation, since the state had previously confirmed that the support would be paid for the entire 12-year period of support, provided the conditions in force at the time of granting were met.

The state must not act in breach of its word. The support scheme established by the state did not provide for the possibility of altering the conditions of support during the support period in a way that would restrict the rights of the beneficiary.

The condition laid down in § 59^1(2) clause 8 of the Electricity Market Act is legitimate only if applied prospectively – i.e. solely when granting new support. If such a condition is known in advance, a company interested in the support can take into account that the receipt of support depends on how successfully the state has organised the reuse and recycling of municipal waste. Unfortunately, materials related to the bill indicated that the restrictive condition would also be applied to producers already receiving support.

The principle of legal certainty does not preclude amendments to the legal order, but such amendments must respect legitimate expectation. The protection of legitimate expectation is particularly strong when a fixed-term right is restricted. Renewable energy support is a fixed-term right – support is paid for 12 years.

It is also contrary to the principle of legal certainty if the application of a provision is not unambiguous and its implementation is guided instead by explanations given during the drafting of the bill. In order for § 59^1(2) clause 8 of the Electricity Market Act to

comply with the Constitution, a clarification had to be added to the law to the effect that the restriction applies only to the granting of new support.

On 7 May 2025 the Riigikogu amended the Electricity Market Act, bringing it into conformity with the Constitution.

Bankruptcy Proceedings

A bankrupt debtor lodged a complaint with the Chancellor of Justice, claiming that the bankruptcy trustee, with the consent of the bankruptcy committee, had entered into a loan agreement with a creditor for the purpose of filing avoidance claims and covering the costs of the bankruptcy proceedings. In addition, the trustee had concluded an agreement with a law firm representing and advising them for the preparation of avoidance actions, as well as an arrangement with the creditor concerning the payment of legal fees.

The complainant argued that the Bankruptcy Act is partly unconstitutional because it does not explicitly prohibit an insolvent natural person from assuming new financial obligations during bankruptcy proceedings.

The Chancellor of Justice found, however, that the Bankruptcy Act can be interpreted in conformity with the Constitution. Bankruptcy proceedings provide individuals with an opportunity to resolve disputes peacefully and to remedy any damage caused to economic interests, thereby precluding wild justice.

The main purpose of bankruptcy proceedings is to satisfy creditors' claims to the maximum extent possible out of the debtor's assets. This purpose must also be supported by the practice of applying the law. A prerequisite for lawful practice is that the bankruptcy trustee performs their duties professionally, honestly, and diligently, and protects the bankruptcy estate from excessive costs. Borrowing must contribute to increasing the bankruptcy estate so that creditors' claims can be satisfied to the greatest extent possible.

Bankruptcy proceedings are not conducted in order to cover the costs of the proceedings themselves. The trustee is obliged to assess how necessary and justified it is to borrow money and whether the bankruptcy estate is sufficient to cover both the loan and associated costs as well as the other costs of the bankruptcy proceedings. If the trustee fails to fulfil their duties properly, their activities can be reviewed and they can be held liable for damage caused by fault.

Criminal Records

One person expressed dissatisfaction that the Chamber of Bailiffs and Trustees in Bankruptcy requested criminal records (including deleted and archived data) from the Punishment Register, even though the person had not submitted an application to be entered on the list of trustees. The applicant considered that the processor of the Punishment Register also violated the law by disclosing the person's deleted and archived data to the Chamber.

The Chancellor of Justice found that the Chamber of Bailiffs and Trustees in Bankruptcy had unlawfully requested criminal records (including deleted and archived data). Likewise, the Centre of Registers and Information Systems had acted unlawfully by disclosing the applicant's deleted and archived data to the Chamber without a legal basis.

Identity Documents

As of 1 May 2025, the issuance of digital ID cards (digi-ID) in Estonia has been discontinued; from now on, such cards will be issued only to e-residents. The digi-ID is a blue smart card that allows digital authentication and the provision of digital signatures. Unlike the national ID card, it does not bear the holder's photo and therefore cannot be used to prove identity in person.

According to the legislative materials, the issuance of the digi-ID was discontinued because the Procurement Committee of the Police and Border Guard Board (PPA) decided not to order these documents under the new contract. As the initiation of the relevant bill was delayed, the necessary amendments were added on an expedited basis to the draft Act amending the Aliens Act (548 SE) before its second reading in the Riigikogu. Thus, a significant change was made without any broader public discussion. Moreover, the public was not informed about this legal amendment, which affects a very large number of people.

The amendment was justified, among other things, by the argument that there was little demand for the digi-ID, as most people use other electronic identification means, such as Mobile ID or Smart ID. However, these alternatives do not replace the functions of the digi-ID in situations where a physical document is required for computer use, while frequent use of the national ID card may cause it to wear out prematurely.

The Chancellor of Justice was once again informed of problems with receiving identity documents, for example in cases where a person wished to collect a document through an authorised representative. Although the Identity Documents Act (ITDS) provides that an identity document may be issued to an authorised representative (see ITDS § $12^1(2^1)$), this is not always possible due to requirements arising from European Union law. Unfortunately, the law has not been clarified either, which understandably causes confusion among the public. Regrettably, officials of the Police and Border Guard Board have also provided people with inaccurate explanations.

Generally, an identity document is not issued to an authorised representative if the person has applied for the document via the self-service portal or by e-mail. However, neither the self-service portal nor the application form provide any explanation about this.

The Chancellor of Justice was also approached concerning problems with collecting a digi-ID, as the Police and Border Guard Board (PPA) was unwilling to issue these cards at its service offices. The applicant, who had a severe disability, found it difficult to move independently outdoors, and had therefore ordered the digi-ID to a Selver store so that their relative could collect it. However, it turned out that Selver does not issue documents to an authorised representative.

The PPA responded that although documents are not issued to authorised representatives at Selver stores, they also cannot be delivered to a PPA service office, as digi-IDs are not issued there. Due to the lack of a technical solution, it was likewise not possible to redirect the document to another Selver store located closer to the applicant's place of residence. It was also stated that Selver would not issue the document to a social worker; instead, the document could only be collected at a PPA service office, to which, however, digi-IDs are not delivered.

This vicious circle of bureaucratic helplessness arose despite § 12^2(1) of the Identity Documents Act, which allows a document, with the user's written consent, to be issued to an employee authorised by the head of a rural municipality or city government or of a welfare institution, who then delivers the document to the user.

The provision in question does not establish a restriction that it applies only when a document is issued at a PPA service office. Consequently, it must also be applied when a document is issued at a Selver store. The applicability of this provision likewise does not depend on the manner in which the document was applied for – whether in person at a service office, through the PPA self-service portal, or by e-mail. Moreover, the PPA had no legal basis to refuse to issue a digi-ID at its service office.

As a result of the Chancellor of Justice's intervention, the PPA finally issued the document to the person through a social worker. However, the PPA and Selver stores must ensure that people are given appropriate information and that unlawful restrictions are not imposed on the collection of documents.

Citizenship

The Chancellor of Justice sent a memorandum to the Constitutional Committee of the Riigikogu, pointing out that the law does not guarantee the right to Estonian citizenship for a child born in Estonia to stateless parents, even if both parents are stateless and at least one of them has resided in Estonia for at least five years before the child's birth.

In the case reviewed by the Chancellor of Justice, the child's mother had been born and lived in Estonia all her life and held a long-term residence permit. The child's father was also stateless, but had lived in Estonia with a residence permit for less than five years before the child's birth.

According to the law, a child born in such circumstances cannot acquire Estonian citizenship at birth. Nor can the child acquire Estonian citizenship later, once the other parent has also lived in Estonia with a residence permit for five years, because the Citizenship Act provides that Estonian citizenship may be granted in a simplified procedure to a stateless child only immediately after birth. Later, the child can obtain Estonian citizenship only if at least one parent applies for Estonian citizenship or if the child applies for citizenship under the general procedure after turning 15 years old.

This situation unjustifiably restricts the rights of the child. The state must ensure that a child born in Estonia who does not acquire the citizenship of any country at birth is not left stateless. There is no reasonable justification for leaving some children stateless,

even though they are born in Estonia, hold an Estonian residence permit, and are connected to the Estonian state through their parents.

Foreigners

Several issues that the Chancellor of Justice had addressed in previous years were resolved.

The Riigikogu amended the Aliens Act (see Draft Act 548 SE) and established a legal basis to ensure that if a parent residing in Estonia on the basis of a visa gives birth in Estonia, the newborn child will also be legally residing in Estonia (see the Chancellor of Justice's Annual Report 2022–2023).

The Aliens Act was also amended to abolish the requirement of a deposit for the use of agency labour (see the Chancellor of Justice's memorandum to the Constitutional Committee of the Riigikogu). The relevant provisions will enter into force at the beginning of 2026.

This year, too, the Chancellor of Justice received numerous petitions concerning the legal status of foreign nationals. Many of the problems were experienced by citizens of the Russian Federation who had previously moved to Estonia on the basis of a residence permit. In several cases, the PPA refused to extend their residence permits, declined to issue new ones, or even initiated proceedings to revoke existing permits – despite the fact that the foreigners' circumstances had not changed and that they had not committed any act in Estonia for which they could be reproached.

An Estonian citizen lodged a complaint with the Chancellor of Justice, stating that the PPA had failed to process his spouse's application for renewal of a residence permit and subsequently refused to issue the permit on the grounds that the family did not have a sufficient lawful income. The PPA had also issued an expulsion order and imposed an entry ban on the Estonian citizen's pregnant spouse.

The Chancellor of Justice found that the PPA's decision to refuse the applicant a residence permit was unlawful. By regulation of the Minister of the Interior, the levels of lawful income have been established. According to the regulation, in order to settle in Estonia with one's spouse, the family's income must correspond to at least twice the subsistence level for each month of residence in Estonia. In its decision refusing to grant the residence permit, the PPA itself found that this requirement had been met. The Chancellor of Justice pointed out that the PPA had no right to additionally assess how much money remained at the family's disposal after deducting fixed expenses from the amount laid down in the legislation, and whether in the opinion of the authority this was sufficient.

There must be very weighty reasons to refuse a residence permit to the spouse of an Estonian citizen. Although the requirement of legal income serves a legitimate aim, its application must take into account constitutional rights (Constitution §§ 3, 10, 13(2), 14, 26, and 27). In addition, the requirements of the European Union law must be considered. In certain cases, the rules applicable to family members of EU citizens must also be applied when reviewing residence permit applications by family members

of Estonian citizens. As a result, the PPA must disregard provisions of the Aliens Act that conflict with the EU law.

Following the intervention of the Chancellor of Justice, the PPA issued the Estonian citizen's spouse a residence permit.

The Chancellor of Justice was also asked for explanations by an EU citizen whose spouse had applied for the right of permanent residence in Estonia. As a result of the proceedings, it became clear that the Citizens of European Union Act (ELKS) conflicts with Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

According to Estonian law, a family member of an EU citizen acquires the right of permanent residence if they have resided in Estonia on the basis of a temporary right of residence for at least five years. According to the EU directive, however, a family member acquires the right of permanent residence if they have legally resided in the territory of a Member State for at least five years under the directive. Under EU law, residence is legal if the family member meets the conditions laid down in the directive.

According to EU law, a family member's right of residence does not depend on the decision of the PPA to grant a temporary right of residence, but derives directly from EU law. The PPA's decisions are merely declaratory, not constitutive.

Thus, the period to be counted towards acquiring the right of permanent residence for a family member of an EU citizen must also include the time during which the PPA was processing the person's application for a temporary right of residence. In some cases, it may even be possible to take into account the initial period of up to three months during which, under the directive, an EU citizen and their family member may reside in a Member State without registration.

The European Commission also found that Estonian law conflicts with EU law. The Ministry of the Interior agreed with the Commission's position and promised to initiate amendments to the law. The PPA decided to grant the applicant a right of permanent residence.

In the same case, the issue also arose that the State Fees Act conflicts with Directive 2004/38/EC. According to the directive, the state fee for issuing a residence card to a family member of an EU citizen may not exceed the fee charged to Estonian citizens for issuing identity documents. Currently, however, family members of EU citizens are charged a state fee which is several times higher. The state fee for issuing an ID card to Estonian citizens and EU citizens is generally 45 euros, while issuing a residence card to a family member of an EU citizen costs 115 euros.

The European Commission explained that under the directive, the fee charged to family members of EU citizens may not exceed the fee charged to Estonian citizens for issuing an ID card.

It also became an issue whether the Citizens of European Union Act and the PPA's administrative practice are contrary to the directive in that residence cards proving a

temporary right of residence are issued to family members of EU citizens for less than five years. The PPA issues a residence card to a family member for the same period of validity as the EU citizen's ID card. According to the directive, however, the residence card for a family member must be issued with a validity of five years, except where there are reasons to assume that the EU citizen intends to leave Estonia earlier.

The European Commission also took the view that it is unjustified to issue a residence card to a family member for less than five years solely in order to match the period of validity of the EU citizen's ID card. The Chancellor of Justice will continue to work on resolving these issues.

From the petitions submitted it appeared that the PPA still takes a very long time to process residence permit applications. The Chancellor of Justice was approached with the problem that the PPA leaves residence permit applications unprocessed solely because the applicant cannot present a military service certificate. This administrative practice has raised broader questions, since it is doubtful whether the decision on a residence permit application can depend solely on the submission of a military service certificate. Usually an application can also be assessed on the basis of other circumstances. The Ministry of the Interior has stated that the absence of a military service certificate alone does not preclude granting a residence permit, as other data are also taken into account.

The Court System

The Chancellor of Justice interacts with the courts in three ways. The Chancellor is a member of the Council for Administration of Courts; has the right to initiate disciplinary proceedings in respect of any judge; and also submits opinions to the Supreme Court in constitutional review proceedings.

The Council for Administration of Courts met twice in the second half of 2024 and three times in the first half of 2025.

Complaints about Judges' Work

Under the Courts Act, besides the presidents of courts and the Supreme Court en banc, the Chancellor of Justice is the only external institution that may initiate disciplinary proceedings in respect of a judge. The final decision in disciplinary matters is made by the Disciplinary Chamber operating at the Supreme Court.

When deciding whether to initiate disciplinary proceedings, the Chancellor of Justice does not assess questions concerning the substance of the administration of justice. The Chancellor may only determine whether a judge has failed to perform official duties or behaved unworthily.

Mostly, however, people turn to the Chancellor of Justice in matters where the Chancellor cannot intervene. Most often people are dissatisfied with a court judgment or with the way the court has assessed evidence. In such cases people expect the Chancellor of Justice to intervene in court proceedings and assess the decision made by the court. This the Chancellor of Justice cannot do, since under the Constitution

justice is administered by the courts and only a higher court may assess substantive questions of adjudication.

Nevertheless, every year there are also cases where the Chancellor of Justice reviews judges' work in the courts information system more closely in order to determine whether there are grounds to initiate disciplinary proceedings. During the reporting period there were 17 such cases. In none of them did the Chancellor of Justice find reason to initiate disciplinary proceedings against a judge.

The main complaint submitted to the Chancellor of Justice concerned the excessive length of civil proceedings. Judges dealing with civil cases have a heavy workload, and therefore proceedings have lengthened somewhat. People are confused when the court accepts a case but then nothing happens and no information is provided. Usually, inquiries are answered by explaining that the court processes cases in order of receipt and that the turn has not yet come for this particular case. But the person does not know how many cases the judge has to deal with and where their case stands in the queue.

Therefore, the Chancellor of Justice has repeatedly asked courts, where possible, to keep people informed about the progress of proceedings. There have also been some good examples where a judge has explained at the acceptance of a case how many cases are awaiting resolution and when the court can be expected to move forward with the particular case.

Complaints were also made that a court decision (an order to remedy deficiencies) was not understandable to the person, and that a judge's wording in a judgment was arrogant and inappropriate. In the first case, the Chancellor of Justice asked the court to explain clearly to the person what they must do. In the second case, the Chancellor of Justice did not find any inappropriate assessments or arrogant tone in the judgment, as alleged by the complainant.

In two cases, complaints were made about a judge's wording during a court hearing. Listening to the audio recordings of the hearings, no inappropriate wording or tone was found.

Opinions Submitted to the Supreme Court

Aliens Act

The Chancellor of Justice submitted an opinion to the Supreme Court in constitutional review case no. 5-24-28, which concerned whether the Aliens Act was constitutional insofar as it did not allow appeals to the court against decisions refusing to issue a long-term visa.

The Chancellor of Justice found that § 100^{18} of the Aliens Act, in conjunction with § $100^{1}(1^{1})$, § $100^{10}(1)$, and § $100^{13}(2)$, conflicted with § 15(1) of the Constitution insofar as these provisions did not allow refusal to issue a long-term visa to be challenged in an administrative court.

Section 15(1) of the Constitution provides that everyone has the right of recourse to the courts if their rights are violated. This is the core of the right of appeal. The Riigikogu may impose conditions on the exercise of this right but may not entirely exclude judicial protection of rights.

The Supreme Court declared § $100^{1}(1^{1})$, § $100^{10}(1)$, § $100^{13}(2)$, and § 100^{18} of the Aliens Act unconstitutional and invalid insofar as they excluded the possibility of appealing to the administrative court against a refusal to issue a visa, in cases where the applicant was in Estonia during the visa proceedings.

The European Commission also initiated infringement proceedings against Estonia due to the absence of the right of appeal. On 18 June 2025 the Riigikogu adopted amendments to the Aliens Act, providing for the right of appeal also in visa matters.

Fishing Act

The Chancellor of Justice submitted an opinion to the Supreme Court in constitutional review case no. 5-25-1, concerning restrictions on fishing rights. The Tallinn Administrative Court had declared § 56(3) and (4) of the Fishing Act unconstitutional under § 14 of the Constitution and had set them aside, because they did not allow the Agriculture and Food Board to refrain from restricting fishing rights despite existing misdemeanour convictions. The court found that these provisions conflicted with § 14 of the Constitution, since the applicant could not protect their rights in misdemeanour proceedings or challenge the misdemeanour decisions.

The Chancellor of Justice considered that § 56(3) and (4) of the Fishing Act conflicted with the fundamental right to procedure and good administration arising from § 14 of the Constitution, the freedom of enterprise under § 31, and the prohibition of double punishment under § 23(3).

According to § 56(3) and (4) of the Fishing Act, if a professional fisherman had been punished at least twice for serious violations of fishing rules, their fishing permit would be restricted for the next two years. However, the fishing permit may belong to another person (a legal person or a sole proprietor), not the fisherman who committed the violations and was punished for them. In other words, a penalty was imposed on one person for the misdemeanours of another, even though the punished person was not involved in the proceedings and had no opportunity to present objections.

Since § 56(3) and (4) of the Fishing Act did not grant discretion to the administrative authority when applying the sanction, any objections raised in subsequent administrative proceedings could not affect the outcome.

The Supreme Court declared § 56(3) and (4) of the Fishing Act unconstitutional and invalid insofar as they provided for restricting fishing rights because of violations under § $71^{1}(1)$ of the Fishing Act committed by someone other than the holder of the fishing permit.

Declaring a Meeting of the National Electoral Committee Closed

The Chancellor of Justice submitted an opinion to the Supreme Court in a case concerning declaring a National Electoral Committee (VVK) agenda item discussion closed and prohibiting guests at the meeting from recording the VVK meeting.

The Chancellor of Justice considered that if disclosure of information about the colour and security features of the ballot paper would indeed make it possible to seriously undermine the equality of the right to vote (by enabling the successful use of forged ballot papers), and this risk could not be sufficiently prevented by other means, then the absence of norms restricting access to this information and providing for declaring an VVK meeting closed would conflict with § 156(1) of the Constitution in conjunction with the general right to protection under § 13(1). The Chancellor of Justice also found that the current laws do not provide for prohibiting the recording of VVK meetings.

By the time this report was completed, the Supreme Court had not yet ruled in this case.

Application by Saue Rural Municipality Council concerning the Income Tax Act

The Act amending the Income Tax Act, adopted on 29 July 2024, changes the principles of distributing income tax to rural municipalities and cities. In 2025–2027 the share of income tax allocated from the state pension of a resident natural person will be gradually increased from 2.5% to 10.23%, while at the same time the share of income tax allocated from other income will be gradually reduced from 11.89% to 10.23%. As a result, the growth of income tax revenue will accelerate in municipalities with a higher proportion of elderly residents and will slow down in municipalities with a higher proportion of working-age residents and a higher wage level. Among the public, the new allocation method has been dubbed the “Robin Hood Act”.

Saue municipality is one of the local authorities whose revenue growth will slow down due to the amendment of the Income Tax Act. The Saue Rural Municipality Council submitted an application to the Supreme Court to declare § 1 or § 2 of the amending Act unconstitutional under § 154 of the Constitution. The Council raised before the Supreme Court the important question of whether the state takes into account the constitutional right of local authorities to sufficient funding for the performance of their functions.

Bearing in mind future applications by municipal councils for the protection of the constitutional guarantee of financial sufficiency, this is a complex and precedent-setting case.

The Chancellor of Justice found that an objective assessment of whether the amendment to the Income Tax Act deprives Saue municipality of sufficient funding for the performance of local government functions requires an overview of the municipality’s overall financial situation. This means assessing whether the possibilities of reducing expenditure (such as reducing the scope of voluntary local government functions, savings through internal structural changes, etc.) and increasing revenue (for example, through local taxes) have been exhausted.

The Chancellor of Justice did not consider the financial and other data presented in Saue's application sufficient to take a position on whether the right of the municipality to sufficient funding for its functions (§ 154(1) of the Constitution) had been violated. On the other issues raised in the application, the Chancellor of Justice did not find a violation of the constitutional guarantees of the municipality:

- The amending Act did not impose a state function on the municipality;
- § 2 of the Act is not in conflict with the local government's right to the stability of the financing system for its functions (§ 154(2) of the Constitution);
- The classification of public functions into local and state functions is not regulated in laws more inadequately than before.

On 30 June 2025 the Constitutional Review Chamber of the Supreme Court ruled that the amendments reallocating part of income tax revenue from wealthier municipalities to those with lower income are not unconstitutional.

Application by Elva Rural Municipality Council Concerning the Population Register Act

In its application to the Supreme Court, Elva Rural Municipality Council argued that failure to adopt a legislative act determining whether, under what conditions, and by what means a municipality may verify the substantive correctness of address data entered in the population register is unconstitutional under § 154(1) of the Constitution (the guarantee of the right to self-government). By verifying the data, it would be possible to ensure that only local residents act as members of the municipal council and stand as candidates in council elections.

As an alternative, Elva Rural Municipality Council requested that the Supreme Court declare unconstitutional the legal uncertainty. The Council noted that in the current situation municipalities cannot sufficiently clearly and precisely determine their rights and obligations, even though they are required to ensure that only local residents act as members of the council.

The Chancellor of Justice's overall assessment was that although the application of Elva Rural Municipality Council was admissible, it should be dismissed. The limited possibilities for verifying the accuracy of address data provided for in the Population Register Act (i.e. the absence of relevant legal provisions) do not violate the constitutional guarantee of local self-government under § 154(1) of the Constitution. The mere absence of a legal norm does not, in itself, constitute a breach of the Constitution (see Supreme Court en banc judgment of 21.05.2008, case no. 3-4-1-3-07, para. 50).

The Chancellor of Justice noted, among other things, that the outcome of this case has significant implications for the organisation of local government. For example, the address entered in the Population Register determines which kindergarten can offer a place to a child; which school is designated as the child's school of residence; and which rural municipality or city is responsible for providing social services (Social Welfare Act § 5(1); see also Supreme Court Constitutional Review Chamber judgment of 9 December 2019, case no. 5-18-7/8, paragraphs 132–139) as well as for assessing

the need for assistance and organising the necessary support (Child Protection Act § 27(3); § 28(1) and § 29).

On 26 February 2025 the Constitutional Review Chamber of the Supreme Court dismissed the applications of Elva Rural Municipality Council (see Supreme Court judgment no. 5-24-29/14).

Even after the judgment, the Chancellor of Justice has had to explain the legal significance of entering a candidate's or a council member's address in the population register and the rules for verifying this data.

Application by Kiili Rural Municipality Council concerning the Planning Act

Kiili Rural Municipality Council submitted an application to the Supreme Court requesting that § 131(2) of the Planning Act (PlanS) be declared unconstitutional (§ 154(1) of the Constitution: right to self-government) and invalid insofar as it does not allow a municipality to conclude an administrative contract with a person interested in a detailed plan, under which the interested person undertakes to build social infrastructure or cover the costs of constructing social infrastructure buildings and facilities.

The Chancellor of Justice found that § 131(2) and § 128(2) clause 2 of the Planning Act, taken together, are not unconstitutional. Municipalities have lawful means to control population growth. A municipality can guide its development through the comprehensive plan and has the right to refuse to initiate a detailed plan if it would entail obligations the municipality cannot fulfil. Problems associated with planning autonomy do not mean that a law enabling a municipality to adopt a plan – and thereby also assume obligations – is unconstitutional. Municipalities can foresee and take into account the impact of planning on their duties.

On 19 June 2025 the Constitutional Review Chamber of the Supreme Court dismissed the application of Kiili Rural Municipality Council (see Supreme Court judgment no. 5-24-34/13).

Promotion of Human Rights

As Estonia's National Human Rights Institution (NHRI), the Chancellor of Justice pursues a wide range of promotional activities. These include consultations with the Advisory Committee on Human Rights, cooperation with institutions and non-governmental organisations working for the protection of human rights, and broader dialogue with different groups in society. The Chancellor of Justice and her advisers introduce human rights in schools and youth centres, in universities of the third age, and in advanced national defence courses. Lectures on the same topic are also delivered in Estonian higher education institutions.

The Chancellor of Justice also contributes to promoting the rights of children and persons with disabilities, as well as the principle of equality and equal treatment. The Chancellor further fulfils the role of the national preventive mechanism against torture and other cruel, inhuman, or degrading treatment.

Advisory Committee on Human Rights

The Advisory Committee on Human Rights has been operating with the Chancellor of Justice for seven years, with the main task of advising the Chancellor on the protection and promotion of human rights. Members of the Committee are selected through a public competition every four years by a commission appointed by the Chancellor. The selection of members is guided by the principles of equal treatment, diversity, and balance. Membership of the Committee is voluntary.

Since 2023 the second composition of the Committee has been in place. The members represent various groups and fields in society, thereby enriching the knowledge and experience of the Chancellor of Justice and her advisers. Among the members are recognised experts in equal treatment, the rights of persons with disabilities, women's rights, children's rights, prevention of violence, healthcare, gene technology, medical ethics, data protection, the environment, and many other areas.

During the reporting year the Committee met twice: on 19 November and on 20 May. The November meeting focused on addictions and the protection of human rights. Neuroscientist Jaan Aru, psychiatrist Kati Külm, and prosecutor Liis Vainola spoke about how addiction affects the right to mental and physical health, the right to work, the right to education, and the right to a safe and violence-free life.

The May meeting discussed regional activities in guaranteeing human rights. Human rights must be secured regardless of where a person lives. Lack of adequate access to public services may amount to a violation of fundamental rights. Small business entrepreneur Põim Kama from Karula, school principal Mart Kase from Lüllemäe and neurosurgeon and family doctor Kahro Tall from Vormsi spoke about taking account of regional specificities and valuing life in every part of Estonia.

The Committee members also gathered for two shorter discussions. One of these focused on the safety of care homes. On another occasion, Committee members met Marianne Mikko, Vice-President of the UN Committee on the Elimination of

Discrimination against Women (CEDAW), to discuss the situation of women's rights in Estonia and the fulfilment of the Convention and its Optional Protocol.

Cooperation with Human Rights Institutions and Organisations

The Chancellor of Justice regularly meets with other institutions and organisations responsible for the protection and promotion of human rights. For example, information is exchanged and activities are coordinated with the Gender Equality and Equal Treatment Commissioner and his Office.

The Chancellor of Justice and her advisers took part in an event organised by the Commissioner to mark the 20th anniversary of the Commissioner's Office and the 30th anniversary of the UN Declaration on Women's Rights. Advisers of the Chancellor have also participated in joint training sessions with the Commissioner's Office.

It has become a tradition to exchange experience with the supervisory units of the Data Protection Inspectorate, the Ministry of Education and Research, and the Social Insurance Board.

Several advisers of the Chancellor participated in the annual human rights conference "Democracy versus Autocracy" organised by the Estonian Institute of Human Rights. With the Estonian Human Rights Centre, information is exchanged on issues such as the sustainability of NGOs' activities, access to public information, and respect for the principles of freedom of religion.

Dialogue has been held with labour market partners on balancing the rights and obligations of employers and employees in making working time more flexible, and with trade union representatives on freedom of association and the safety of trade union members.

On the initiative of the Ministry of Economic Affairs and Communications, the Chancellor of Justice discussed in autumn 2024 with labour market partners the possible reorganisation of the activities of the Public Conciliator. The Chancellor emphasised that reform requires the consent of all parties involved, which has not yet been reached.

Human Rights Events and Presentations

On 10 December, International Human Rights Day was celebrated at the Office of the Chancellor of Justice. On this occasion, a seminar "How to Teach Human Rights?" and a discussion on the impact of human rights conventions in different fields were organised. Speakers included the Chancellor of Justice and her advisers, as well as representatives of government agencies, courts, NGOs, and universities.

On 17 March, a seminar on surveillance activities was held at the Office of the Chancellor of Justice. The seminar reviewed the past ten years of the Chancellor's supervision of the covert collection, processing, and use of personal data. Officials of surveillance agencies, prosecutors, and judges took part. The Chancellor of Justice has also repeatedly presented her work in monitoring surveillance activities and the

risks of a surveillance society to entrepreneurs, including financial managers, as well as at the General Assembly of the Estonian Bar Association.

The Chancellor of Justice delivered a presentation "The Estonian Language as a Fundamental Value of the Estonian State" at the science policy conference "Science as the Engine of Estonia's Development (XI). A Viable Estonia – Meaning and Choices". At the universities of the third age in Põlva and Võru, she spoke about the nature and protection of human rights and the democratic state governed by the rule of law as a safeguard of human rights. As a tradition, the Chancellor of Justice lectures at Estonian National Defence Course on the protection of human rights and security. She also spoke about the role of the Chancellor of Justice in human rights protection to hospital, museum, and police leaders.

Within Tallinn University's micro-degree programme on local governance, the Chancellor of Justice and her advisers introduced the work of the Chancellor, the rule of law, and the protection of fundamental rights to local government and state authority leaders and officials. At a colloquium at Tallinn University "Responsible Citizen – Community and Democracy in Crises", Deputy Chancellor of Justice Olari Koppel spoke about the protection of fundamental rights and freedoms in crisis situations.

The Chancellor of Justice considers it important to stay informed about life in different parts and communities of Estonia. This year she visited Valga County for the South-East Estonia development meeting and Lüllemäe library, Võru Institute and Navi village society at Võru County, and municipality of Kohila in Rapla County to discuss with local communities issues of human rights and safeguarding the rule of law. She also followed the situation of the Roma community at a conference organised by the European Roma Forum in Estonia.

The Chancellor's adviser and Head of Disability Rights, Liisi Uder, spoke at the conference "Human Rights in Estonia – for Everyone?" organised by NGO Händikäpp, which focused on the implementation of the UN Convention on the Rights of Persons with Disabilities, and at an accessibility inspiration day. Advisers from the Inspection Visits Department presented the work of the Chancellor as the national preventive mechanism at several meetings. Advisers from the Children's and Youth Rights Department were invited to a number of meetings to discuss issues concerning the rights of the child.

The Chancellor of Justice and her advisers are frequently invited to schools and universities to speak about the Chancellor's work in protecting human rights, or pupils and students visit the Chancellor's Office. During the reporting year, there were thirteen such meetings.

Promoting Awareness of Human Rights

More and easier-to-find information about the activities of the Chancellor of Justice is now available on the updated website. The database of opinions allows access to the Chancellor's proposals, recommendations, and memoranda concerning compliance with human rights and the principles of the rule of law. Opinions can be searched by keywords, as well as by supervision results and institutions. It is also possible to follow separately the progress and implementation of constitutional review cases.

When a topic is at the centre of attention of the Chancellor and society, it is also covered on the website. Currently, questions of planning and construction are in focus. The website provides detailed explanations of the Chancellor's areas of activity and related fields of law, together with supplementary material. For example, in the human rights blog, advisers Ksenia Žurakovskaja-Aru and Indrek-Ivar Määrits wrote an article about potential problems that may arise if Estonian prisons are rented to other countries.

The Chancellor's website is accessible for persons with special needs. For example, it is possible to navigate the site using only a keyboard. Text-to-speech can be used for main text sections. Texts and images on the site have been created in accordance with screen-reader standards, enabling the content displayed on a computer screen to be rendered as speech or Braille. Images include text descriptions, and the website menu is structured so that information is available in a logical order. Several chapters of the Chancellor's Annual Report can also be read in plain language.

International Human Rights Protection System

In addition to the Constitution, human rights protection in Estonia is also based on international law. Estonia is a member of the United Nations and has acceded to most of the main human rights treaties and their optional protocols.

Within the UN framework, nine core human rights treaties are recognised, of which Estonia has acceded to seven. Accession to the eighth – the International Convention for the Protection of All Persons from Enforced Disappearance – is currently under consideration in the Riigikogu.

Of the nine Optional Protocols supplementing the UN treaties, Estonia has so far acceded to eight, including two during the reporting period. The Optional Protocol to the UN Convention on the Rights of the Child on a communications procedure entered into force in Estonia on 27 June 2025. The Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women, which also concerns a communications procedure, will enter into force in Estonia on 17 October 2025.

The Chancellor of Justice has previously drawn attention to the need for ratification of these Optional Protocols in her reports submitted to the UN Committee on the Rights of the Child (in 2023) and to the UN Committee on the Elimination of Discrimination against Women since 2020. It is therefore welcome that Estonia has decided to further strengthen the existing system of human rights protection. The Optional Protocols give individuals the right to apply to the respective Committees if their rights have been violated and domestic remedies have been exhausted.

As a member of the Council of Europe, Estonia must also comply with the European Convention on Human Rights. In interpreting and applying the Convention, Estonia recognises the jurisdiction of the European Court of Human Rights. In 2024 the Court delivered five public judgments in Estonian cases, finding no violation in any of them.

International Accreditation

In March 2025, the Office of the Chancellor of Justice of Estonia was, for the second time, granted A-status accreditation as a national human rights institution. This distinction reaffirms the institution's independence and its continued effectiveness in promoting and protecting human rights.

The Chancellor of Justice has carried out the tasks of Estonia's national human rights institution (NHRI) since 1 January 2019. Its activities and compliance with UN standards (the Paris Principles) are reviewed every five years in an international accreditation process organised by the Sub-Committee on Accreditation (SCA) of GANHRI. The committee is composed of four members representing NHRIs from different regions of the world.

To obtain the accreditation, the Chancellor of Justice was required to complete a comprehensive questionnaire on the institution's activities over the past five years and to respond to numerous follow-up questions. The United Nations Sub-Committee made its final decision after meeting with officials from the Office of the Chancellor of Justice on 18 March.

During the process, the SCA also gave recommendations aimed at further strengthening the independence of the institution. Among other things, the committee recommended ensuring sufficient resources for the institution to carry out its tasks.

A-status gives the Chancellor the right to participate and speak at the UN Human Rights Council and in other international human rights forums. It also enables more active contribution to international cooperation in the human rights field.

International Reporting

During the reporting year, the Chancellor contributed to the preparation of several international reports.

Among other things, the Chancellor submitted her views to the European Commission, which prepared an overview of the state of the rule of law in EU Member States. In addition, the Chancellor contributed to ENNHRI's report "State of the Rule of Law in the European Union", aimed at complementing the European Commission's review on the same topic.

The Chancellor of Justice also submitted her views to the Advisory Committee of the United Nations Human Rights Council on the issue of violence against women and girls online. Her input contributed to a global study aimed at deepening understanding of digital violence, identifying effective responses, and developing recommendations for prevention and victim protection. The findings of the study will be presented to the Human Rights Council at its 63rd session.

Continuing her cooperation with UN bodies, the Chancellor of Justice submitted her views for a report by the United Nations Independent Expert on the rights of older persons, focusing on the right to social protection and the right to work. In her

contribution, the Chancellor provided a detailed overview of the situation in Estonia, including the pension system and the employment of older persons.

In addition, the Chancellor contributed to several United Nations reports addressing issues such as attacks against human rights defenders, journalists, and other persons at risk; human rights education; the situation of human rights institutions and defenders; mental health; the prevention of ill-treatment in connection with freedom of religion; the rights of persons with disabilities; and children's right to free pre-primary and secondary education.

In spring, a written summary of the Chancellor's recent work on asylum issues was sent to the EU Agency for Asylum (EUAA).

The Chancellor also responded to numerous requests from international organisations, ombudsmen of other countries, and human rights institutions on issues such as corruption, healthcare, children's rights, and discrimination.

Education

In the spring, a lively debate arose in the education sector after the basic school final examinations were moved forward by a month. The exams began in the second half of April and concluded in mid-May, meaning that students had to take three exams within a single month. This change left both teachers and students dissatisfied.

This time, the exams were scheduled earlier so that schools could take into account the results of the final exams when admitting students to upper secondary school. With this change, the Ministry of Education and Research also wished to reduce the stress associated with graduating from school. The Chancellor of Justice noted that the Ministry now has an opportunity to analyse whether changing the exam dates has produced the desired results.

Annoyance was also caused by errors that had found their way into the basic school final examination papers. Complainants explained that mistakes in exam papers can affect results, and therefore upper secondary schools should not rely on these results when admitting students. The Chancellor of Justice replied that errors can happen, but lessons must be learned from them. If a graduate believes that their exam paper has been marked incorrectly, they may file an appeal with the Ministry of Education and Research. However, upper secondary schools are entitled to decide to what extent and how they take exam results into account in the admission process.

A great number of questions concerned the allocation of upper secondary school places and the admission requirements. Complainants stated that, under the admission conditions of Tallinn and Tartu upper secondary schools conducting joint entrance tests, applicants had to indicate their school preference. This meant that a candidate applying to several upper secondary schools had to rank them in order of preference. For example, the four Tallinn schools organising joint tests required a basic school graduate to apply to three out of the four schools and to choose only one field of study. A similar requirement was made by five Tartu upper secondary schools.

Issues related to graduation from basic school and applying to upper secondary school indicate that general secondary education may not be sufficiently accessible. The National Audit Office had already pointed this out in its report of 31 May 2022 to the Riigikogu, “Shaping the Network of Upper Secondary Schools”.

It is clear that competition for upper secondary school places is not in the best interests of children. Access to secondary education must not depend on which local government area a young person lives in. The Chancellor of Justice cannot assess in abstract whether and under what conditions all basic school graduates are able to continue their studies as they wish and according to their abilities. A policy decision is needed to determine how many study places should be created in upper secondary schools and how many in vocational education institutions. Such a decision must be well considered and justified.

Each year, the Chancellor of Justice is asked about disciplinary measures permitted in schools. These measures are exhaustively listed in the Basic Schools and Upper Secondary Schools Act. A teacher cannot, by individual agreements, change the

requirements for organising teaching and learning established by law or other legislation. Teachers must also understand that they must find lawful means to establish authority in the classroom.

It is not within the Chancellor of Justice's competence to determine what kind of support a pupil needs, how dangerous their school route is, or what special arrangements should apply to national examinations. Institutions themselves must make such decisions and provide reasons for them. Only then can it be assessed whether anyone's rights have been violated in the process.

Preschool Education

Providing Support for a Child in Kindergarten

Parents are often concerned that a kindergarten refuses to admit their child to a group without a support person or that the child does not receive the necessary support there.

The Chancellor of Justice's position is that the law does not allow a kindergarten to send a child home simply because the child does not have a support person. If a child has no support person, the local authority must consider how to provide the necessary support in other ways. Sometimes it may be sufficient to create supportive conditions in the kindergarten or group – for example, by training teachers or placing the child in a smaller group.

A kindergarten is also obliged to provide speech therapy assistance to a child. In response to one such complaint, the Chancellor of Justice found that although the rural municipality government had made efforts to find a new speech therapist, its actions were not lawful, since neither the municipality nor the kindergarten had organised the speech therapy that the child is entitled to by law.

The Chancellor of Justice requested the municipality and the kindergarten to determine how often the child needed speech therapy and to arrange this within the kindergarten in the required volume. It is not excluded that the child could receive therapy outside the kindergarten, but in that case the child's needs and the kindergarten's daily schedule must be taken into account. It is also important to decide who will accompany the child to the therapist and how.

Naptime in Kindergarten

Several parents turned to the Chancellor of Justice expressing concern that kindergartens do not allow their children to engage in quiet activities during nap time but instead require them to sleep.

The Chancellor of Justice has explained that from the age of four, a child must be given the opportunity to choose between taking a nap and engaging in another quiet activity during rest time. According to the Chancellor, the child's need for daytime sleep should primarily be assessed by the parent. If the parent wishes that their child engage quietly instead of napping – for example, by reading a book or drawing – the kindergarten must allow this. Naturally, parents should take into account teachers' observations and recommendations and act in the best interests of the child.

Cooperation between parents and the kindergarten is essential to agree on how best to arrange the child's rest time in a way that allows flexibility for the child's needs. For example, if a child is tired and wishes to sleep during the day, this must not be prohibited.

Kindergarten Fee Reductions

The law does not require municipalities to provide reductions in kindergarten fees. Whether to offer such benefits, for what purpose, and under what conditions is up to the local government to decide.

A local government may, for instance, grant a fee reduction to children who will begin school the following year. The aim of such a measure is to ensure that children attend kindergarten for at least one year before starting school and receive the necessary preparation. However, if a parent decides that their child will start school a year earlier than usual, this objective cannot be fulfilled. The Chancellor of Justice found that this distinction is reasonably justified and therefore does not amount to arbitrary unequal treatment in this case.

By law, only children of compulsory school age must attend school. Younger children may start school at the request of the parent and on the recommendation of Rajaleidja or the kindergarten, but they are not required to. The decision about a child's early school start may therefore become clear only during the school year.

Organising School Transport

Safety of the School Journey

Several parents who turned to the Chancellor of Justice were dissatisfied with the school transport arranged by their local government. Some parents considered the school route unsafe, while others felt that the municipality had not sufficiently considered the child's interests when organising transport.

It is clear that a local government must organise school transport that is both safe and reasonable for children. A walking distance of up to three kilometres has generally been considered manageable for pupils of all ages, but the child must be able to cover the route independently and safely with reasonable effort – including in winter conditions.

The Transport Administration can assess the safety of a school route. If the road has not been maintained by the time children go to school or if the route arranged by the municipality is otherwise unsuitable, parents should inform the municipality.

The Chancellor of Justice found that a pupil's journey to school is properly organised when they can travel between the bus stop and their home along a pedestrian and bicycle path. In such a case, the child does not need to board the bus from a stop located by the roadside, which may be closer to home but would require walking along the edge of the highway. In the case at hand, the municipal government responded promptly at the beginning of the school year to the parents' concerns and ensured that the children could travel safely by bus. Seats were also provided for all the children.

Naturally, living in a sparsely populated area means accepting some inconveniences, such as a longer bus ride. Nevertheless, every child should be able to travel to and from school each day with reasonable effort. This may mean that rural municipalities have to spend more on organising school transport than urban ones. However, higher costs do not relieve a municipality of its obligations.

The Chancellor of Justice recommended that the municipal government analyse school transport comprehensively and set criteria for assessing whether the route suits each pupil. When organising a pupil's school journey, the municipality cannot assume that the school will allow the child to leave lessons early to catch a bus.

A child's school day – including travel time and waiting for transport – is long and can be tiring. Therefore, it is important that pupils have a place to spend time alone or with friends while waiting. Preteens and teenagers need morning sleep for their health and development; later school start times or adjustments to bus schedules could be helpful.

School Transport for Pupils Requiring Learning Support

A child has the right to attend their local school, and every school must create suitable conditions for pupils who need extra support to study and cope. This responsibility also lies with the school's governing authority. If the schools in a child's home municipality cannot provide the necessary accommodations, the family may look for a suitable school elsewhere. In that case, the family has the right to request that their home municipality arrange transport to the other school or reimburse travel costs under the municipal government's established procedure.

The Chancellor of Justice has stated that a municipality must arrange daily transport for the child for as long as needed, regardless of whether the child stays in a school dormitory during the week or whether the family faces financial difficulties. A dormitory should be an option, not a forced solution because transport has not been arranged. A child has the right to spend time with their family after school and sleep at home. Families have the right to be together, and parents bear the primary responsibility for the child's well-being.

The Chancellor found that the law authorises the Minister of Education and Research to establish only the procedure for reimbursing travel expenses of pupils in state schools, which means that the state does not cover the costs of an accompanying person. In justified cases, the accompanying person's travel costs must be borne by the local government.

Reimbursement of Travel Expenses for Vocational School Students

When organising public transport, consideration should generally be given to school start and end times. However, the law does not oblige the state to organise transport to and from vocational schools.

A person complained to the Chancellor that a vocational student who cannot reach school by public transport in time for the first lesson and therefore has to drive their own car does not receive compensation for travel costs.

The Public Transport Act indeed provides that only the cost of a public transport ticket is reimbursed to vocational students. The Chancellor of Justice found that therefore § 4(2) of the Minister of Education and Research Regulation No. 41 of 2 September 2015, "Procedure and Extent of Reimbursement of Travel Expenses for State School Pupils", is consistent with the law.

General Education

Assigning a School Place During the School Year

A person complained to the Chancellor of Justice that by early December, Tallinn city had still not assigned school places to their children.

The Chancellor of Justice explained to the Tallinn Education Department that, under the law, the city is required to assign a school place to a child if the parent has not clearly expressed a wish to choose the school themselves. Therefore, the city should have designated a school corresponding to the child's place of residence. Instead, the Tallinn Education Department advised the parent to contact the school directly. The parent had to wait approximately four months for a school place, which cannot be considered a reasonable period of time.

The law stipulates that every child must fulfil the obligation to attend school, and the local government must ensure a school place even if the child needs to change schools mid-year, for example due to moving.

The Chancellor of Justice asked the Tallinn Education Department in the future to assign school places to children in need during the school year within a reasonable period. The situation differs if a parent has expressed the wish to find a school place themselves.

Language of Communication at School

A parent asked what language non-native students are allowed to use when speaking during breaks.

The Chancellor of Justice's position is that pupils may communicate with one another in their mother tongue during non-instructional time. Everyone has the right to preserve their national identity, and language is part of that identity. The school may limit the choice of common language only during instruction, in accordance with the curriculum. During breaks, pupils have the right to communicate in any language they wish.

Restricting the Use of Mobile Phones in School

Once again, the issue of temporarily taking a student's phone for safekeeping was raised. The same petition also requested the Chancellor of Justice's opinion on the rules of procedure of a particular upper secondary school.

The Chancellor of Justice found that the school's rules of procedure were contrary to the law because they required all students to place their phones in a storage box for

the duration of the lesson, even if the student had not violated any rules. To ensure focus during class, it should be sufficient that students remove their phones from their desks and set them to silent mode.

Handing in a phone as a disciplinary measure must be proportionate to the violation. Disciplinary measures are applied to ensure that students follow the rules established by the school. It is clear that students must understand the importance of participating in class and their own responsibility in this regard. The school's rules should clearly state in what circumstances and for how long it is justified to keep a phone in storage.

If a student uses their phone in an unauthorised way during class, the teacher has the right to call them to order. If necessary, the teacher may demand that the student hand over the phone for safekeeping – for example, if the student refuses to remove it from the desk when asked.

The Chancellor of Justice noted that it is up to the student to decide whether to place their phone in the storage box. If the student perceived the teacher's request as a threat and felt intimidated, it would be necessary to discuss the matter with the teacher.

School Timetable

In several cases, the Chancellor of Justice was asked how long lessons and breaks should be, and complaints were made about students being overburdened with excessive workloads.

The Chancellor found that under the law, each lesson must be followed by a break of at least ten minutes. Schools are not permitted to shorten breaks to five minutes.

A complainant also pointed out that third- and fourth-grade students at one Tallinn school had a weekly academic load exceeding the permitted maximum. The Basic Schools and Upper Secondary Schools Act stipulates that the maximum weekly study load for grades 3 and 4 is 25 lessons.

The school principal explained to the Chancellor of Justice that the longer school day for third-graders was due to swimming lessons, which required additional time for travel and preparation. The principal nevertheless promised that at the start of the new school year, the timetable would be adjusted to comply with legal requirements.

By law, a single lesson may last 45 minutes. Two lessons may be held consecutively without a break, but for no more than 90 minutes in total. A parent argued that 80-minute lessons neither support a child's mental nor physical development and may have a negative impact.

The Chancellor of Justice explained that if the organisation of lessons adversely affects a child's mental health or development, the parent may contact the school psychologist or the Rajaleidja guidance centre. If these specialists determine that 80-minute lessons are unsuitable for the child, the school must offer a solution that supports the pupil's learning ability and well-being. If the lesson structure proves unsuitable for other students as well, the school should consider changing its overall teaching organisation.

It is clear that the school timetable must be designed to prevent pupil fatigue. The organisation of lessons should support the pupil's mental, physical, moral, social, and emotional development. When structuring the school day, differences between subjects, individual learning needs, and pupils' ages must be taken into account. This presupposes that teachers have the necessary knowledge and mindset.

The Chancellor of Justice also received complaints about the organisation of a national defence field camp. One school had held the course from Monday to Sunday within a single week, leaving pupils without the legally required rest days. According to law, a study week may include no more than five school days.

The Chancellor found that by organising the field camp in this way, the school had violated students' rights, as they were not given two rest days during that week.

Legal requirements established by legislation cannot be changed by mutual agreement. This must be kept in mind even if students were informed of the field camp arrangements when applying to the school or were notified of the schedule well in advance. A field camp is part of formal studies, not an extracurricular activity. Even if participation at another time or partial attendance is possible, the rights of students taking part must always be respected.

Supporting Students

Each year, the Chancellor of Justice receives petitions from parents whose children have not been assigned a support person or who feel that schools are not providing sufficient support. It is clear that without the necessary assistance, a child's well-being suffers and they cannot receive an education suited to their abilities. Such situations should not occur.

In one of her opinions, the Chancellor stated that if a child has no support person, the school itself must provide assistance, and if this is not possible, the school must turn to the school's governing authority. Applying for a support person is the parent's decision; the school cannot demand that the parent submit such an application, nor conclude an agreement with the parent on this matter.

When a parent applies for a support person for their child, the local government must handle the request in accordance with the law and the principles of good administration. The law requires that the municipality respond to the parent's application and provide justification if the service is denied. Naturally, the child must also be heard and their best interests considered.

According to the principle of the best interests of the child, both the school and parents should discuss how the child can best participate in school excursions. All children have the right to take part in joint activities and gain positive experiences from them, which help to develop social skills and respect for diversity. If the school is aware of a pupil's needs, it must offer accommodations appropriate to those needs.

The Chancellor found that in one case, the city government had violated both legislation and good administrative practice when handling a parent's requests. She

asked the city government to promptly decide whether the child required a support person at school or to confirm its refusal with proper reasoning.

Formation of Specific Level Classes and Groups

The Chancellor of Justice was asked to assess whether it is lawful for a school to form specific level classes in all subjects according to the students' average grades. This meant that at the end of grades 7 and 8, classes were reorganised for the next school year based on the average of all subjects.

The Chancellor found that the law does not allow schools to group students in this way compulsorily. It is also unlawful to form temporary groups in the lower grades for Estonian and mathematics based solely on average grades. The Chancellor asked the school to bring its curriculum into conformity with the law.

The Chancellor of Justice also sent a memorandum to the Ministry of Education and Research, requesting analysis on whether the Basic Schools and Upper Secondary Schools Act or the national curricula should be amended to regulate more precisely how the principle of taking individual learning needs into account should be applied. If grouping students is permitted, the basis and method for doing so must be clearly defined. Schools must also have clarity on the legal grounds for forming specific level groups in foreign language studies.

Admission Requirements for Upper Secondary Schools

This year, many questions again concerned admission requirements for upper secondary schools, which required applicants to rank their preferred schools. For instance, four Tallinn schools conducting joint entrance exams required each applicant to apply to three of the four schools and choose only one field of study in every school. Five Tartu schools had adopted a similar rule.

The Chancellor of Justice found that, according to law, each applicant decides independently how many and which schools they wish to apply to. A school cannot reject a candidate because they also applied elsewhere, nor favour one because they declared that school as their top choice.

The Chancellor also noted that a graduate of basic school has the right to apply for (submit an application to) any available study place and to multiple fields of study. Previously, applicants could indicate their alternative preferences only during interviews. By restricting a candidate's choice of field of study, the school limits the right of a basic school graduate to apply for admission. There is no legal obligation to indicate school preference.

Admission requirements must be justified, and the admission rules must describe how the school assesses whether a candidate meets the criteria and how the candidate may contest the results. It must also be clear how the school stores applicants' data. Schools may amend their admission rules after 1 March if necessary to bring them into compliance with the law.

The law allows a student to graduate from basic school either by passing a uniform national final examination or a school exam. A school exam is organised for students on an individual curriculum or simplified study. Schools must also organise a repeat school exam if a student was unable to take the exam at the scheduled time or scored below 50 per cent of the maximum mark.

One upper secondary school announced that it would consider school exam results only if the student passed on the first attempt. Thus, it disregarded results from repeat exams marked as “satisfactory,” even if the first exam had fallen below 50 per cent.

The Chancellor of Justice found that every candidate who has met the graduation requirements has the right to apply for admission to upper secondary school. An exam may fail for many reasons – lack of preparation or poor health, for example. When a repeat school exam is taken to achieve a passing grade, ignoring its result creates unequal treatment among applicants.

Alleged Alteration of Entrance Test Results

A complaint was submitted to the Chancellor of Justice alleging that the results of mathematics and physics entrance tests at one Tallinn upper secondary school differed from those initially published in the online application environment. The initial score shown was 75 points, but later this was changed to 39 points.

The Tallinn Education Department explained that the total score had not been changed, but as the test papers had been destroyed, it was impossible to provide proof.

In her opinion to the Department, the Chancellor of Justice stated that unfortunately the person had not received an answer as to why the scores had been altered. The unsubstantiated assurance from the company managing the joint testing platform that no results had been changed after publication did not dispel the suspicion that alterations might have been made.

The Chancellor also noted that the Department had not established that the original screenshot showing a higher score was a forgery. She recommended that the Tallinn Education Department require in its admission procedures that paper tests be preserved at least until the deadline for challenging a school’s admission decision has expired.

Higher Education

English-language instruction within an Estonian-language curriculum

A university student wrote to the Chancellor of Justice explaining that, although their degree programme is officially in Estonian, several courses are taught in English. They asked whether this practice complies with the law.

The Chancellor of Justice found that it is permissible for part of the instruction in an Estonian-language curriculum to be conducted in a foreign language (for example, English). In modern higher education, proficiency in at least one foreign language is an essential component of quality. Given the small size of Estonia’s linguistic space,

not all necessary academic materials are available in Estonian, and without foreign language skills, students cannot participate in international research or benefit from visiting lecturers. Nevertheless, universities must ensure that at least 60 per cent of the instruction in an Estonian-language programme is conducted in Estonian.

Procedure for awarding scholarships

On 19 August 2024, the Chancellor of Justice made a proposal to the Minister of Education and Research to bring § 2(2), second sentence, of Regulation No. 37 of 16 August 2019 "Types and amounts of state scholarships for students, and the general conditions and procedure for their award" into conformity with law and the Constitution. The inconsistency lay in the fact that the Minister, by this regulation, had authorised higher education institutions and the Education and Youth Board to establish detailed scholarship award procedures, even though the law provided no such delegation.

The Minister of Education and Research agreed to the Chancellor's proposal on 7 October 2024, but had not implemented the necessary changes by 18 November. Therefore, the Chancellor of Justice had to file a request to the Supreme Court to declare the disputed provision invalid. The Chancellor withdrew the application on 10 December 2024 after the Minister adopted the required amendments on 2 December.

According to the principle of legality, a regulation is constitutional only if it is issued under a valid statutory authorisation. By enacting § 15(4) of the Higher Education Act, the Riigikogu determined that the authority to decide on scholarship procedures belongs solely to the Minister of Education and Research and to no other body.

Taking the Estonian Language Proficiency Exam Under Special Conditions

The law provides that a person with hearing impairment has the right to reasonable accommodations during examinations, including the Estonian language proficiency exam. The specific arrangements are decided by an expert commission that assesses how a person's health condition affects their ability to achieve a positive result.

The Chancellor of Justice received a complaint from a person who wished to be exempted from the oral part of the Estonian language exam but was denied. The applicant's request had been reviewed by an expert commission established by the Minister of Education and Research, authorised to decide exam conditions for applicants for citizenship or long-term residence permits. However, the applicant was not seeking citizenship or a residence permit. Their request should have been reviewed instead by the expert commission of the Education and Youth Board, which decides exceptions for general Estonian language proficiency exams.

The Chancellor found that the commission's decision did not explain why it had refused to exempt the applicant from the oral part of the exam while exempting them from the listening section. Moreover, the request had been handled by a commission that lacked the legal authority to do so. Because an incompetent body decided the matter, the applicant was deprived of the right to appeal. Decisions of the citizenship commission can be challenged only in administrative court within 30 days of receipt.

Children and Young People

Estonia ratified the United Nations Convention on the Rights of the Child in 1991. According to Article 4 of the Convention, States Parties undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized therein.

Since 2011, the Chancellor of Justice has performed the functions of an independent Ombudsman for Children. The Ombudsman for Children ensures that all institutions and individuals making decisions concerning children act in the best interests of the child.

During the reporting year, the Chancellor of Justice paid particular attention to the opportunities and risks associated with children's and young people's use of smart devices. Social media addiction, eye strain, mental fatigue, lack of physical activity, and the spread of harmful information to children are all serious problems. Discussions with European colleagues confirmed that these issues are topical in many European countries. The Organisation for Economic Co-operation and Development (OECD) published a comprehensive report on the subject titled "How Are Children Faring in the Digital Age?".

Several petitions concerning the use of smart devices were submitted to the Chancellor of Justice. Most of them dealt with restrictions on the use of such devices in schools. The Chancellor explained that dependence, health damage, difficulties in concentration, as well as social media messages encouraging self-harm or extremism are distinct problems that require different solutions. There is no single simple remedy. Since children's capacity for self-regulation and responsibility varies by age, different approaches are suitable for different age groups.

It is in Estonia's interest that young people receive the best possible start in life. Therefore, it is important to learn how to use artificial intelligence and other digital tools wisely. Young people are the ones most capable of keeping pace with rapid developments. The potential of artificial intelligence is virtually unlimited – including for intelligent use in learning and completing school assignments.

In finding solutions, it is essential to involve and trust young people themselves. We sought the views of the young advisers to the Ombudsman for Children. They concluded that tackling the risks of smart device use requires smart thinking. This means that commands and prohibitions alone will not work, especially if adults set a poor example. Children should be allowed to go outside during breaks and should have more opportunities for physical activity – they would gladly play table tennis, ball games, and other activities during recess if only they had the chance.

Some solutions can be agreed upon within families, others among classmates and parents, and still others included in school rules. Certain aspects could also be regulated uniformly by law. What matters is that children and young people should not feel excluded because of restrictions.

A commonly agreed social stance on smart device use would help avoid conflicts between home and school arrangements. Academic workloads remain heavy.

The spread of harmful information could perhaps be most effectively curbed through cooperation among like-minded countries. However, it would also be desirable for large corporations to take more active measures to protect children and young people. This must not, of course, mean the erosion of freedom of expression, which is essential for a free society. The concern is about games that encourage self-harm or harm to others, dangerous deepfakes, and similar content. Children and young people must not be left alone to face these dangers.

It is important that extracurricular education be accessible. When a child has music lessons, sports practice, or another hobby after school, screen time naturally decreases – provided, of course, that the child gets enough sleep.

Technology must remain under human control, not the other way around.

In February, the President of the Republic, together with the Ministry of Education and Research, announced an initiative under which Estonian pupils and teachers are to be granted free access to Estonian-language artificial intelligence learning applications. Inspired by the earlier “Tiger Leap” programme, this new AI Leap (TI-hüpe) is scheduled to begin in schools in September 2025, with a teacher training day organised as a prelude to the new school year.

On 18 June, the leaders and organisers of the AI Leap presented their ongoing work and future plans to the Chancellor of Justice and her advisers.

Children and Parental Care

Each year, the Chancellor of Justice is approached by parents who have been unable to reach an agreement with the other parent regarding the care, maintenance, or contact arrangements for their child. The Chancellor of Justice does not resolve parental disputes directly, but her advisers provide explanations and guidance in such situations.

Naturally, the best outcome is when separated parents can reach a mutual understanding on matters concerning their child and work together for the child’s well-being. Agreement is part of parental responsibility, and if necessary, impartial assistance from a state conciliator may be sought to help achieve it. However, interpersonal relationships cannot be repaired through state coercion.

When parents are unable to agree on custody or contact arrangements, the dispute must be settled by a court. The court hears the child and both parents, analyses the evidence presented, and collects additional information if necessary. In its decision, the court must take into account the specific circumstances and always prioritise what is best for the child.

Court decisions can be made and amended only by the courts. Fairness of the judicial process is ensured by Estonia’s three-tier court system. Once a judgment has entered into force and no further appeal is possible, the decision is binding on all parties.

The Chancellor of Justice emphasised that even in the enforcement of court decisions, the child's interests must be respected and all actions should be carried out in a manner that minimises harm to the child. This applies equally to parents and to officials involved in implementing the decision. Both parents must strive to protect the child's welfare, and neither may act in a way that harms the child. This is part of parental responsibility. Any behaviour that damages the child's relationship with the other parent is unacceptable.

Enforcement of Court Decisions Regulating Contact between a Child and a Parent

During the reporting year, dozens of people drew the Chancellor of Justice's attention to disturbing videos shared on social media showing the handover of a child from one parent to the other under a court order. These complaints prompted the Chancellor to initiate proceedings to examine whether officials had done everything possible to protect the child in such a difficult situation.

The Chancellor identified several shortcomings in the enforcement of the court order concerning the child and informed the individuals and institutions involved of her findings. The Chancellor deemed it unacceptable that, despite the presence of child protection officials and police officers, a scuffle broke out between the parents during the handover. Officials overseeing the handover must ensure the child's safety.

The Chancellor of Justice recommended that the Social Insurance Board prepare guidelines for child protection officials on how to safeguard the child's well-being during the enforcement of court decisions on custody and contact. She also advised that police officers receive training on this issue.

The Chancellor also presented her positions to representatives of the Chamber of Bailiffs and Trustees in Bankruptcy and to bailiffs themselves. To ensure better protection of children's rights during enforcement proceedings in the future, administrative practices need to be improved, and legislation amended. Therefore, the Chancellor asked the responsible ministers to analyse whether the law should specify more clearly the duties of child protection specialists and bailiffs in cases where a child is handed over from one parent to another or where court decisions on parental contact are enforced.

The Chancellor further requested that ministers consider whether § 179(3) of the Code of Enforcement Procedure (TMS) should be amended so that, where necessary, the bailiff would submit a proposal for the child's temporary placement in a substitute care institution directly to a court rather than to a rural municipality or city government. Placing a child in institutional care constitutes a serious interference with the right to family life of both the child and the parents (Constitution § 27). Such an intensive restriction of family rights should be decided by a court, as the court also decides on the use of other coercive measures provided in § 179 of the Code of Enforcement Procedure.

Having reviewed the broader system of enforcing court decisions concerning children, the Chancellor asked the responsible ministers to consider whether the Code of

Enforcement Procedure should be supplemented to require bailiffs to record the enforcement process when handing over a child or executing a court decision on parental contact. Naturally, all parties would need to be informed of such recording in advance. A recording obligation would ensure that there is a comprehensive and reliable record of these sensitive proceedings. Such recordings may be necessary for the bailiff when preparing an enforcement report, for the court when deciding on the use of coercive measures, and for supervisory authorities reviewing the conduct of bailiffs or child protection officials. As this would constitute processing of personal data in the exercise of public authority, the essential conditions for data processing must also be established by law.

The Chancellor also requested that the Ministers of Justice and Digital Affairs consider whether the Code of Civil Procedure should set a specific timeframe within which courts must decide on a bailiff's proposal to fine a non-complying parent. At present, the law contains no such deadline. If the decision to impose a fine takes weeks, it undermines the prompt enforcement of interim measures ordered by the court.

The ministers replied to the Chancellor that they would analyse the situation and, if necessary, prepare draft amendments to the law. The Social Insurance Board promised to issue guidance to child protection officials and to provide relevant training.

The Chancellor of Justice explained to all those who had contacted her that the full content of court cases concerning custody and contact rights is generally not public. This is because, by law, the privacy of the child and the parents must be protected. Information disclosed publicly by one party to the dispute is rarely complete. Sharing audio or video recordings depicting a recognisable child's distress on social or traditional media causes further harm to that child. Such images can follow a person for life.

Living Arrangements and Maintenance of Children After the Loss of a Parent

A child approached the Chancellor of Justice for help after one parent had died and the surviving parent failed to provide maintenance. The children lived with their grandparent in a flat that had long been their home. They wished to continue living there with the grandparent, but the surviving parent had registered their official residence address in the Population Register as the parent's own home.

The Chancellor explained that the custodial parent has the right to decide where their child resides, but in doing so must take into account the child's views and interests. The custodial parent may change the child's registered address in the Population Register but must ensure that the information is correct. The Chancellor advised the relevant rural municipality and city governments that if a parent fails to meet this obligation, the local government may initiate proceedings to correct the child's registered address.

A parent's obligation to support their child does not end if they do not live with the child. In such cases, the parent must pay child support. If the parent fails to pay or the amount is insufficient, the matter must be resolved by a court.

Because of their limited legal capacity, minors generally cannot represent themselves in court. A minor may be represented by their legal guardian, usually the custodial parent or guardian. However, if the interests of the parent and child conflict, the parent cannot represent the child in court. In such cases, a special guardian must be appointed. In family law proceedings where the child's interests conflict with those of the custodial parent, the court may also appoint a lawyer under state legal aid. The court cannot refuse to hear a claim merely because it has been filed by a child.

A parent must use child allowances in the child's interest – to cover the costs of care, upbringing, and education. The Chancellor explained to local governments that they must notify the Social Insurance Board if a parent is not raising their child or if someone else is actually caring for the child. The Board must also be informed of other circumstances affecting the payment of child allowances. Based on this information, the Social Insurance Board decides whether to suspend, continue, or terminate benefit payments.

Children who have lost one parent and whose surviving parent fails to provide support may need assistance from their rural municipality. If children are registered as residents of one local government but actually live in another, the two municipalities must cooperate to ensure they receive support. The Chancellor reminded rural municipality and city governments that if a parent fails to fulfil their parental duties and endangers their children's well-being, they have a duty to inform the court.

Pension Supplement for Raising a Child

One parent was dissatisfied that, as a single parent, they received only half of the pension supplement they believed they were entitled to.

The Chancellor of Justice explained that a parent is entitled to half of the pension supplement if both parents have raised the child for at least eight years. However, if the other parent has raised the child for less than eight years, the entire supplement is granted to the parent who raised the child alone.

A parent receives the full supplement if the Population Register contains no information about the other parent, or if the other parent has died, is missing, cannot be located, has lost parental rights before the child's eighth birthday, or has already been granted a pension but not the supplement. All such circumstances must be documented.

The Chancellor informed the Social Insurance Board that the information on its website regarding parents' pension rights could be misleading and requested that the wording be corrected – which the Board subsequently did.

Child Protection Work

Parents who are dissatisfied with how child protection officials have handled their family matters often turn to the Chancellor of Justice for help. In many such cases, the relationship between the parents is extremely strained. Unfortunately, child protection officials have limited options for intervention when parental misunderstandings stem from conflicts between the parents themselves. The primary role of child protection

officials is to advise parents on how to ensure the child's well-being and where to seek help to improve cooperation between them.

If parents cannot reach an agreement, even with the assistance of a state family conciliator, the court will establish the arrangements for the child's contact with each parent.

The Chancellor of Justice has explained that in cases brought before a court, the child protection official must also present the court with a reasoned opinion. The court expects the official to assess what would be in the child's best interests. Conflicts often arise when parents consider the child protection official's opinion to be biased. In such cases, the parents may submit their own views and evidence to the court regarding the child protection official's actions or assessments.

It is for the court to determine how much weight to give to the child protection official's opinion. The Chancellor of Justice has no authority to review or evaluate court decisions.

The Role of the Child Protection Official in Parental Disputes

One parent expressed concern that there had been violent conflicts in the new household of the children's other parent, which the children had witnessed. The parent felt that the child protection officials had not done enough to address the situation.

The Chancellor's advisers asked the rural municipality government to clarify whether its child protection officials had assessed the children's need for assistance and provided appropriate support. It emerged that the rural municipality had indeed offered the family several supportive services. The child protection officials had also repeatedly visited the other parent's home and, after assessing the circumstances, concluded that there was no immediate reason to remove the children from the family.

The advisers explained to the concerned parent that if conflicts involving violence continued to occur in the other household, this must be reported to the police. The parent may also apply to the court if they believe that the children are at risk while staying with the other parent.

Hearing the Child's Views in Matters Affecting Them

A child approached the Chancellor of Justice, complaining that in the custody and contact dispute between their parents, neither the child protection official nor the court had taken the child's opinion into account. The child also did not understand why the child protection official had come to speak with them at school without prior notice.

The Chancellor's advisers explained that the law does not prohibit a child protection official from speaking with a child and hearing their opinion in school or elsewhere. However, it is generally preferable for the parent to be informed in advance that such a meeting will take place. This allows the parent to explain to the child who wishes to talk to them, why the conversation is happening, and where it will take place.

In disputes concerning a child's living arrangements, the court must seek the opinion of the rural municipality or city government. The child protection official is expected to provide a reasoned assessment of what solution would be in the child's best interests. To do so, the worker must hear the child and record the conversation. The child protection official also gathers information about the child's circumstances and the child's relationship with each parent.

The Chancellor's advisers explained to the child that the child protection official had presented both their own assessment and the child's handwritten opinion to the court, along with a summary of the conversation describing what the child had said and how they viewed their future living arrangements. The court takes the child's opinion into account in its decision-making but also considers other relevant circumstances. This means that while the child's opinion is important, the court is not obliged to decide exactly as the child wishes.

Kindergarten and School

In the spring, a lively debate arose in the education sector after the basic school final examinations were moved forward by a month. The exams began in the second half of April and concluded in mid-May, meaning that students had to take three exams within a single month. This change left both teachers and students dissatisfied.

This time, the exams were scheduled earlier so that schools could take into account the results of the final exams when admitting students to upper secondary school. With this change, the Ministry of Education and Research also wished to reduce the stress associated with graduating from school. The Chancellor of Justice noted that the Ministry now has an opportunity to analyse whether changing the exam dates has produced the desired results.

Annoyance was also caused by errors that had found their way into the basic school final examination papers. Complainants explained that mistakes in exam papers can affect results, and therefore upper secondary schools should not rely on these results when admitting students. The Chancellor of Justice replied that errors can happen, but lessons must be learned from them. If a graduate believes that their exam paper has been marked incorrectly, they may file an appeal with the Ministry of Education and Research. However, upper secondary schools are entitled to decide to what extent and how they take exam results into account in the admission process.

A great number of questions concerned the allocation of upper secondary school places and the admission requirements. Complainants stated that, under the admission conditions of Tallinn and Tartu upper secondary schools conducting joint entrance tests, applicants had to indicate their school preference. This meant that a candidate applying to several upper secondary schools had to rank them in order of preference. For example, the four Tallinn schools organising joint tests required a basic school graduate to apply to three out of the four schools and to choose only one field of study. A similar requirement was made by five Tartu upper secondary schools.

Issues related to graduation from basic school and applying to upper secondary school indicate that general secondary education may not be sufficiently accessible. The

National Audit Office had already pointed this out in its report of 31 May 2022 to the Riigikogu, "Shaping the Network of Upper Secondary Schools".

It is clear that competition for upper secondary school places is not in the best interests of children. Access to secondary education must not depend on which local government area a young person lives in. The Chancellor of Justice cannot assess in abstract whether and under what conditions all basic school graduates are able to continue their studies as they wish and according to their abilities. A policy decision is needed to determine how many study places should be created in upper secondary schools and how many in vocational education institutions. Such a decision must be well considered and justified.

Each year, the Chancellor of Justice is asked about disciplinary measures permitted in schools. These measures are exhaustively listed in the Basic Schools and Upper Secondary Schools Act. A teacher cannot, by individual agreements, change the requirements for organising teaching and learning established by law or other legislation. Teachers must also understand that they must find lawful means to establish authority in the classroom.

It is not within the Chancellor of Justice's competence to determine what kind of support a pupil needs, how dangerous their school route is, or what special arrangements should apply to national examinations. Institutions themselves must make such decisions and provide reasons for them. Only then can it be assessed whether anyone's rights have been violated in the process.

Providing Support for a Child in Kindergarten

Parents are often concerned that a kindergarten refuses to admit their child to a group without a support person or that the child does not receive the necessary support there.

The Chancellor of Justice's position is that the law does not allow a kindergarten to send a child home simply because the child does not have a support person. If a child has no support person, the local authority must consider how to provide the necessary support in other ways. Sometimes it may be sufficient to create supportive conditions in the kindergarten or group – for example, by training teachers or placing the child in a smaller group.

A kindergarten is also obliged to provide speech therapy assistance to a child. In response to one such complaint, the Chancellor of Justice found that although the rural municipality government had made efforts to find a new speech therapist, its actions were not lawful, since neither the municipality nor the kindergarten had organised the speech therapy that the child is entitled to by law.

The Chancellor of Justice requested the municipality and the kindergarten to determine how often the child needed speech therapy and to arrange this within the kindergarten in the required volume. It is not excluded that the child could receive therapy outside the kindergarten, but in that case the child's needs and the kindergarten's daily schedule must be taken into account. It is also important to decide who will accompany the child to the therapist and how.

Naptime in Kindergarten

Several parents turned to the Chancellor of Justice expressing concern that kindergartens do not allow their children to engage in quiet activities during nap time but instead require them to sleep.

The Chancellor of Justice has explained that from the age of four, a child must be given the opportunity to choose between taking a nap and engaging in another quiet activity during rest time. According to the Chancellor, the child's need for daytime sleep should primarily be assessed by the parent. If the parent wishes that their child engage quietly instead of napping – for example, by reading a book or drawing – the kindergarten must allow this. Naturally, parents should take into account teachers' observations and recommendations and act in the best interests of the child.
Cooperation between parents and the kindergarten is essential to agree on how best to arrange the child's rest time in a way that allows flexibility for the child's needs. For example, if a child is tired and wishes to sleep during the day, this must not be prohibited.

Kindergarten Fee Reductions

The law does not require municipalities to provide reductions in kindergarten fees. Whether to offer such benefits, for what purpose, and under what conditions is up to the local government to decide.

A local government may, for instance, grant a fee reduction to children who will begin school the following year. The aim of such a measure is to ensure that children attend kindergarten for at least one year before starting school and receive the necessary preparation. However, if a parent decides that their child will start school a year earlier than usual, this objective cannot be fulfilled. The Chancellor of Justice found that this distinction is reasonably justified and therefore does not amount to arbitrary unequal treatment in this case.

By law, only children of compulsory school age must attend school. Younger children may start school at the request of the parent and on the recommendation of Rajaleidja or the kindergarten, but they are not required to. The decision about a child's early school start may therefore become clear only during the school year.

Safety of the School Journey

Several parents who turned to the Chancellor of Justice were dissatisfied with the school transport arranged by their local government. Some parents considered the school route unsafe, while others felt that the municipality had not sufficiently considered the child's interests when organising transport.

It is clear that a local government must organise school transport that is both safe and reasonable for children. A walking distance of up to three kilometres has generally been considered manageable for pupils of all ages, but the child must be able to cover the route independently and safely with reasonable effort – including in winter conditions.

The Transport Administration can assess the safety of a school route. If the road has not been maintained by the time children go to school or if the route arranged by the municipality is otherwise unsuitable, parents should inform the municipality.

The Chancellor of Justice found that a pupil's journey to school is properly organised when they can travel between the bus stop and their home along a pedestrian and bicycle path. In such a case, the child does not need to board the bus from a stop located by the roadside, which may be closer to home but would require walking along the edge of the highway. In the case at hand, the municipal government responded promptly at the beginning of the school year to the parents' concerns and ensured that the children could travel safely by bus. Seats were also provided for all the children.

Naturally, living in a sparsely populated area means accepting some inconveniences, such as a longer bus ride. Nevertheless, every child should be able to travel to and from school each day with reasonable effort. This may mean that rural municipalities have to spend more on organising school transport than urban ones. However, higher costs do not relieve a municipality of its obligations.

The Chancellor of Justice recommended that the municipal government analyse school transport comprehensively and set criteria for assessing whether the route suits each pupil. When organising a pupil's school journey, the municipality cannot assume that the school will allow the child to leave lessons early to catch a bus.

A child's school day – including travel time and waiting for transport – is long and can be tiring. Therefore, it is important that pupils have a place to spend time alone or with friends while waiting. Preteens and teenagers need morning sleep for their health and development; later school start times or adjustments to bus schedules could be helpful.

School Transport for Pupils Requiring Learning Support

A child has the right to attend their local school, and every school must create suitable conditions for pupils who need extra support to study and cope. This responsibility also lies with the school's governing authority. If the schools in a child's home municipality cannot provide the necessary accommodations, the family may look for a suitable school elsewhere. In that case, the family has the right to request that their home municipality arrange transport to the other school or reimburse travel costs under the municipal government's established procedure.

The Chancellor of Justice has stated that a municipality must arrange daily transport for the child for as long as needed, regardless of whether the child stays in a school dormitory during the week or whether the family faces financial difficulties. A dormitory should be an option, not a forced solution because transport has not been arranged. A child has the right to spend time with their family after school and sleep at home. Families have the right to be together, and parents bear the primary responsibility for the child's well-being.

The Chancellor found that the law authorises the Minister of Education and Research to establish only the procedure for reimbursing travel expenses of pupils in state schools, which means that the state does not cover the costs of an accompanying

person. In justified cases, the accompanying person's travel costs must be borne by the local government.

Reimbursement of Travel Expenses for Vocational School Students

When organising public transport, consideration should generally be given to school start and end times. However, the law does not oblige the state to organise transport to and from vocational schools.

A person complained to the Chancellor that a vocational student who cannot reach school by public transport in time for the first lesson and therefore has to drive their own car does not receive compensation for travel costs.

The Public Transport Act indeed provides that only the cost of a public transport ticket is reimbursed to vocational students. The Chancellor of Justice found that therefore § 4(2) of the Minister of Education and Research Regulation No. 41 of 2 September 2015, "Procedure and Extent of Reimbursement of Travel Expenses for State School Pupils", is consistent with the law.

Assigning a School Place During the School Year

A person complained to the Chancellor of Justice that by early December, Tallinn city had still not assigned school places to their children.

The Chancellor of Justice explained to the Tallinn Education Department that, under the law, the city is required to assign a school place to a child if the parent has not clearly expressed a wish to choose the school themselves. Therefore, the city should have designated a school corresponding to the child's place of residence. Instead, the Tallinn Education Department advised the parent to contact the school directly. The parent had to wait approximately four months for a school place, which cannot be considered a reasonable period of time.

The law stipulates that every child must fulfil the obligation to attend school, and the local government must ensure a school place even if the child needs to change schools mid-year, for example due to moving.

The Chancellor of Justice asked the Tallinn Education Department in the future to assign school places to children in need during the school year within a reasonable period. The situation differs if a parent has expressed the wish to find a school place themselves.

Language of Communication at School

A parent asked what language non-native students are allowed to use when speaking during breaks.

The Chancellor of Justice's position is that pupils may communicate with one another in their mother tongue during non-instructional time. Everyone has the right to preserve their national identity, and language is part of that identity. The school may limit the

choice of common language only during instruction, in accordance with the curriculum. During breaks, pupils have the right to communicate in any language they wish.

Smart Devices in Schools

The Chancellor of Justice also had to respond to a petition from parents and specialists who expressed concern about students' excessive use of smart devices. It was suggested that legislation should impose restrictions on the use of such devices, including during school breaks.

Neighbouring countries are grappling with the same issue. The Chancellor's advisers discussed the topic with their Baltic and Polish counterparts during the annual meeting of the Ombudsmen for Children of the Baltic States and Poland, held in Vilnius on 7–8 May. Latvian colleagues explained that Latvia had recently adopted an amendment to the law prohibiting students in grades 1–6 from using mobile phones during the entire school day. In Lithuania and Poland, the need for nationwide rules is still being considered. The topical nature of the issue is further confirmed by the recently published comprehensive OECD report "How Are Children Faring in the Digital Age?".

In her response, the Chancellor of Justice explained that uniform principles for students' use of smart devices can be established by law only by the Riigikogu. Under the Constitution, freedom – along with the responsibility that accompanies it – is the general rule, and any restriction is an exception that must be justified. Every restriction must serve a constitutionally legitimate aim and must be both appropriate and the least restrictive means available. It must also be realistically enforceable. Before creating new rules, it is necessary to carefully analyse what problem is actually being addressed.

Scientific research and public discussions have found that excessive use of smart devices can, among other effects, reduce children's ability to concentrate and impair reading skills. It may lead to social media or gaming addiction, cyberbullying, and a decline in social abilities. Although limiting the use of smart devices during school breaks might ease the situation, it may not solve the underlying problems, since most of the time children spend on devices unrelated to learning occurs outside the school day.

The key question is how to find a balance between two opposing goals: on one hand, protecting children from the harmful effects of digital technology, and on the other, developing their digital competence. When searching for solutions, it is important to consult experts in child developmental psychology and behavioural science, and to involve both children and parents in the discussion.

The Chancellor of Justice has also emphasised that solutions cannot be based solely on the knowledge and experiences of previous generations – children and young people themselves must also be involved and trusted. Identifying children's views provides valuable information for rule makers and helps to design more effective rules. When children have had the opportunity to contribute to the creation of rules, they are generally more willing to follow them.

Parents play a crucial role in shaping their children's habits in the use of smart devices. Among other things, parents must ensure that their children learn to use smart devices in ways that safeguard their mental and physical health.

Restricting the Use of Mobile Phones in School

Once again, the issue of temporarily taking a student's phone for safekeeping was raised. The same petition also requested the Chancellor of Justice's opinion on the rules of procedure of a particular upper secondary school.

The Chancellor of Justice found that the school's rules of procedure were contrary to the law because they required all students to place their phones in a storage box for the duration of the lesson, even if the student had not violated any rules. To ensure focus during class, it should be sufficient that students remove their phones from their desks and set them to silent mode.

Handing in a phone as a disciplinary measure must be proportionate to the violation. Disciplinary measures are applied to ensure that students follow the rules established by the school. It is clear that students must understand the importance of participating in class and their own responsibility in this regard. The school's rules should clearly state in what circumstances and for how long it is justified to keep a phone in storage.

If a student uses their phone in an unauthorised way during class, the teacher has the right to call them to order. If necessary, the teacher may demand that the student hand over the phone for safekeeping – for example, if the student refuses to remove it from the desk when asked.

The Chancellor of Justice noted that it is up to the student to decide whether to place their phone in the storage box. If the student perceived the teacher's request as a threat and felt intimidated, it would be necessary to discuss the matter with the teacher.

School Timetable

In several cases, the Chancellor of Justice was asked how long lessons and breaks should be, and complaints were made about students being overburdened with excessive workloads.

The Chancellor found that under the law, each lesson must be followed by a break of at least ten minutes. Schools are not permitted to shorten breaks to five minutes.

A complainant also pointed out that third- and fourth-grade students at one Tallinn school had a weekly academic load exceeding the permitted maximum. The Basic Schools and Upper Secondary Schools Act stipulates that the maximum weekly study load for grades 3 and 4 is 25 lessons.

The school principal explained to the Chancellor of Justice that the longer school day for third-graders was due to swimming lessons, which required additional time for travel and preparation. The principal nevertheless promised that at the start of the new school year, the timetable would be adjusted to comply with legal requirements.

By law, a single lesson may last 45 minutes. Two lessons may be held consecutively without a break, but for no more than 90 minutes in total. A parent argued that 80-minute lessons neither support a child's mental nor physical development and may have a negative impact.

The Chancellor of Justice explained that if the organisation of lessons adversely affects a child's mental health or development, the parent may contact the school psychologist or the Rajaleidja guidance centre. If these specialists determine that 80-minute lessons are unsuitable for the child, the school must offer a solution that supports the pupil's learning ability and well-being. If the lesson structure proves unsuitable for other students as well, the school should consider changing its overall teaching organisation.

It is clear that the school timetable must be designed to prevent pupil fatigue. The organisation of lessons should support the pupil's mental, physical, moral, social, and emotional development. When structuring the school day, differences between subjects, individual learning needs, and pupils' ages must be taken into account. This presupposes that teachers have the necessary knowledge and mindset.

The Chancellor of Justice also received complaints about the organisation of a national defence field camp. One school had held the course from Monday to Sunday within a single week, leaving pupils without the legally required rest days. According to law, a study week may include no more than five school days.

The Chancellor found that by organising the field camp in this way, the school had violated students' rights, as they were not given two rest days during that week.

Legal requirements established by legislation cannot be changed by mutual agreement. This must be kept in mind even if students were informed of the field camp arrangements when applying to the school or were notified of the schedule well in advance. A field camp is part of formal studies, not an extracurricular activity. Even if participation at another time or partial attendance is possible, the rights of students taking part must always be respected.

Supporting Students

Each year, the Chancellor of Justice receives petitions from parents whose children have not been assigned a support person or who feel that schools are not providing sufficient support. It is clear that without the necessary assistance, a child's well-being suffers and they cannot receive an education suited to their abilities. Such situations should not occur.

In one of her opinions, the Chancellor stated that if a child has no support person, the school itself must provide assistance, and if this is not possible, the school must turn to the school's governing authority. Applying for a support person is the parent's decision; the school cannot demand that the parent submit such an application, nor conclude an agreement with the parent on this matter.

When a parent applies for a support person for their child, the local government must handle the request in accordance with the law and the principles of good administration. The law requires that the municipality respond to the parent's

application and provide justification if the service is denied. Naturally, the child must also be heard and their best interests considered.

According to the principle of the best interests of the child, both the school and parents should discuss how the child can best participate in school excursions. All children have the right to take part in joint activities and gain positive experiences from them, which help to develop social skills and respect for diversity. If the school is aware of a pupil's needs, it must offer accommodations appropriate to those needs.

The Chancellor found that in one case, the city government had violated both legislation and good administrative practice when handling a parent's requests. She asked the city government to promptly decide whether the child required a support person at school or to confirm its refusal with proper reasoning.

Formation of Specific Level Classes and Groups

The Chancellor of Justice was asked to assess whether it is lawful for a school to form specific level classes in all subjects according to the students' average grades. This meant that at the end of grades 7 and 8, classes were reorganised for the next school year based on the average of all subjects.

The Chancellor found that the law does not allow schools to group students in this way compulsorily. It is also unlawful to form temporary groups in the lower grades for Estonian and mathematics based solely on average grades. The Chancellor asked the school to bring its curriculum into conformity with the law.

The Chancellor of Justice also sent a memorandum to the Ministry of Education and Research, requesting analysis on whether the Basic Schools and Upper Secondary Schools Act or the national curricula should be amended to regulate more precisely how the principle of taking individual learning needs into account should be applied. If grouping students is permitted, the basis and method for doing so must be clearly defined. Schools must also have clarity on the legal grounds for forming specific level groups in foreign language studies.

Admission Requirements for Upper Secondary Schools

This year, many questions again concerned admission requirements for upper secondary schools, which required applicants to rank their preferred schools. For instance, four Tallinn schools conducting joint entrance exams required each applicant to apply to three of the four schools and choose only one field of study in every school. Five Tartu schools had adopted a similar rule.

The Chancellor of Justice found that, according to law, each applicant decides independently how many and which schools they wish to apply to. A school cannot reject a candidate because they also applied elsewhere, nor favour one because they declared that school as their top choice.

The Chancellor also noted that a graduate of basic school has the right to apply for (submit an application to) any available study place and to multiple fields of study. Previously, applicants could indicate their alternative preferences only during

interviews. By restricting a candidate's choice of field of study, the school limits the right of a basic school graduate to apply for admission. There is no legal obligation to indicate school preference.

Admission requirements must be justified, and the admission rules must describe how the school assesses whether a candidate meets the criteria and how the candidate may contest the results. It must also be clear how the school stores applicants' data. Schools may amend their admission rules after 1 March if necessary to bring them into compliance with the law.

The law allows a student to graduate from basic school either by passing a uniform national final examination or a school exam. A school exam is organised for students on an individual curriculum or simplified study. Schools must also organise a repeat school exam if a student was unable to take the exam at the scheduled time or scored below 50 per cent of the maximum mark.

One upper secondary school announced that it would consider school exam results only if the student passed on the first attempt. Thus, it disregarded results from repeat exams marked as "satisfactory," even if the first exam had fallen below 50 per cent.

The Chancellor of Justice found that every candidate who has met the graduation requirements has the right to apply for admission to upper secondary school. An exam may fail for many reasons – lack of preparation or poor health, for example. When a repeat school exam is taken to achieve a passing grade, ignoring its result creates unequal treatment among applicants.

Alleged Alteration of Entrance Test Results

A complaint was submitted to the Chancellor of Justice alleging that the results of mathematics and physics entrance tests at one Tallinn upper secondary school differed from those initially published in the online application environment. The initial score shown was 75 points, but later this was changed to 39 points.

The Tallinn Education Department explained that the total score had not been changed, but as the test papers had been destroyed, it was impossible to provide proof.

In her opinion to the Department, the Chancellor of Justice stated that unfortunately the person had not received an answer as to why the scores had been altered. The unsubstantiated assurance from the company managing the joint testing platform that no results had been changed after publication did not dispel the suspicion that alterations might have been made.

The Chancellor also noted that the Department had not established that the original screenshot showing a higher score was a forgery. She recommended that the Tallinn Education Department require in its admission procedures that paper tests be preserved at least until the deadline for challenging a school's admission decision has expired.

Inspection Visits

Substitute and Family Homes

The Chancellor of Justice, who also serves as the Ombudsman for Children, devoted significant attention over the past year to protecting the rights of children in alternative care. The European Network of Ombudspersons for Children (ENOC) adopted a joint position and report on the rights of children in alternative care. The young advisers to the Ombudsmen for Children across Europe (ENYA) also submitted their own proposals. The Estonian young advisers also shared their proposals with the Minister of Social Affairs, discussing issues related to young people's mental health, safety, and autonomy.

The young advisers suggested, among other things, that ombudsmen for children should carry out more frequent and unannounced inspections of the living conditions of children and young people in family and substitute homes. Taking their advice into account, the Chancellor of Justice organised inspection visits to eight substitute and family homes during the reporting year. The homes were selected from different regions of Estonia, representing both small single-family homes and larger multi-family facilities. Some of these homes had never before been inspected by the Chancellor's Office, while in others, inspections were prompted by complaints received.

The Chancellor's advisers visited the following institutions: Sillamäe Child Welfare Institution Lootus, Koeru Family Home, the Family Home in Viljandi, Narva Social Work Centre, Tartu Christian Youth Home, the NGO Toomapere Family Home in Võru, Haiba Children's Home, and the Mustamäe unit of Tallinn Children's Home.

Overall, the work of substitute and family homes was commendable, and the children were well cared for. Nonetheless, the Chancellor provided several recommendations on how to further improve the children's well-being.

One continuing concern is that a number of children still have to move from one family or house to another – sometimes even from one family or substitute home to another, or from a foster or adoptive family back into an institution.

In most of the agreements reviewed between local governments and the substitute or family homes, the contracts did not specify the particular family in which the child would live. Yet including such information in the contract would prevent the substitute or family home from moving a child from one family to another without the knowledge of the local government. Any such change should require amending the agreement itself. A positive example was found in several contracts concluded with the participation of the Tallinn Lasnamäe District Administration, which clearly identified the families where each child would live.

The Chancellor of Justice recommends that all city and rural municipality governments, in the future, conclude substitute care service contracts in such a way that the specific family where the child will live is clearly indicated.

Information obtained from substitute and family homes suggested that, compared to the COVID-19 pandemic period, the number of children running away from home had

decreased. Nevertheless, there were still young people who did not stay overnight at their substitute or family homes for shorter or longer periods – some had been away for several months or more than half a year. Many of these young people had also been absent from school for extended periods.

Some of these youth move from one friend's or acquaintance's home to another; others return to their biological parents – whose custody rights may have been restricted or revoked – or to grandparents who are unable to set boundaries. Some young people told the Chancellor's advisers that they had run away because they felt unhappy or unwelcome in the substitute or family home and did not want to stay there.

It was encouraging to note that substitute and family homes no longer limit their response to merely notifying the police but instead try to maintain contact with the young people (for example, via messaging apps) and show genuine concern for their well-being. Staff persuade the youth to come home even briefly – to eat, bathe, or visit their siblings – and make agreements with them to at least inform someone of their whereabouts.

However, working with children who have behavioural difficulties requires consistent dedication. It is crucial to understand why a young person prefers living in unsuitable conditions rather than in a substitute or family home, and what support they need to adapt to and remain in their new home. The rural municipality or city governments that serve as legal guardians, together with substitute and family homes, should discuss possible measures to help these children – for instance, by offering counselling or therapy. Staff training can also be beneficial, improving their ability to support effectively children who have experienced crises or trauma.

During inspections, the Chancellor's advisers also observed how substitute and family homes value and help preserve the memories that are important to children. The young advisers of the Ombudsman for Children have suggested that every child in substitute care should have a life story book containing photos, videos, and important documents about their life. The practice varied from home to home. Some homes had created such life books, kept photo albums, and preserved memory boxes with personal items to support the child's sense of identity. These were kept in the child's or family's room so the child could access them freely. In other homes, however, children's photos, certificates, and other personal belongings were stored haphazardly in the director's office among official documents, making them difficult for the child to access.

Some children in care across Europe have told Ombudsmen for Children that they do not want to move to a new home with their belongings packed into black garbage bags. Sadly, the Chancellor's advisers found that this also happens in Estonia – some children begin their new life in exactly that way when moving from their biological family or a shelter to a family or substitute home.

The Chancellor of Justice urges all child protection officials to think carefully about how to ensure that a child's belongings are packed in a dignified way – for example, using moving boxes, suitcases, or sports bags. This also carries symbolic importance: it shows the child that their past is not being discarded, and that there are good and joyful memories worth keeping and carrying forward.

For many children living in substitute and family homes, finding a suitable school placement has been difficult. The rural municipality or city government in which the home operates is responsible for ensuring that a child in alternative care has a school place upon request by their legal representative. There were positive examples where a school place was found quickly, even in the middle of the school year. In some cases, children were placed in private schools that best met their needs. Unfortunately, not all children in alternative care were able to continue their education without disruption. The most difficult cases involved children who required enhanced or special support, such as placement in a small class. Every child must be able to fulfil their schooling obligation, and local governments must ensure a suitable school place within a reasonable time.

The substitute and family homes visited also housed children with severe and profound disabilities. It was heartening to see staff treating every child with warmth, understanding, and respect. All children were regularly taken outdoors, using wheelchairs or adapted strollers when needed. They had access to high-quality care, medical, and mobility equipment, and communication through sign language or pictograms helped them express themselves more easily. In several homes, two caregivers worked simultaneously in the same family, and the number of children was even lower than permitted by regulations – a commendable practice.

However, in some cases, the supervision of highly active children was problematic. One child was locked in their room while the caregiver attended to other children – even overnight – which could endanger the child. In another case, there was concern that a child was kept seated in a stroller longer than medically necessary. The Chancellor of Justice recommended finding child-friendly solutions, such as using technological aids or assigning a personal assistant to help ensure both safety and dignity.

Privacy of Children and Their Close Ones in Hospitals

A parent complained to the Chancellor of Justice about the lack of privacy in a hospital. The parent explained that they were staying in a ward with their child, but the door had a window facing the corridor that could not be covered in any way.

The Chancellor's advisers described the situation to the hospital, emphasising the importance of ensuring patients' privacy. The hospital understood the concern and began making changes – several ward windows were covered with privacy film or curtains. The process is still ongoing.

To remind its staff of patients' right to privacy, the hospital invited a representative from the Chancellor's Office to speak to its employees.

The adviser explained that a healthcare worker's duty to respect patient autonomy also includes an obligation to respect patient privacy. The patient's right to privacy is established in several international documents concerning medical ethics and patients' rights (Article 22 of the World Medical Association Code of Ethics; Article 6 of the European Charter of Patients' Rights; and Article 6 of the WHO Charter on Patients' Safety Rights). Physical privacy (control over one's body and immediate environment) is distinct from data privacy, i.e. confidentiality.

While discussions in recent years have often focused on protecting health and personal data, the issue of physical privacy has received less attention. Yet respecting the physical privacy of patients and their loved ones directly affects the establishment of trust between patient and caregiver, as well as the patient's well-being and treatment outcomes.

Respecting patient autonomy and privacy means that patients must always be treated with dignity, and situations where they must undress or be in a vulnerable state in front of others should be avoided. Wherever possible, patients' wishes should be taken into account – adolescents, for example, may be especially sensitive about the circumstances in which they must undress or discuss intimate matters. Respecting privacy also requires that patients give consent before examinations, physical contact, or sample collection, and that they are protected from excessive noise, light, and other disturbances in hospital wards. Staff should time their entries into patient rooms appropriately.

Closed Child Care Institutions

The Chancellor of Justice inspected the activities of the Emajõgi Study Centre of the Maarjamaa Educational College. As of 1 July 2025, the closed child care services at these centres will be provided by the state-owned company AS Hoolekandeteenused.

The group homes at the study centre were found to be cosy, and the other facilities generally spacious and well maintained. The students had good opportunities for sports and extracurricular activities, with some participating in hobbies and training outside the centre. Staff were generally supportive and professional, seeking constructive solutions to young people's problems.

The Chancellor requested that the administration ensure proper documentation of the distribution and intake of medication. When the nurse is unavailable (for instance, on leave), the duties must be carried out by another staff member with medical training. The medical expert accompanying the inspection visit stressed that medication prescribed to children must not be crushed unless a healthcare professional has specifically instructed so.

The Chancellor also requested that young people whose mother tongue is not Estonian receive psychological support in a language they understand. It is important that an action plan be prepared for each new arrival as soon as possible and that the plan be regularly updated.

The Chancellor reiterated that disciplinary measures must not include reducing the legally required minimum time for phone calls or restricting home visits. Young people must be able to speak on the phone without staff overhearing their conversations. It should also be ensured that every young person can approach a staff member of the same gender for help or to discuss personal concerns. The centre must always have the required number of staff on duty.

All cases involving the use of isolation rooms must be properly documented. Under the law, isolation also applies when a young person is kept involuntarily in a room – even one with an unlocked or open door – and is not permitted them to leave.

The Chancellor asked the centre to ensure that young people are not housed separately as punishment. If separation is necessary for safety or mental health reasons, the young person must receive consistent therapeutic and psychological support. Staff must also be supported – through training, psychological counselling, and by fostering a stable and trusting work environment.

Children of Incarcerated Parents

In its report on Estonia dated 30 May 2024, the UN Committee on the Rights of the Child highlighted the rights and needs of children whose parents are in prison. The Committee recommended that Estonia guarantee the right of these children to visit their imprisoned parents and continue reforms aimed at facilitating communication between children and their incarcerated parents. Among other things, the Committee urged the creation of child-friendly visiting areas in prisons and the training of officials in interacting with children (paragraph 27).

The Chancellor of Justice commended Tallinn Prison for its considerable efforts to improve visiting arrangements. The prison's waiting and visiting rooms have become more child-friendly and comfortable. Staff members communicate with children and families in a warm and supportive manner. Such positive visiting experiences help prisoners reintegrate into society and are vitally important for their children and families.

However, the Chancellor once again reminded the Ministry of Justice and Digital Affairs that the fee charged for long visits is too high. Such fees discourage family visits and turn what should be a right into a privilege affordable only to wealthier families. This practice particularly harms children who, as a result, are unable to maintain regular and direct contact with their parent in prison (see Article 9(3) of the UN Convention on the Rights of the Child and § 143(1) of the Family Law Act).

The Chancellor asked the prison to review family visit schedules to ensure that relatives travelling by public transport can arrive in time for the visit and do not have to wait excessively long – an inconvenience especially for families with small children.

The Chancellor also encouraged Tallinn Prison to consider involving a specialist responsible for child welfare – such as a social worker or psychologist – in arranging family visits. In several other countries, such professionals wear casual clothing instead of prison uniforms to help create a friendlier atmosphere and reduce the sense of a punitive environment. While guards ensure security during visits, these specialists support children and families before and after visits, offering advice on coping with parental imprisonment and information about available assistance services.

Unequal Treatment of Parents

The Chancellor of Justice has pointed out that under the current Imprisonment Act, mothers and fathers in prison are treated unequally – mothers may be allowed to live with their young child in prison, while fathers are denied this opportunity.

The Chancellor noted that allowing a parent to live with a young child in prison is a very exceptional measure and can only be permitted when it is in the best interests of the child. Whether living with the mother in prison serves the child's best interests is determined by the child's guardianship authority (§ 54(1), second sentence of the Imprisonment Act). Since this decision rests with the guardianship authority, there is no justification for the law to exclude, in advance, situations where the child's best interests might be to live with their father in prison.

The Ministry of Justice and Digital Affairs agreed with the Chancellor's position and prepared the necessary amendments to § 54 of the Imprisonment Act.

Prevention and Promotion

As the Ombudsman for Children, the Chancellor of Justice is responsible for promoting children's rights and ensuring that children can participate actively in society. The Ombudsman for Children initiates analyses and studies on children's rights and provides recommendations based on their findings to improve the situation. The Ombudsman also represents the interests of children in the legislative process and organises training sessions and seminars on children's rights.

Meetings between the Ombudsman and children or young people have traditionally been a central part of efforts to promote children's rights. Children are frequent visitors to the Office of the Chancellor of Justice. During the reporting year, hundreds of children and young people visited from Valga Gymnasium, Muraste School, Tallinn Secondary School No. 21, Jakob Westholm Gymnasium, Kaarli School, Pelgulinna State Gymnasium and Tallinn Cathedral School. Younger "job shadow" students from St John's School also explored the work of the Children's and Youth Rights Department. Advisers from the Chancellor's Office introduced the Chancellor's work and explained children's rights at the Lähte Youth Centre, to the Sillamäe Child Protection Association, and at an event marking Universal Children's Day organised by the NGO Satu.

Together with young people, work continued to raise awareness of the UN Committee on the Rights of the Child's recommendations to Estonia. Child Rights Ambassadors presented the Report by Estonian Children – submitted to the UN in November 2023 – to the Riigikogu's Social Affairs Committee. Committee members discussed with the young people issues such as social media use, digital devices, and the organisation of school days and rural schools. It was agreed that preventing bullying requires creating a friendly school atmosphere and working systematically on anti-bullying measures.

Members of the Riigikogu particularly appreciated the children's suggestion in the report to the UN: "Members of the Riigikogu (the Estonian parliament) and other public figures should treat each other with respect. People should be able to resolve conflicts and disagreements in a way that everyone is respected. Children follow this example."

The committee members promised to keep this advice in mind – and to remind their colleagues in Parliament as well.

Information Materials, Training, and Discussions

The Office of the Chancellor of Justice has long and varied experience in working with children and young people, supporting their participation in all matters that concern them. This experience is worth sharing with other institutions and organisations.

During the reporting period, the Office of the Chancellor of Justice and the Estonian Union for Child Welfare jointly formulated ten principles to help institutions and organisations build respectful, safe, and meaningful cooperation with children. The guide is based on the fundamental principle of the UN Convention on the Rights of the Child – that every child has the right to express their views on all matters affecting them. The publication includes practical advice and checklists compiled from the years of experience of both the Chancellor's Office and the Child Welfare Union.

The Chancellor's adviser presented the Office's experience of children's participation at the Estonian Union for Child Welfare's 2024 Annual Conference "Listen to Me for Real" and at a Council of the Baltic Sea States seminar on child participation.

The Chancellor's advisers regularly train professionals working with children. Over the past year, they provided training for child protection officials, medical and law students, and staff of several children's institutions. The advisers also took part in a discussion with psychiatrists at the Tallinn Children's Hospital Mental Health Centre about the rights of children receiving treatment.

At Perepesa in Viljandi, the Chancellor and her advisers met with family centre staff and representatives of Viljandi City and the Viljandi Children and Families Support Centre to mark Perepesa's fifth anniversary and discuss how to support families and prevent crises. All cities and rural municipalities must work to secure the rights and well-being of children and young people. Perepesa centres are open to all families, providing advice and guided activities for preschoolers and their parents, as well as parenting courses, discussion groups, and psychological counselling.

Andres Aru, Head of the Children's and Youth Rights Department, participated in a working group developing a model for analysing child protection cases with serious outcomes. Senior Adviser Kristi Paron took part in the Opinion Festival discussion on children's oral health and chaired a panel titled "Parents in the Dock – the Future of Digital Children." Andres Aru also gave presentations at the third Child- and Youth-Friendly City Forum in Võru ("Children's Emotional Security in Cases of Parental Separation," 29 October) and at the Elva Family Centre's Children's Conference ("Good Cooperation with a Child Is Based on Mutual Respect Between the Child and the Adult," 16 April). On 11 March, he delivered a talk on children's rights at the Development Day of the Keila SOS Children's Village Association.

Television Programme "Children in Sport – Coaching with Care or with Fear?"

The Ombudsman for Children can also help build a more child-friendly society by giving children and young people a voice on issues that matter to them and by highlighting those who have made an outstanding contribution to the well-being of others.

Under the leadership of the Chancellor's Office, the television programme "Children in Sport – Coaching with Care or with Fear?" *("Lapsed spordis – vitsaga või vitsata?"*) was produced and aired on TV3 on 1 June. In the programme, teenage hosts Otto and Aksel Kahar explored how to keep the joy of sport alive for children, how coaches can help young athletes achieve good results, and how parents can feel confident that their children are safe and developing their best qualities in training. Sports-active children and their parents, physical education teachers, coaches, sports organisers, the President of the Estonian Olympic Committee, and the President of the Republic all contributed their views. The Chancellor of Justice Ülle Madise also shared her perspectives on children's participation in sport.

Every child should have the opportunity to engage in a sport they enjoy. Sports bring joy, support mental and physical health, establish lifelong exercise habits, and enable achievements that inspire pride. Training also teaches children to follow rules, set goals, and persevere – shaping their attitudes and values.
See also the guide "Safe Sport" produced jointly by the Chancellor's Office and sports-sector experts.

Children's Rights Programme at the Tallinn Black Nights Film Festival

The Children's Rights Programme within the Children's and Youth Film section (Just Film) of the Tallinn Black Nights Film Festival was held for the fourteenth time. The programme was again prepared in cooperation between several organisations – the Chancellor of Justice, the Ministry of Justice and Digital Affairs, the Social Insurance Board, and the Estonian Union for Child Welfare – and, as tradition dictates, children and young people helped select the films. More than 2,500 film enthusiasts attended the screenings of the Children's Rights Programme.

International Cooperation

International cooperation plays an important role in promoting children's rights. Meetings and discussions with colleagues from other countries provide valuable opportunities for mutual learning and knowledge exchange.

Andres Aru, Head of the Children's and Youth Rights Department, participated from 17 to 19 March in the Board meeting of the European Network of Ombudspersons for Children (ENOC) and in meetings with Eva Kopacz, Vice-President of the European Parliament; Marie-Cécile Rouillon, the European Commission's Coordinator for the Rights of the Child; and Marie-Louise Coleiro Preca, President of Eurochild. The discussions presented ENOC's position on the rights of children in alternative care, stressing that care arrangements should take greater account of children's and young people's experiences and give them a stronger voice in decisions about their lives.

On 7–8 May, advisers from the Chancellor's Office participated in the annual meeting of the Ombudsmen for Children of the Baltic States and Poland in Vilnius. The meeting revealed that the issue of digital devices in schools is topical in all countries. It was agreed that digital competence is an essential skill in today's world and that schools must provide opportunities to develop it, while also setting clear rules to prevent health problems associated with excessive use of smart devices.

The Chancellor's Office also welcomed advisers from the Ombudsmen of Ukraine and Kazakhstan, who were introduced to Estonia's work in protecting and promoting the rights of children and young people.

Living Environment

A good living environment requires that the development of public space be guided by principles consistent with the Constitution. While municipalities have broad discretion in shaping spatial development, this discretion must be exercised within the limits of the law: a local government may not expand its discretionary powers on its own initiative or impose obligations without a clear legal basis.

The development of the living environment is increasingly shaped by the growing need to generate ever more electricity from renewable sources such as wind, solar, and nuclear energy. Although, in general, the production of renewable energy causes less pollution than the use of fossil fuels, the environmental impact associated with it cannot be regarded as insignificant.

The production of renewable energy requires the construction of new generating facilities, which inevitably occupy land and alter the surrounding environment. These changes must be managed carefully – above all, by clarifying all relevant circumstances as required by law and making well-reasoned decisions. Only through such a process can change be guided and unacceptable environmental harm from energy production avoided.

Obligations Imposed on Real Estate Developers

In the reporting year, the Chancellor of Justice took note of a regulation of the City of Tallinn that, in effect, obliges developers to finance the construction of public buildings, thereby unlawfully restricting both the freedom of enterprise and the right to property.

Section 18 of Regulation No. 24 of the Tallinn City Council, titled “Procedure for the Construction and Financing of Publicly Used Buildings,” stipulates that before obtaining design specifications or a building permit, a developer must conclude an agreement with the city under which they undertake either to build a publicly used structure or to finance its construction. The wording of the regulation and its explanatory memorandum indicate that the granting of building rights essentially depends on whether such an agreement is concluded and fulfilled.

The Chancellor of Justice explained that such a provision violates the right to property (§ 32 of the Constitution) and freedom of enterprise (§ 31), as it makes the issuance of an administrative act (design specifications, building, or use permit) contingent on the conclusion of a mandatory contract that lacks a legal basis. While a municipality may impose certain conditions in the context of a planning procedure, it does not have such authority in the processes of granting design specifications or building permits.

The Chancellor therefore proposed that the city bring the regulation into conformity with the Constitution. When Tallinn failed to do so, the Chancellor of Justice submitted a request to the Supreme Court, asking that the regulation be declared unconstitutional. The regulation has also drawn the Chancellor’s attention for other reasons (see memorandum).

A Broader View of the Living Environment

A habitable and dignified living environment requires that both local governments and the state act not only lawfully but also reasonably. The Chancellor of Justice received several petitions pointing to problems in housing planning and occupancy. Good governance does not mean merely the literal application of the law but also appropriate consideration, respect for individuals' rights, and the efficient and flexible organisation of administrative procedures. In many cases, the law provides sufficient discretion to do so.

For example, the comprehensive plan of Anija rural municipality stipulates that in sparsely populated areas the minimum distance between residential buildings must be at least 100 metres. According to a petition submitted to the Chancellor of Justice, this requirement had resulted in a situation where it was impossible to build a house on a neighbouring plot because the distance between the two homes would have been less than 100 metres.

The Chancellor explained that the municipality retains discretion to grant exceptions, since the wording of the comprehensive plan uses the term "as a general rule." Failing to exercise that discretion breaches the principles of good administration. Furthermore, such rigidity can unduly restrict property rights, and affected parties must be involved in the building permit process.

Wastewater Management and Drinking Water Quality

Problems related to the contamination of drinking water continue to be reported to the Chancellor of Justice. The cause is often the improper handling of wastewater.

During the reporting year, the Chancellor had to draw attention to shortcomings in Kose rural municipality, where not all residents have guaranteed access to drinking water, and there are also problems with on-site wastewater management. The Chancellor emphasised that the municipality must ensure residents' access to drinking water and, where necessary, cover the associated costs.

Delays in Administrative Procedures

The Chancellor of Justice received several complaints about violations of statutory time limits for administrative proceedings. In various planning, design specification, building permit, and use permit procedures, there had been unjustified delays. Although each case differed in its details, a recurring pattern emerged: municipalities ignored deadlines set out in legislation, failed to provide clear responses, imposed disproportionate demands, and neglected document management obligations.

Such delays are incompatible with the principles of good administration. Procedural stagnation – whether caused by administrative inefficiency, stalled coordination, or arbitrary interpretation of requirements – must never become the citizen's problem. The administrative authority is always responsible for ensuring that proceedings run smoothly.

Problems with Detailed Spatial Plans

The City of Tallinn has often required individuals to submit excessively detailed applications before even initiating the preparation of a detailed spatial plan. As a result, preliminary communication with the city prior to the start of planning can become unnecessarily burdensome.

A city's such practice calls into question the very necessity of subsequent planning proceedings. The point is that when initiating a detailed spatial plan and when submitting an application for it, the city is not required to make all decisions definitively, since at that stage the final planning solution does not yet have to exist. The purpose of initiating a detailed spatial plan is precisely to determine the planning solution during the course of the subsequent procedure.

The city demanded that the draft design submitted together with the application for initiating the detailed spatial plan be amended. Even though the applicant agreed to meet all the city's requirements and repeatedly submitted an application for initiating the detailed spatial plan in conformity with those requirements, the city still failed to initiate the procedure until the Chancellor of Justice had to draw attention to the necessity of making that decision.

In some cases, there was no clear reason why the detailed spatial planning procedure had stalled. For example, the Otepää rural municipality was unable to adopt a plan for more than a year, even though no problems with the plan were known. Here too, the Chancellor of Justice had to intervene and draw attention to the delay.

Issuing Design Specifications

The Chancellor of Justice explained that the Tallinn City Government had failed to comply with the statutory deadlines and the general principles of administrative procedure when issuing design specifications. Feedback to the applicant was delayed, and the public display of the project was organised only several months later, even though the law stipulates a 60-day period for the processing of design specifications.

Delays in Granting an Occupancy Permit

In Tallinn, an occupancy permit procedure had stalled because of a missing energy performance certificate. The application also concerned a change of use – the building had originally been registered as a utility building but had been converted into and used as a residence.

Since an energy performance certificate is issued based on the building's intended use as recorded in the Building Register, it would have been possible, during the occupancy permit procedure, to issue the certificate on the basis of the building's classification as a utility building. However, in that case the energy performance certificate would have been misleading.

The Chancellor explained that in such situations authorities must exercise discretion and avoid unnecessary administrative burden. By law, an energy performance certificate is not always required – particularly for buildings with permits issued before

2009 or in cases where no major reconstruction is planned. If the city still deems the certificate necessary, it can issue the use permit with a conditional clause requiring the later submission of the certificate.

Delays in Granting Building Permits

The Chancellor repeatedly received complaints about missed deadlines in City of Tallinn. In one case, the applicant had to wait 465 days to obtain building rights – including the design specification stage – even though the law requires that both design specifications and building permits be issued within 30 days each.

The delay was due to the city's own internal procedures: the Tallinn Urban Planning Department was waiting for formal approval from the Tallinn Urban Environment and Public Works Department, even though that approval was purely procedural and added no substantive value.

The Chancellor stressed that the city must review and improve its internal processes to ensure compliance with statutory deadlines.

Delays in Occupancy Permit Procedures

In several municipalities (including Keila and Kastre), the processing of occupancy permits lasted several months or even over a year, despite the 30-day legal limit. The problem was often exacerbated by poor record-keeping – officials failed to register or respond to citizens' submissions, thus breaching document management requirements.

The Chancellor addressed these issues in letters sent to the Kastre Rural Municipality and the City of Keila.

Ending a Planning Procedure Must Be Substantively Justified

The Põhja-Sakala Rural Municipality Council decided to terminate a special spatial plan for a wind farm, citing an "overriding public interest." The only justification offered for this alleged public interest was a petition opposing the wind farm, signed by local residents.

The Chancellor clarified that mere opposition or unpopularity of a planning process does not, by itself, constitute an overriding public interest. While it is legally possible to terminate a planning process, such a decision must comply with statutory requirements.

Decisions in planning procedures are discretionary decisions – they cannot be based solely on emotions or public sentiment. The law requires that such decisions be reasoned and grounded in the relevant facts established during the process. If the planning procedure reveals that the proposed wind farm would cause unacceptable environmental or social harm, that could indeed form a legitimate basis for termination. It is also not excluded that, in some cases, an overriding public interest may genuinely exist.

Absence of Distance Requirements between Residential Buildings and Wind Farms

The Chancellor was asked to assess whether the absence of a statutory minimum distance (such as 1 or 2 kilometres) between residential buildings and wind turbines might be unconstitutional.

The Chancellor concluded that the Constitution does not require – nor justify – such a fixed distance rule. Establishing one would unduly restrict the flexibility of planning and the ability to take local circumstances into account. Appropriate distances should instead be determined case by case through the planning procedure, ensuring public participation and weighing both environmental and health impacts. This does not mean, however, that distance requirements could not be established on the basis of policy considerations.

Amendment of Protection Regimes

A review of forest habitats is currently underway. In the course of this process, the state seeks to place certain forest habitats under protection or tighten their existing protection regimes. The Chancellor of Justice has explained – both in an earlier recommendation and in a letter to the Riigikogu Environment Committee this year – that while the state has the right to do so, any change to the protection regime must be carried out in accordance with the law.

To place a natural object under protection or to amend its protection regime, the Ministry of Climate must initiate a procedure as provided in § 9 of the Nature Conservation Act. According to the Chancellor of Justice, this legal requirement has not been followed, and the necessary procedure has not been initiated.

State authorities must base their actions on the law. When the law sets out a clear procedure for involving the public, landowners, and local governments, that procedure must be respected. It is unclear why, in this case, officials have chosen to disregard statutory requirements – or even which rules they are currently applying.

Under § 3(1) of the Constitution, state authority is exercised solely pursuant to the Constitution and laws consistent with it; and under § 14, everyone has the right to due procedure and good administration. This means that if the state wishes to restrict a person's fundamental rights, there must be a legal basis established by law. The law must also specify how the procedure is conducted, what rights and obligations individuals have, and how the state arrives at its decisions.

Environmental Proposals to the Riigikogu

During the reporting year, the Chancellor of Justice submitted two proposals to the Riigikogu concerning environmental protection.

The first proposal, concerning subsection 48 (2) of the Industrial Emissions Act, dealt with determining the validity period of an integrated environmental permit. Activities with the most significant environmental impact (for example, in the energy industry) require a valid integrated environmental permit. To obtain such a permit and to prevent

its revocation, the operator must apply the best available techniques and use methods that minimise environmental pollution. The conditions of the permit must ensure the protection of water, air, and soil, as well as the management of waste generated at the installation in such a way that pollution is not transferred from one environmental medium (such as water, air, or soil) to another.

Until 15 January 2024, operators could rely on the rule that integrated permits were issued without a time limit, provided that the best available technologies were used. From that date onward, however, the law allowed officials to issue fixed-term permits instead. The problem was that the law did not specify any substantive criteria for deciding when a permit should be time-limited or indefinite.

Both fixed-term and indefinite permits must be based on clearly justified environmental protection considerations. Without such criteria, an administrative court would have no legal standard for determining whether a permit's duration was too short, too long, or should have been indefinite. The Constitution requires that the discretion exercised by officials on behalf of the state be transparent, predictable, and reviewable by the courts when necessary.

In fact, a fixed-term permit offers an operator greater legal protection against premature termination or the imposition of stricter environmental requirements than an indefinite one. The condition for an indefinite permit is the operator's continuous improvement of environmental performance – failure to comply could easily result in loss of the permit. The law did not clarify whether the same ongoing improvement obligation applied to fixed-term permits, leaving uncertainty about whether new investments in cleaner technology could be demanded.

The version of § 48 (2) that entered into force on 15 January 2024 stated merely that an integrated permit may be issued for a fixed term if there are "environmentally justified reasons." It said nothing more about determining the duration. The Riigikogu amended the Act on 18 June 2025 to bring the provision into conformity with the Constitution. The amendments entered into force on 1 September 2025.

The Chancellor's second proposal concerned § 59¹ (2) (8) of the Electricity Market Act (ELTS). The Chancellor of Justice drew the attention of the President of the Riigikogu to the fact that this provision is not in conformity with the Constitution, as it violates the principle of legitimate expectation.

According to § 59¹ (2) (8) of the ELTS, electricity producers are not entitled to renewable energy support if compliance with the waste recovery targets set in § 136³ (2) of the Waste Act has not been demonstrated. In effect, a producer would lose support not because of its own actions, but because the state as a whole had failed to meet national recycling and reuse targets for municipal waste.

This provision contradicted the principle of legitimate expectations (Constitution § 10) insofar as it was applied retroactively to producers who were already receiving renewable energy support. These producers had acquired a legal right to the subsidy before the new condition entered into force and could not have foreseen such a restrictive amendment. The retroactive application was therefore unconstitutional, since the state had previously assured producers that they would receive support for

the entire 12-year support period, provided they met the conditions in force at the time of approval.

The state must not act in bad faith. The support scheme established by the state did not provide for the possibility of changing the support conditions during the payment period in a way that would restrict the rights of the beneficiary.

The condition in § 59¹ (2) (8) is constitutionally acceptable only if applied prospectively – that is, to new support agreements concluded after the amendment enters into force. In such cases, applicants can take the condition into account, knowing that eligibility depends on the country's success in meeting recycling and reuse targets. Unfortunately, legislative materials suggested that the restriction would also be applied to existing recipients.

While the principle of legal certainty does not prohibit changes in the law, it requires that such changes respect legitimate expectations. Protection of legitimate expectations is especially strong when a time-limited right is restricted. Renewable energy support is such a right – it is granted for a defined 12-year period.

It also violates legal certainty if the scope of a rule is unclear and its application depends on explanations given during legislative drafting rather than on the text of the law itself. To bring § 59¹ (2) (8) into conformity with the Constitution, the law had to be amended to clarify explicitly that the restriction applies only to new support arrangements.

The Riigikogu adopted the necessary amendments to the Electricity Market Act on 7 May 2025, thereby bringing the law into line with the Constitution.

Money and Taxes

During the past reporting year, the Chancellor of Justice received a large number of petitions concerning the introduction of the motor vehicle tax and the vehicle registration fee. Many people expressed dissatisfaction that the addition of the motor vehicle tax would further increase the overall tax burden. Complaints were also made about the fact that when the VAT rate was raised, the Riigikogu did not establish transitional provisions, and the constitutionality of the so-called security tax was also challenged.

The security tax has by now been repealed, but people described significant problems connected with it, which is why those issues are also briefly presented in this overview.

It is gratifying that on June 18, 2025, the Riigikogu adopted amendments to the law through which Parliament took into account the Chancellor of Justice's previous year's proposal to ensure people's access to basic payment services. When a bank restricts a person's access to basic payment services (internet banking, card payments, and ATM use) or closes a bank account and refuses to open a new one, it places that person in a difficult position.

It is concerning that the activity-based state budget introduced in recent years gives the executive branch too much freedom to decide on the use of budgetary funds. Those decisions must be made by Parliament. In addition, a general and vague budget does not allow for effective oversight to ensure that public funds are used lawfully and for their intended purpose.

In the Chancellor of Justice's view, the latest draft amendment to the State Budget Act prepared by the Ministry of Finance also does not solve these problems. According to the draft, the information on the breakdown of expenditures by economic content that was previously included in the annex to the State Budget Act would be moved into the main text of the budget law (expenditures of economic content refer primarily to labour and operating costs, social benefits, and other subsidies). However, the minister would still be able to change this breakdown without limitation and without needing to amend the annual budget law. The Chancellor of Justice finds that the Riigikogu should be the one to decide above all on the breakdown of expenditures by economic content. Information about how effectively the budget funds have been used to achieve goals or influence specific indicators may, if necessary, be presented in the explanatory memorandum.

Motor Vehicle Tax

The Motor Vehicle Tax Act (commonly known as the "car tax") entered into force on 1 January 2025. It introduced an annual vehicle tax as well as a one-time registration fee to be paid when a vehicle is entered into the motor register or when it changes ownership for the first time.

The Chancellor of Justice received over one hundred complaints concerning the annual tax and registration fee. Pensioners, people with disabilities, and families with many children were among those expressing concern and dissatisfaction. Some

people objected to the very principle of the motor vehicle tax or to certain aspects of its design. Families living in rural areas, where public transport is limited, considered the tax too burdensome and unjustified.

In Estonia, decisions about taxes and the overall tax burden are made primarily by the Riigikogu. No other authority can determine, in its place, what constitutes a fair tax burden arising from vehicle ownership and use. Taxes can only be challenged in constitutional review proceedings in exceptional circumstances. The Riigikogu has wide discretion in designing the tax system, but that power is not unlimited – it must still respect the constitutional values of property rights, and the protection of families and persons with disabilities, among others.

Reasonably proportioned property taxes are permissible in Estonia. Therefore, the Chancellor of Justice did not find it possible to contest the amount of the motor vehicle tax on general grounds – the median annual amount, considering average incomes and available support, should remain affordable (around €116 per year, or roughly €10 per month). The real concern is that the law does not provide for exemptions or reductions for vulnerable groups – particularly people with disabilities and families with many children living in rural areas. The absence of such exceptions could place these car users in extremely difficult circumstances.

If paying the motor vehicle tax proves to be beyond one's means, the tax notice may be contested in court, requesting that the court assess the constitutionality of the tax in the specific case. Reportedly, some vehicle owners have already brought such cases before the court, but no judgment has yet been issued.

Under the Constitution, families with many children and people with disabilities are under the special care of the state. The Constitution does not, however, require that such support be provided specifically in the form of tax exemptions or relief. The Chancellor of Justice therefore asked the Riigikogu to consider introducing exceptions so that families with many children and people with disabilities would not be forced to give up vehicles essential to their daily lives. The government coalition has since decided to include such tax reliefs in law.

Proposal to Bring the Motor Vehicle Tax and Registration Fee into Conformity with the Constitution

The Chancellor of Justice submitted a proposal to the Riigikogu to bring the Motor Vehicle Tax Act and the Traffic Act into conformity with the Constitution. The Chancellor noted that the law is unconstitutional because it fails to take into account cases where a motor vehicle has been destroyed or otherwise removed from use. When the taxable property no longer exists, there is no taxable object. It is incompatible with the Constitution to impose a tax on property that no longer exists.

Under the current law, the motor vehicle tax must be paid for the entire year, even if the vehicle is destroyed or stolen during the tax period. Likewise, there is no refund of the registration fee in such cases. A vehicle might be destroyed immediately after being registered, but the registration fee – which can amount to several thousand euros – is still not refundable.

The state has not provided any justification for why, in such circumstances, a person should be required to pay the full annual tax or why the registration fee should not be refunded when a vehicle is destroyed or stolen soon after registration.

When the state collects additional tax, the law allows for daily calculation of the amount due. However, calculation per day is not provided for reducing the tax. Thus, if a vehicle is registered for the first time in Estonia during a given tax period, the tax must be paid from the day following registration until the end of that period. If a vehicle was temporarily deleted or suspended from the register as of 1 January but is re-registered during the tax period, the tax must be paid only for the remaining portion of the year.

It follows that if the tax can be increased on a daily basis, it should also be possible to reduce it on the same basis. Therefore, the lack of such a mechanism cannot be justified by administrative convenience.

In a situation where the taxpayer cannot objectively influence the circumstances or decide on changes to the entries in the traffic register, taxation cannot be justified by the aim of preventing abuse. If a vehicle has been stolen and declared wanted, the temporary deletion is entered by the state. Likewise, when a vehicle has been destroyed and dismantled and therefore permanently deleted from the traffic register, it is clearly not an action carried out for the purpose of tax optimisation.

The registration fee is not a cost-based state fee. Thus, when a vehicle is destroyed immediately after registration, the refusal to refund the registration fee cannot be justified by saying that the person has already received the service for which they paid. The registration fee covers the administrative cost of registration only in part; its main purpose is to account for the environmental cost of the vehicle's use. When the vehicle is destroyed soon after registration, it no longer causes environmental impact.

The state must ensure that legislation is proportionate and that taxpayers are treated equally and fairly. It must not give preferential treatment to those who can afford to pay, in addition to registration fees, motor vehicle tax, and mandatory liability insurance, also voluntary vehicle insurance premiums.

The Chancellor also noted that the Traffic Act lacks general provisions governing the administration of the registration fee. As a result, individuals are not guaranteed the constitutional right to due procedure and good administration under § 14 of the Constitution.

For example, the State Fees Act regulates cases where a fee has been paid in error, specifying the conditions for refunding or collecting such fees. The Motor Vehicle Tax Act, by contrast, does not address situations where a registration fee has been paid but ownership does not change (for instance, when a person withdraws from a sale or cancels the registration). Nor does it regulate cases where the fee has been paid incorrectly but the transaction has nonetheless been completed and the error discovered later. There are no provisions for correcting, refunding, or recovering the registration fee in such cases.

The Riigikogu discussed the Chancellor's proposal on 10 April 2025 and voted in support of it with 68 votes in favour. The Finance Committee initiated the Motor Vehicle

Tax Amendment Bill (677 SE) on 16 June 2025. The bill resolves the issues concerning the motor vehicle tax itself, but by the time of this report's preparation, the proposed amendments to the Traffic Act regarding the registration fee had not yet been taken into account.

Purposefulness of the Motor Vehicle Tax

Some people have expressed the view that the motor vehicle tax does not serve its intended purpose. It has been argued that if the tax is too high, it may force owners to give up their cars, meaning that vehicles are not used until the end of their useful life.

The Chancellor of Justice explained that even if the state's aim was to encourage the use of cars for their full lifespan and to reflect that in the tax design (older vehicles are generally taxed at a lower rate), this goal cannot be achieved in every individual case. The Riigikogu intended to encourage longer use but did not require that it be guaranteed in every instance.

Differentiated Taxation of Passenger Cars and Trucks

The Chancellor addressed the constitutionality of the differing taxation of M-category (passenger) and N-category (commercial) vehicles. The taxation of N-category vehicles does not take into account their weight (unlike for passenger cars), and their CO_2 emissions are taxed differently – with distinct thresholds and rates. As a result, N-category vehicles are taxed less heavily than passenger cars.

However, this differentiation is not arbitrary, because N-category vehicles are often used for business purposes. The Riigikogu may legitimately tax vehicles used in commercial activities differently from those used for personal purposes. In addition, lower CO_2 emission standards are set for N-category vehicles by manufacturers, which justifies applying different emission-based tax rates to these categories.

Taxation of Historic Vehicles

The Chancellor also received petitions about the lack of tax exemptions for historic or hobby vehicles. Several people questioned whether it was constitutional to apply the vehicle tax or registration fee to such cars.

The Chancellor found that the taxation of historic vehicles is a policy decision. Since older vehicles are subject only to the base rate of the tax, it cannot be said that the tax is unreasonably high. Indeed, older vehicles enjoy a form of relief – the older the vehicle, the lower the tax.

Some people were unhappy that the tax was also levied on vehicles temporarily deleted from the register. The Riigikogu resolved this issue with the Act Amending the Waste Act and Other Acts, adopted on 16 December 2024, which provides that from 2027 onward, vehicles temporarily deleted from the register will no longer be taxed.

The Chancellor explained that the assessment of a tax's constitutionality is limited by the Riigikogu's broad discretion in fiscal matters. It cannot be required to adopt specific

solutions, nor to ensure that the tax can always be calculated based on the number of days per year a vehicle is used.

It was also pointed out that the formula used to determine the CO_2 emission value for calculating the registration fee for vehicles without a recorded CO_2 emission figure discriminates against owners of older vehicles, since the CO_2 emission value increases with the age of the vehicle and does not take into account the actual CO_2 emissions. For old vehicles for which there is no CO_2 emission entry in the traffic register, the CO_2 emissions are determined on the basis of indicators obtained from statistical analysis results.

Annex 2 to the explanatory memorandum of the Motor Vehicle Tax Act describes how the formula for calculating CO_2 emissions was derived. According to the description, different combinations of data and indicators were tested, and as a result, data on the vehicle's power, age, unladen mass, and type of fuel used were selected for calculating CO_2 emissions. The results were multiplied by a coefficient of 0.9 to avoid inaccuracies.

An upper limit for CO_2 emissions was also established after it was noticed that for very old and heavy vehicles, the calculation model could produce unreasonably large reference values. For such vintage vehicles, the CO_2 emissions determined in this way are taken into account to the extent of 5% — the result is multiplied by a coefficient of 0.05. Based on this description, however, there is no reason to assume that the formula for determining a vehicle's CO_2 emissions is manifestly arbitrary.

Registration Fee on First Change of Ownership

Several individuals complained to the Chancellor about the registration fee applied upon the first change of vehicle ownership, arguing that it had been introduced retroactively, was disproportionate, and violated the prohibition of arbitrary state action. One person argued that such a fee should have been set by a tax law, not by the Traffic Act.

The Chancellor found that since the registration fee applies to registry transactions carried out after 1 January 2025, it was not introduced retroactively. The Traffic Act must be interpreted to mean that if a vehicle was already registered in the traffic register at the time the amendments to the Motor Vehicle Tax Act and the Traffic Act entered into force, the registration fee becomes payable only upon the first ownership transfer carried out after the law's entry into force.

The Chancellor also noted that public financial obligations may be established in legislation other than tax laws. The main problem lies in the lack of procedural provisions concerning the registration fee. Because the law does not regulate the correction, refund, or recovery of such fees, the Chancellor advised the Riigikogu to amend the Traffic Act to ensure compliance with § 14 of the Constitution, which guarantees the right to due procedure and good administration.

Lack of Transitional Provisions When Raising the VAT Rate

The Value Added Tax Act contains no provisions that would allow the previously applicable VAT rate to be used for long-term contracts concluded before the entry into

force of the new 24% rate. A person who turned to the Chancellor of Justice argued that the immediate application of the higher VAT rate upon its entry into force violated the legitimate expectations of real estate developers, since the agreed contract price with clients could no longer be adjusted to include the higher VAT.

When the Riigikogu previously raised the VAT rate from 20% to 22%, the law included transitional provisions that allowed, for a certain period after the law came into force, the lower VAT rate to be applied when fulfilling long-term contracts.

The Chancellor of Justice found that the absence of transitional provisions does not make the latest amendment to the Value Added Tax Act unconstitutional. When the Riigikogu increased the VAT rate effective 1 January 2024, it did provide an opportunity for businesses, under certain conditions, to continue applying the lower VAT rate even after that date. However, this does not create a legitimate expectation that a similar transitional rule must always be adopted for future VAT increases.

Property developers could not reasonably expect that long-term contracts would always allow the continued application of the VAT rate in effect at the time the contract was signed for several subsequent years. The law contains no such promise. Instead of fixing the final price of goods or services, a contract may stipulate that the price is subject to VAT at the rate set by law. This enables a business to mitigate the risk arising from changes in the VAT rate. If a business has not done so and the contract can no longer be amended to reflect the tax increase, then the business has assumed that risk.

The Security Tax

Several petitions were submitted to the Chancellor of Justice claiming that the design of the security tax failed to take into account the principles of ability to pay and equal treatment.

One petition concerned corporate income tax, noting that profit may result from accounting adjustments (for example, the periodic revaluation of forest land). Thus, the security tax would have to be paid on the increased value of assets even when a company had not actually earned profit.

The petitioner also explained that the amount of corporate security tax payable would largely depend on the creativity and discretion of accountants, which would undermine equal treatment among taxpayers. Attention was drawn to the fact that individuals would be required to pay the security tax starting from the first euro of income, regardless of their income level. The petitioner argued that the state should exempt very low incomes from taxation and ensure a tax-free subsistence minimum.

Since the Security Tax Act was repealed by a law adopted on 18 June 2025, the Chancellor of Justice did not take a position on these matters.

Access to Basic Payment Services

In April 2024, the Chancellor of Justice submitted a proposal to the Riigikogu to bring the Money Laundering and Terrorist Financing Prevention Act, the Credit Institutions

Act, the Law of Obligations Act, and the State Fees Act into conformity with the Constitution.

The Chancellor noted that when a person's bank account has been closed or banks refuse to open an account for them, they may be unable to go to court to protect their rights. This is because state fees required for court proceedings can generally be paid only by bank transfer.

In the proposal, the Chancellor explained that the aim of preventing money laundering can also be achieved in a way that does not completely deprive people of access to basic payment services.

The Riigikogu supported the Chancellor's proposal and, on 18 June 2025, adopted the Act Amending the Law of Obligations Act and Related Acts. These amendments clarified the rules for concluding and terminating contracts for basic payment services and established that a bank may not refuse to conclude such a contract solely based on a person's risk profile; it must at least offer an account with limited functionality.

Although the adopted legislative amendment does not entirely eliminate the problem raised by the Chancellor of Justice, it represents an important step toward better protection of fundamental rights. The addition of the word "at least" in § 9(3) of the State Fees Act does indeed suggest that even state fees above 10 euros could be paid in cash, but it does not create a clear legal framework for how and under what circumstances a state authority must act. Neither the law nor the explanatory memorandum specifies under what conditions and up to what amount a state fee should be payable in cash, how a person should submit such a request, or what reasons would be sufficient to justify it.

Deletion of Shares Held in Temporary Accounts

In 2001, Estonian public limited companies were required to register all their shares in the Estonian Central Register of Securities. Shareholder lists were maintained based on securities accounts. Since not all shareholders had such accounts, temporary securities accounts were created. These accounts could be opened, credited, and debited only upon applications submitted by the issuer, not by the shareholder in whose name the account was opened.

These temporary accounts were created more than twenty years ago and are no longer being opened. In many cases, the issuers have been unable to contact the owners of these accounts for decades.

A company that contacted the Chancellor of Justice described problems arising from the implementation of § 18(4) of the Securities Register Maintenance Act (EVKS). This provision stipulates that securities that are presumed to have lost validity or likely have no owner may be deleted from the register. However, the necessary implementing legal norms for applying § 18(4) are missing.

At present, shares cannot be deleted from the securities register until a corresponding entry reducing the share capital has been made in the commercial register. The law does not give the registrar of the commercial register the authority to make changes

based on the deletion procedure initiated by the keeper of the securities register. Nor can the general meeting of shareholders cancel shares in a targeted manner if the relevant shareholders do not attend the meeting or vote in favour of cancelling their shares.

The Chancellor of Justice concluded that this situation constitutes a legislative gap and requested the Ministry of Justice and Digital Affairs, and the Ministry of Finance to analyse how the laws could be amended to ensure a balanced solution that protects the rights of all parties involved.

Both ministries agreed with the Chancellor's reasoning and have prepared a draft law to fill the gap. The draft has not yet been submitted to the Riigikogu, but the ministries intend to do so in 2025.

Good Administration. Poor Administration

The Chancellor of Justice monitors whether public authorities comply with the law in their activities, including the principles of good administration as set out in the Administrative Procedure Act. Good administrative practice requires, among other things, that public authorities communicate with people politely and purposefully. Institutions must also organise their work in such a way that no one is left in uncertainty or in an unclear situation because of their actions or inaction.

The overall picture of administrative practice is very mixed. Alongside capable and solution-oriented officials, there are, unfortunately, also some who are needlessly obstructive. Generally, people do not write to the Chancellor of Justice when they are satisfied with the actions of the state or local authorities, and their concerns are resolved quickly and properly. Rather, the Chancellor most often encounters cases where an official could have done their job better. The purpose of describing such cases is not to shame anyone, but to treat the mistakes made as learning material — after all, a reasonable person learns above all from the mistakes of others.

Everyone makes mistakes. A dignified professional apologises and strives to do better next time. A good example is the Rescue Board, which, after receiving a complaint, reviewed all its procedures for notifying the public about rescue drills.

Proving (Native) Language Proficiency

A teacher turned to the Chancellor of Justice after being asked to prove their proficiency in the Estonian language and to present a copy of their secondary school diploma, even though they are ethnically Estonian and had graduated from the University of Tartu with a degree in Germanic philology, teaching, and translation. The supervisory official demanded that the teacher demonstrate Estonian language proficiency at the C1 level and requested a secondary school diploma to prove that the teacher had been educated in Estonian.

An official requested the teacher’s documents through the school without ever meeting or speaking with the teacher. As a result, the official failed to establish that the teacher was a native speaker of Estonian.

The Chancellor of Justice explained that officials may not demand proof of the language of instruction from a person who is ethnically Estonian and whose native language is Estonian. According to the principle of good administration, individuals must not be subjected to excessive or unreasonable demands.

The Language Board’s task is to monitor the use of Estonian and foreign languages, as well as compliance with the requirements for Estonian language proficiency and usage established in the Language Act and related regulations (Language Act § 30(2)). However, officials must also observe the Constitution, the principles of good administration, and the procedural rules of administrative law (Administrative Procedure Act; Language Act § 2(4)).

Officials cannot require all teachers to prove that they have received their education in Estonian. Administrative procedures must avoid imposing undue burdens on individuals (Administrative Procedure Act § 5(2)). There must also be a substantive reason for requesting such information – namely, a concrete doubt about a person's language skills.

Submitting a Photograph for a Driver's Licence

A complaint was submitted to the Chancellor of Justice stating that the Transport Administration does not accept electronic document photos unless they are taken on-site at one of its service offices. The applicant wished to exchange their provisional driving licence for a permanent one and wanted to submit a photo taken elsewhere.

Upon investigation, it became clear that the Transport Administration does not accept electronic photos submitted by individuals but generally uses photos stored in the national identification documents database or in the motor register. If the photo in these databases is more than five years old, or if a person does not wish to use the existing photo, the Transport Administration requires the person to have a new photo taken at its service office.

The Chancellor of Justice found that this requirement contradicts the provisions of the Regulation of the Minister of Economic Affairs and Communications No. 50 of 21 June 2011, "Procedure for Examining Motor Vehicles, Granting Driving Rights, and the Forms of Driving Licences and Requirements for Examination Vehicles," specifically § 4(2¹), § 19(2¹), § 20(3¹), and § 22(4¹). According to the regulation, a person has the right to submit an electronic photograph when applying for a document. The regulation does not stipulate that the photo must be taken at a service office.

Therefore, the Transport Administration has no legal basis to require that a person must have their photograph taken at one of its offices if the photo in the databases cannot be used or if the person does not wish to use that existing photo.

Organisation of Social Welfare Assistance for a Person in Need

A person with a severe disability and no work capacity turned to the Chancellor of Justice, unable to understand how the rural municipality government had determined that they required only 240 hours of assistance per month.

By law, the local government must assess a person's need for assistance comprehensively and provide as much help as necessary. From the rural municipality's explanation, it appeared that the applicant was expected to submit separate applications for each individual service, which the municipality would then assess for suitability. The rural municipality's decision did not make it clear how extensive the applicant's need for assistance actually was, nor was it possible to assess whether the assistance offered by the municipality was sufficient.

It also emerged that the rural municipality had granted the applicant the right to a personal assistant for only six months at a time. As a result, the person had to submit a new application to the rural municipality government at regular intervals. Clearly, such cumbersome bureaucracy could not be in the person's best interests.

Furthermore, the individual was required to resubmit information about their need for assistance in order to apply for a caregiver, even though the rural municipality already had that information and had advised them a month and a half earlier to apply for a caregiver based on the same data. The rural municipality government also instructed the applicant to keep a so-called “assistance diary,” in which they had to record, every day for four months and in 30-minute intervals, who had assisted them, when, and in what way. This reporting requirement was unreasonable and excessively burdensome. In addition, the rural municipality’s demand was inconsistent with the legally established deadlines for providing assistance – the application should have been processed within 10 working days.

Since the rural municipality had failed to find a caregiver for the person within the statutory timeframe, the applicant submitted a new request for additional assistance for the periods when their family members were unable to help. The municipality left this request unresolved, claiming that the applicant could arrange their own assistance or apply again for a caregiver.

The Chancellor of Justice found that the rural municipality could not refuse to consider the person’s application on the grounds that they might be able to organise assistance on their own. The Chancellor recommended that the rural municipality government reopen the procedure concerning the provision of assistance and issue a lawful decision.

Multiple Payment of a State Fee

A forest owner turned to the Chancellor of Justice after being required to pay the state fee several times for the same felling notice submitted in the forest register because of a technical malfunction in the system.

In the recommendation, the Chancellor of Justice explained that when the state has established a register and requires individuals to pay a state fee for actions performed within it, the state must ensure that the register operates reliably and that its use is straightforward and understandable. Public e-services must be organised with users in mind, helping to prevent possible mistakes and offering solutions even when problems arise due to technical errors in the system.

The principle of good administration requires that procedures conducted through automated systems be purposeful, efficient, and designed to avoid causing people unnecessary costs or inconvenience.

Applying for Energy Efficiency Grants

The Chancellor of Justice was asked to assess whether the principle of equal treatment was violated in the acceptance of applications for apartment building energy efficiency grants, since access to the online application platform had been restricted for some applicants even before the application round opened.

In the opinion of the Chancellor of Justice, restricting the submission of grant applications in this way violated the principles of good administration. The Enterprise

and Innovation Foundation (EISA) failed to ensure equal treatment of all applicants, as applications were limited without a legal basis, giving some applicants an unjustified advantage.

According to the principle of good administration, a public authority must handle applications quickly and purposefully, avoiding unnecessary costs and inconvenience for individuals. Before any funding round begins, applicants must be clearly informed about their obligations – when and how they can access the online system and what must be done to submit a proper application. If the online environment created for submitting applications cannot handle simultaneous access by all potential applicants, this must be communicated in advance, and, if possible, the system's capacity should be increased for the duration of the submission period.

The Chancellor of Justice suggested considering the possibility of accepting applications at different times across multiple rounds, so that no single round would overload the online environment or cause other disruptions. This approach would save time for both the State Shared Service Centre and the Enterprise and Innovation Foundation, as well as for applicants. Due to technical problems or access restrictions, an applicant might otherwise fail to submit an application that had required significant preparatory work and expense.

The conditions for awarding the grants stipulate that applications are processed in the order they are received. This means that receiving funding depends on how quickly an applicant can submit their application online. The "speed-based" submission system has caused problems before, and the Ministry should consider whether requiring applicants to compete on speed is an appropriate and reasonable method.

English Language in Administrative Procedure

A company asked the Chancellor of Justice to review whether the State Shared Service Centre (RTK) had acted lawfully in an administrative procedure concerning the company. The RTK had prepared documents in English and did not provide Estonian translations even after the company requested them.

The Chancellor of Justice explained that it is inconsistent with the law and with good administrative practice for an administrative authority to prepare and send procedural documents solely in English.

In administrative proceedings, a participant must be given a specific deadline to submit their opinions and objections. The draft administrative act prepared in English did not include such a deadline. This is contrary to the principles of good administration, as the recipient of the draft does not know by when a response is expected and may get the impression that their opinion will not be taken into account when the final decision is made.

It is also incompatible with good administrative practice that the RTK did not send Estonian translations of the English-language documents to the company, even though the company requested them. If the law does not set specific deadlines, the authority must respond to participants and resolve their requests within a reasonable time.

Consumer Disputes Committee Proceedings

A concern was brought to the Chancellor of Justice that proceedings of the Consumer Disputes Committee take place exclusively within the Consumer Protection and Technical Regulatory Authority's information system, rather than by email.

The Chancellor of Justice found that the authority's practice and the information on its website were not consistent with the applicable law. Although the authority explained that all applications are accepted, the complainant's correspondence and the information available on the website did not confirm this. There was no indication on the website that a consumer could submit an application to the committee by email or on paper.

The Chancellor of Justice emphasised that the Consumer Protection and Technical Regulatory Authority must ensure that everyone who wishes to do so can submit an application to the Consumer Disputes Committee. Communication with the committee cannot be restricted solely to the use of an information system. The law does not require that the submission of applications or participation in committee proceedings must occur through such a system. Moreover, the authority's website lacked timely and relevant information about the committee's procedures.

An Elusive Official

The Chancellor of Justice has repeatedly received complaints that it is impossible to reach ministry officials by phone. People have also expressed frustration that ministries do not offer in-person appointments. Therefore, the Chancellor inquired with ministries about how they ensure that people can contact their officials.

According to the Constitution (§ 44 paragraphs 1 and 2, and § 46), everyone has the right to obtain information from public authorities and to address those authorities with memoranda and applications. The submission of memoranda and requests for explanations and responses to them are regulated by the Response to Memoranda and Requests for Explanations and Submission of Collective Proposals Act (MSVS), while requests for information and responses thereto are governed by the Public Information Act (AvTS). The law does not require a specific format for submitting a memorandum or a request for explanation. Thus, a person may submit a memorandum or a request for explanation in a form of their choice, including by telephone. The Act also allows an oral submission to be made during a reception organised by an administrative authority (MSVS § 4). Information requests may likewise be made orally, either in person or by phone (AvTS § 13(1)).

In order for a person to be able to contact a competent official of a ministry with a memorandum, request for explanation or request for information, the ministry's website must publish the officials' telephone numbers as well as their reception hours. Each institution must provide at least three hours of public reception time per month.

According to the explanations provided by the ministries, they generally comply with the legal obligation to publish officials' contact phone numbers on their websites. In most ministries, in-person meetings are arranged by prior appointment – there are no fixed walk-in hours. The required minimum of three hours per month has been

scheduled. While it is commendable if more time is allocated, such information must also be clearly communicated on the website.

Responding to Letters

People are often dissatisfied with how authorities have handled their applications.

When performing their duties, administrative authorities must observe the deadlines set by law. At the end of 2024, amendments to the Response to Memoranda and Requests for Explanations and Submission of Collective Proposals Act came into force, reducing the general response deadline from 30 calendar days to 15 calendar days after a letter is registered.

Thus, the principle remains that a petition or request for clarification must be answered without undue delay, but the general response period has been shortened. For more complex issues requiring additional time, the deadline may be extended by up to two months. The sender must be informed of any extension and its reasons.

Problems with meeting response deadlines were identified at the Ministry of Economic Affairs and Communications, the Ministry of Finance, the Kambja Rural Municipality Government, the Mustvee Rural Municipality Government, the Rõuge Rural Municipality Government, and the Tartu Rural Municipality Government.

Surveillance Society

During the past reporting year, the Chancellor of Justice received a large number of complaints regarding possible violations related to the use of recording devices or the collection of information from databases. People were concerned, for example, that cameras located on a neighbour's property were aimed in such a way that they recorded activity in their own yards or on the street in front of their homes. Some were also worried about expensive equipment stored in their yards, since this could easily be identified through the Land and Spatial Development Board's public map application.

It also came to light that for years the state had been using automatic number plate recognition cameras that recorded all vehicles passing within their range. However, there is no provision in law that permits such large-scale data collection, nor are there clear rules on how the recorded data may be used.

Following a joint meeting of the Riigikogu's Legal Affairs Committee and the Constitutional Committee, the Minister of the Interior suspended the use of number plate recognition cameras until an appropriate legal basis for such activities is established. The Riigikogu must now decide to what extent and for what purpose the collection of data on vehicles moving on Estonia's roads is necessary and justified.

It is astonishing that when creating such a camera network, no one appears to have questioned the legal basis for doing so. It also emerged that facial recognition cameras had been tested, but their use was discontinued because they did not meet expectations. Even in those cases, no consideration was given to the fact that recording a person's facial image requires a clear legal basis.

On the one hand, it is understandable that rapid technological development generates a desire to obtain and process information more quickly and conveniently. On the other hand, it must not be forgotten that public authorities may act only on the basis of and within the limits set by law (issues of fundamental rights must be decided by the Riigikogu), and that the use of new technologies must always take into account their side effects and potential risks.

Last year, the Chancellor of Justice sent a memorandum to the Minister of Justice pointing out that as the use of various recording devices becomes increasingly widespread, it must not be forgotten that issues affecting fundamental rights must be regulated by law. In the memorandum, the Chancellor gave examples of situations where fundamental rights are restricted through the use of recording or surveillance devices – including public space cameras, body cameras, drones, forest cameras, and the Land and Spatial Development Board's mapping application.

Undoubtedly, as technology develops, innovative approaches to crime prevention and investigation are necessary. However, technical capability cannot justify unlawful activity by government agencies. In a state based on the rule of law, the Riigikogu must establish the legal foundations and limits for the exercise of state power. This means that, where necessary, such matters must be brought before Parliament, which through open debate can develop a solution appropriate to Estonia's circumstances – one that

balances the operational needs of authorities with the protection of individual fundamental rights.

The Riigikogu must decide what kind of society we want to live in. Should that society prioritise individual freedoms, or should government agencies be allowed to monitor everything and everyone “just in case,” in order to prevent or solve possible offences? It is the Riigikogu’s responsibility to define by law the boundaries within which public authorities may act.

This applies not only to surveillance devices but also to state-created databases and information exchange systems. Recently, it was reported that the Financial Intelligence Unit wishes to establish a data-processing environment that would consolidate information from several state registers to prevent and detect money laundering. In this system, data on all individuals and legal persons contained in those registers could be analysed to identify possible indicators of money laundering. Once again, such initiatives are justified by the fight against crime, but the potential risks, side effects, and proportionality – as well as the constitutionality of processing personal data on such a scale – have not been adequately assessed.

It also became clear that through the new Enforcement Register – which is still in the process of being established – several state agencies have already had access for some time to banking secrets, including bank account statements. The register has been operating despite the absence of a foundational statute or any oversight mechanism governing its use. The legal grounds for obtaining data through the Enforcement Register had likewise not been properly analysed.

The easier and more convenient the state makes it to restrict fundamental rights – for example, by creating a database or an information exchange platform – the more precise and transparent the rules must be for when and how such rights may be restricted. Equally, oversight must be rigorous to ensure that database queries are not made arbitrarily.

Exchange of Information through the Enforcement Register

The Chancellor of Justice examined whether certain state authorities had accessed bank account statements through the Enforcement Register without the knowledge or consent of account holders and without a clear legal basis. It was found that an active state database (the Enforcement Register) and an associated information exchange environment were being used even though no foundational regulation (statute) for the register had been established. Through this environment, several state authorities had gained access to information held by banks – including bank account statements.

Between 1 January 2024 and 28 February 2025, several government agencies had made tens of thousands of queries to banks. Moreover, the laws granting these agencies access to banking information were worded ambiguously, meaning that there was, in fact, no clear legal basis for obtaining bank account statements. Oversight of whether the queries were justified was merely formal, and there was no external control over the use of the register.

The creation and use of a database must follow a lawful procedure: first, the database must be established by law; next, its statute must be enacted; and only then may the database be used. Until a lawful basis and the necessary operating rules are in place, the database must not be used.

On 1 July 2025, the Chancellor of Justice proposed to the Minister of Justice and Digital Affairs that the statute of the Enforcement Register be enacted as soon as possible and that effective oversight of its use be introduced. The Chancellor also recommended to the Riigikogu's Finance Committee and Legal Affairs Committee that the relevant legal provisions be reviewed. She urged lawmakers to clearly define any restrictions on fundamental rights and to avoid vague wording that leaves the purpose, nature, and intensity of such restrictions to the discretion of the authority applying the law. The more serious the restriction on a fundamental right, the more precise, clear, and comprehensible the legal norm must be.

A bank account statement contains a wealth of personal information. When the state accesses such data, it interferes with several of our constitutional rights: the prohibition of arbitrary state action under § 13 of the Constitution, the guarantee of fundamental rights under § 14, the right to free self-realisation under § 19, and the right to privacy under § 26.

Access to bank account data must be based on a clear legal foundation (§ 3 of the Constitution) and may only be granted by law when doing so is proportionate to a legitimate aim (§ 11 of the Constitution). The proportionality of each restriction must be analysed separately for every legal provision that allows access to banking information.

A legal norm permitting disclosure of banking secrecy must be sufficiently specific so that the conditions under which access to such data – including bank account statements – is allowed can be clearly derived from the law. Before granting such access, it must also be evident for what purpose and to what extent the duty of banking secrecy is being limited. The restriction can only be considered constitutional if it is proportionate.

The easier and faster it becomes to make and receive queries, the more robust the supervision must be to prevent access to bank account statements without legal justification or actual necessity. The technical convenience of obtaining information must be balanced by effective oversight mechanisms that prevent abuse and protect individuals' fundamental rights.

On 8 July 2025, the Minister of Justice and Digital Affairs adopted the statute of the Enforcement Register, which entered into force on 13 July. On the same day, a joint session of four parliamentary committees – the Security Authorities Surveillance Select Committee, the Constitutional Committee, the Legal Affairs Committee, and the Finance Committee – was held to discuss issues related to the use of the Enforcement Register.

In August, the Minister of Justice and Digital Affairs submitted for inter-ministerial consultation a draft amendment to the Code of Enforcement Procedure. Under the proposal, every authority connected to the Enforcement Register would also be required to connect to a so-called "data tracker." The Chancellor of Justice thanked the

minister for initiating these changes. As a result of the amendments, individuals would gain the right to see which queries concerning them had been made through the Enforcement Register.

At the same time, the Chancellor drew attention to the fact that the current law does not specify which data may be viewed through the Enforcement Register. These data are listed only in the register's statute. However, from the standpoint of fundamental rights, such restrictions must be established by law, not by a statute.

Surveillance Cameras on Private Property

A year ago, the Chancellor of Justice, in a memorandum sent to the Minister of Justice, drew attention to the issues associated with the use of private surveillance cameras. According to the Chancellor, it is questionable to leave the scope of a surveillance camera's field of view solely to be regulated by neighbourhood law and to be resolved by a court in the event of a dispute. As a comparison, in some other countries the police will, if necessary, verify whether the field of view of surveillance cameras complies with legal requirements.

The Minister of Justice responded that the Data Protection Inspectorate is sufficiently competent to supervise such matters and that citizens also have the right to turn to the courts with a complaint. The minister added that further discussion is needed on whether and to what extent it is justified for the state to intervene more extensively in private legal relationships. Furthermore, it is unclear whether, given the intended goal, it would be proportionate to assign additional responsibilities to law enforcement agencies in this area.

This year, the Chancellor of Justice again dealt with a similar case involving the installation of a surveillance camera. It turned out that a person who asked their neighbour to adjust the direction of cameras placed on their property initially received no help from either the Data Protection Inspectorate or the police.

Use of Artificial Intelligence in Public Service Delivery

The use of artificial intelligence (AI) in providing public services is becoming increasingly common and is having a growing impact on people's rights and expectations. In cooperation between the public and private sectors, AI solutions are also expected soon to be introduced into the field of education.

With the expanding use of AI comes a greater need to ensure transparency, legality, and effective oversight. People must clearly understand how AI processes their data and what role it plays in shaping decisions. The Chancellor of Justice is also examining more broadly what problems and questions have arisen from the use of AI in public services and what new issues may emerge from the implementation of Regulation (EU) 2024/1689 of the European Parliament and of the Council on Artificial Intelligence, which entered into force on 13 June 2024.

Since 2020, the Estonian Unemployment Insurance Fund has used a machine-learning-based prediction model known as OTT to assist in counselling jobseekers. The model helps assess a person's likelihood of finding employment and of becoming

unemployed again. It serves as a decision-support tool and does not make automatic decisions – the final decision is always made by the counsellor. The model supports the counselling process by providing additional information about the registered jobseeker and highlights ten key factors that influence their employment prospects.

OTT was developed in 2019 in cooperation with the CITIS research group at the University of Tartu and the company Nortal. The model's dataset is based on data from unemployed persons over the past five years and includes information from both the Unemployment Insurance Fund and other databases. It also uses information provided by jobseekers themselves, such as their place of residence, education, and caregiving responsibilities.

In 2024, the Chancellor of Justice and her advisers visited several offices of the Unemployment Insurance Fund to observe how OTT is used in practice and how counsellors apply it in their work. They monitored how the prediction model is implemented during the counselling process.

The use of the prediction model does not infringe on the fundamental rights of clients of the Unemployment Insurance Fund and does not involve unlawful data processing. Although sensitive personal data may be disclosed in the course of counselling, such information is not added to the model's base dataset. OTT operates on the principle of profiling, for which an appropriate data protection impact assessment has been conducted.

People must be clearly informed about how their data are processed and what role artificial intelligence plays in counselling. Therefore, the Chancellor of Justice recommended that the Unemployment Insurance Fund provide more detailed information about OTT on its website. If, in the future, OTT begins to make automated decisions, the Fund must comply with the requirements laid down in the EU Artificial Intelligence Regulation (2024/1689).

Covert Surveillance

The Chancellor of Justice regularly inspects state authorities that conduct the interception of telephone calls and conversations, monitor correspondence, and collect, process, and use personal data in other covert ways. Continuous oversight aims to ensure that all covert operations are carried out lawfully, in accordance with existing legal norms and with full regard for fundamental rights. Even when the activities of these authorities are formally lawful, the Chancellor of Justice seeks to ensure that individuals' fundamental rights are always respected and to reduce public fear of unjustified surveillance.

During the past reporting year, advisers from the Chancellor's Office inspected the activities of the Internal Security Service and the Foreign Intelligence Service. The goal was to verify whether people's fundamental rights are protected when information is collected covertly for the purposes established in the Security Authorities Act.

The Chancellor's advisers also reviewed surveillance files at Tallinn, Tartu, and Viru Prisons, as well as in police stations under the Western and Eastern Prefectures of the Police and Border Guard Board. The inspections focused on the justification for

opening surveillance files, the issuing of authorisations, the lawfulness of the surveillance operations, and compliance with the requirement to notify individuals of the surveillance measures taken.

Detailed summaries of inspections carried out in security and intelligence agencies are not public, as they contain classified or internal-use information. These summaries are sent to the institutions and authorities responsible for oversight, including the courts and the Riigikogu's Security Authorities Surveillance Select Committee, which are tasked with ensuring the legality of intelligence and surveillance activities.

Inspections in Security Authorities

The Chancellor's advisers examined how the Internal Security Service and the Foreign Intelligence Service safeguard the rights and interests of individuals about whom information is gathered through covert means as specified in §§ 25 and 26 of the Security Authorities Act, such as wiretapping, covert monitoring, secret searches, and covert entry.

Under § 1(9¹) of the Chancellor of Justice Act, the Chancellor is obliged to verify at least every two years whether the decisions to withhold notification of covert surveillance activities under § 29(2) of the Security Authorities Act and § 40(2) of the Defence Forces Organisation Act have been justified. Accordingly, the inspection also assessed whether the duty to notify individuals of covert activities had been properly fulfilled in the security authorities and the Defence Forces Intelligence Centre (in particular, whether the reasons for failure to notify individuals of covert surveillance measures were justified).

Independent external oversight of security services is vital, since current law and practice leave little opportunity for intelligence operations to come under judicial review by higher courts. Even the Supreme Court has not considered cases directly concerning authorisations granted under §§ 25 and 26 of the Security Authorities Act (for example, how justifications were provided). This makes it all the more important that every authorisation and operation be carefully considered and verifiable afterwards.

The Chancellor's supervision helps protect fundamental rights and prevent possible arbitrariness, especially where judicial review is absent.

Both the Internal Security Service and the Foreign Intelligence Service have established multi-level internal control systems for activities conducted under the Security Authorities Act. Agency heads have set out clear instructions defining officials' duties and responsibilities, as well as requirements for preparing, recording, and storing the documents necessary for intelligence operations, including approvals.

In reviewing intelligence files, the main focus was on whether intelligence operations were lawful and absolutely necessary. The operations listed in § 25 of the Act, which may only be carried out with court authorisation, restrict the secrecy of communications and the right to privacy more severely than some of the covert actions permitted under § 26, which can be authorised by the head of the security authority. According to § 3(2) of the Act, where several measures are available, the one that least restricts

fundamental rights must be applied. Each authorisation must therefore show whether less intrusive alternatives were considered.

In all inspected cases, the opening of information files was justified. Each operation conducted under sections 25 or 26 was accompanied by the required authorisation, either from an administrative court or from the authority's head. Compared with previous years, the reasoning behind such authorisations had improved significantly. The files were well-structured and contained clear explanations of why the restriction of a person's fundamental rights was deemed necessary in each specific case.

Although no violations of fundamental rights or serious deficiencies were found, the Chancellor of Justice still made several recommendations to strengthen the protection of individual rights.

Inspection of Surveillance Files

During the inspection of the Prisons Department of the Ministry of Justice, advisers from the Chancellor's Office reviewed surveillance files opened between 2022 and 2024 at Tallinn, Tartu, and Viru Prisons in which active proceedings had ended by the time of inspection. The advisers also met with prison officials and reviewed procedures governing surveillance operations in the prison service.

In addition, advisers examined surveillance files opened between 2023 and 2024 in police stations of the Western Prefecture (Pärnu, Kuressaare, Haapsalu, and Central Estonia) and the Eastern Prefecture (Narva, Jõhvi, and Rakvere). Discussions were held with surveillance officers and, in some cases, prosecutors.

The review focused on whether the surveillance measures used to collect information about crimes were lawful and absolutely necessary in each specific case. Attention was also paid to whether prisons and police units complied with the requirement to notify individuals about the surveillance measures.

In general, the handling of the reviewed surveillance files complied with the Code of Criminal Procedure and the internal rules established by the heads of surveillance authorities. Earlier recommendations made by the Chancellor of Justice had been taken into account.

Once again, the Chancellor made recommendations to prisons, the Police and Border Guard Board, and the Prosecutor's Office on how to improve the quality of surveillance operations and better protect individuals' rights. These proposals were based on findings from the reviewed files and discussions with officials.

Conduct of Surveillance Operations

When opening surveillance files, authorities had assessed whether there were reasonable grounds for suspicion of a crime and other factors justifying the restriction of fundamental rights. In most cases, the files showed that surveillance was necessary to verify the suspicion of a crime, and gathering evidence without restricting fundamental rights would have been extremely difficult or even impossible.

The authorisations for surveillance contained in the files were generally well-reasoned. They evaluated the existence of reasonable suspicion, the necessity of the measure, and the potential impact on the subject and third parties. In several cases, preliminary investigation judges refused to issue surveillance warrants, demonstrating that prosecutors' requests were carefully and professionally scrutinised.

However, some authorisations were insufficiently reasoned. Some of the files of police departments contained authorisations in which the criminal suspicion or the compelling necessity of a specific surveillance measure had not been sufficiently justified. In some cases, the files raised doubts as to whether, when applying for authorisation, sufficient consideration had been given to whether the surveillance measure was feasible at all (including technically).

In two police stations, it was found that surveillance operations had mistakenly been carried out on the wrong individual.

Officials responsible for surveillance operations must always adhere strictly to the terms of the warrant. In addition to time limits, they must comply with all conditions set by the issuing authority. During inspections in prisons, it was found that in one case, officials at Tartu Prison had not fully complied with these conditions: they had examined a prisoner's correspondence to a greater extent than permitted by the court order. The error was quickly detected by the prison, and the operation was immediately halted. As a result, the violation was brief and did not cause significant harm to the prisoner's rights.

During the inspection, the Chancellor's advisers confirmed that the prisons had learned from the incident, and all subsequent similar operations were conducted correctly.

Notification of Surveillance

Under the Code of Criminal Procedure, individuals subject to surveillance must be informed of the measures taken against them, as must other persons whose family or private life was significantly affected by those measures. Notification may be postponed or omitted only under specific circumstances provided by law and with authorisation from a prosecutor or a court.

Based on the inspected files, the notification requirements were largely met. Individuals who were the direct subjects of surveillance were informed in a timely manner, as were those whose private or family life had been significantly affected.

In one case, however, notification was unreasonably delayed by more than five months. A broader issue observed was that not all notifications met legal standards: for example, some notices stated the validity period of the authorisation instead of the time when surveillance occurred, and many did not clearly specify the type of surveillance conducted.

Timely and accurate notification ensures effective protection of the fundamental rights of individuals affected by surveillance. It also enables suspects and defendants to challenge the legality of the surveillance measures used.

Handling of Individual Complaints

In addition to regular supervision of surveillance and security authorities, the Chancellor of Justice also handles complaints related to their activities and may investigate public allegations, including those made in the media, of unlawful or insufficiently justified surveillance.

Often, individuals contact the Chancellor in connection with ongoing proceedings. Although the law does not allow the Chancellor to intervene directly in criminal proceedings, this does not mean that allegations of improper surveillance are ignored. Where necessary, such matters can be examined later, for example, after the criminal proceedings have concluded.

Rights of Persons with Disabilities

One of the duties of the Chancellor of Justice is to protect the rights of persons with disabilities. The Chancellor ensures that persons with disabilities can exercise their fundamental rights and freedoms on an equal basis with others. In addition, the Chancellor is responsible for informing the public about the implementation of the principle of equal treatment.

Accessibility

Activities of the Advisory Committee for Persons with Disabilities

The Advisory Committee for Persons with Disabilities, established by the Chancellor of Justice, met twice during the reporting year to discuss accessibility-related issues.

The final report of the Accessibility Task Force, completed in 2021, already described the significant accessibility problems in residential buildings in Estonia. Although the state has supported the adaptation of apartment buildings to make them accessible through various measures, progress has been slow. During a meeting with the Minister for Infrastructure, the Committee members pointed out that several government initiatives were still not functioning as effectively as they could and presented ideas on how accessibility could be improved in the future.

Over the years, the Chancellor of Justice, in cooperation with the Committee, has repeatedly addressed the situation of persons with disabilities in the labour market. At the spring 2025 meeting, the Committee discussed opportunities for persons with disabilities to acquire vocational education. The Ministry acknowledged that one of the reasons behind planned educational reforms was the limited access of young people with intellectual disabilities to vocational education and their low employment rate.

Several people who turned to the Chancellor of Justice provided numerous examples of how seemingly available educational opportunities remain inaccessible to young people with special needs due to less visible barriers. Such barriers may include the lack of suitable curricula, long distances to schools, insufficient support in student housing, or other practical problems. The Ministry has begun taking steps to resolve these issues.

Access to Banking Services

There have also been problems with access to banking services. A person contacted the Chancellor of Justice because their mother had to go to a bank branch to pay her bills, where the service was quite expensive. She had previously been able to make payments at an ATM, but this option was no longer available. Because of her disability, she was unable to use online banking.

The Chancellor found that banks do offer affordable payment solutions for people with special needs, but there is a lack of information about them. In a letter to the Estonian Banking Association, the Chancellor reminded that, according to the requirements of the UN Convention on the Rights of Persons with Disabilities, banks have a duty to

ensure access to financial services for persons with disabilities. The Chancellor emphasised that clients with special needs require particular attention, which helps prevent situations where individuals feel excluded or discriminated against due to a lack of information about available and affordable banking options.

Accessibility of Elections

In October this year, elections for city and rural municipality councils will take place. The Chancellor of Justice reminded local government leaders that Estonia has committed to making all polling stations accessible. Before the previous parliamentary and European Parliament elections, information leaflets sent to voters included details about the accessibility of polling stations, and by clicking the plain language icon, all relevant information was also available in easy-to-read form.

The Chancellor hopes that voters will be informed just as effectively for the October 2025 elections. The accessibility label indicates that a polling station is suitable for use by people with disabilities, and therefore it is crucial that the station actually meets accessibility standards. This is especially important now that the number of polling stations is expected to be reduced, particularly in Tallinn. The information provided on voter materials must correspond to reality: if a polling station is marked as accessible, it must indeed be accessible.

If a rural municipality or city election committee is uncertain whether a polling station is accessible to all voters, it should consult representatives of the relevant target groups or carry out an accessibility audit. Sometimes people do not fully perceive or understand whether accessibility truly exists.

Although the law allows a person with a physical disability to be assisted by another voter when casting a ballot – for example, when filling out the ballot paper or placing it in the box – the election organiser must do everything possible to enable everyone to vote independently. Voters also have the option to vote electronically or to request a home ballot box. These options must remain strictly voluntary: it is not acceptable to encourage voters to choose the method that is most convenient for the election organisers. This is a matter of human dignity, equality, and the secrecy of the vote.

Performance of the Sign Language Choir at the Song Festival

The Chancellor of Justice was contacted by the conductor of a sign language choir, who felt that the choir had not been welcomed to take part in the preliminary selection for the national Song Festival held in June, and regarded this as discriminatory.

In a letter to the head of the Estonian Song and Dance Festival Foundation, the Chancellor explained that, under Article 30(2) of the UN Convention on the Rights of Persons with Disabilities, the state must take all appropriate measures to enable persons with disabilities to develop and utilise their creative, artistic, and intellectual potential not only for their own benefit but also for the enrichment of society.

The Song Festival is intended to bring people together, and excluding a group from the preliminary selection because of its members' special needs is inconsistent with Estonia's international commitments and national objectives. According to the Cultural

Development Plan 2021–2030, prepared by the Ministry of Culture, every resident of Estonia must have the opportunity to participate in cultural activities and creative fields as both a participant and a creator. Access to culture must be ensured regardless of a person's special needs.

Just like other choirs, orchestras, or dance groups, ensembles composed of people with disabilities should have the opportunity to perform at the Song and Dance Festival. It is positive that in recent years the number of applicants wishing to perform at these national celebrations has increased. However, since not all groups can fit under the Song Festival arch, on the stage, or in the Kalev Stadium, selections have to be made. These selections must be based on clear and transparent criteria. Excluding a group solely because of its members' disabilities is incompatible with the foundation's own stated principle of supporting a cohesive society.

During the Chancellor's meeting with representatives of the foundation, all parties agreed that efforts must be made to ensure that sign language choirs can apply to perform at future Song Festivals. The foundation's director promised that discussions with the deaf community would begin immediately after this year's festival to ensure better preparation for the event planned for 2028.

In a written response to the Chancellor, the director of the Song and Dance Celebration Foundation confirmed that similar discussions are planned for the near future, involving representatives of the Estonian Choral Association and organisations representing persons with disabilities.

Persons with Disabilities in the Education System

Providing Children with the Support They Need in Kindergarten and School

Several parents complained that their children were left without the necessary support in kindergarten or at school.

One parent was dissatisfied that their child was studying in a special class instead of a regular one. They also considered it unfair that the child was not allowed to participate in school trips. To arrange speech therapy for the child, the parent had to turn to the local government.

The Chancellor of Justice found that it is the school's duty to organise the necessary support for the child, and that parental consent is required for a child to study in a special class. The child's ability to participate in school trips should be discussed with the child to ensure that all circumstances in the child's best interests are taken into account. The Chancellor also pointed out that both the school and the school's managing authority must ensure the provision of speech therapy. Speech therapy may be organised outside the school only if the parent agrees.

A school cannot assume that a child already has a support person. Only the parent can apply for a support person, and the school cannot require the parent to make such a decision or enter into an agreement about it. If a child does not have a support person, the school must provide support itself. If the school lacks the necessary resources, it must seek assistance from its managing authority. There must not be a

situation where a child cannot receive an education suited to their abilities or where their well-being suffers due to a lack of necessary support.

The parent and the school eventually reached an agreement on the child's education, and the child was able to participate in school trips as the school found an accompanying person.

In another case, a parent contacted the Chancellor because their child was not receiving speech therapy in kindergarten. The kindergarten's speech therapist had left, and no replacement had been found. The local government had suggested that the parent take the child to a private speech therapist.

The Chancellor of Justice found that although the local government had made efforts to find a new speech therapist, its actions were still unlawful because the child had not been provided with the speech therapy to which they were entitled by law.

The Chancellor instructed the kindergarten and the local government, as the managing authority, to first determine how often the child required speech therapy and then to ensure that the child received the necessary support either within the kindergarten or elsewhere. The sessions must be organised in the child's best interests, taking into account the child's needs and the kindergarten's schedule, as well as practical arrangements such as who will accompany the child to the sessions.

Another parent sought help from the Chancellor because the city government had refused several times to assign a support person to their child, who needed assistance to cope at school. The Chancellor found that the city government had acted contrary to the law and to the principles of good administration when processing the parent's requests because:

- It did nothing and failed to respond to the parent's first request.
- It assessed the child's need for a support person and decided that the child did not need one, but the decision was not properly reasoned and gave no clear explanation of why the child was denied support. This raised doubts as to whether all relevant circumstances had been considered and evaluated. Furthermore, the city did not hear the child's views or assess whether the decision was in the child's best interests.
- Only after receiving a third request from the parents did the city government reconsider the matter, but it still failed to make a decision. Although communication between authorities, arranging meetings, collecting evidence, and observing the child at school took time, the final decision was unreasonably delayed.

The Chancellor of Justice could not determine whether, after properly considering all relevant facts and interests, the city government should have reached a different conclusion. She asked the city to decide as soon as possible whether the child needed a support person at school or whether the earlier refusal would remain in force.

The city complied with the recommendation and reviewed the request for assigning a support person.

Organisation of School Transport

A child has the right to attend the school in their home municipality. For a pupil who needs more extensive support to learn and cope at school, appropriate conditions must be provided by both the school and its managing authority. If a child must attend a school in another municipality because the home municipality cannot provide necessary adaptations, the family has the right to request transport or reimbursement of travel costs according to the local government's regulations.

The family wished for the child to be transported from home to school in the morning and back home after the school day. Therefore, the parent applied to the local government for daily transport.

Initially, the municipality arranged transport twice a week: the child was taken to school on Monday and brought home on Friday. Later, the municipality provided daily social transport from Monday to Friday. The family contacted the Chancellor of Justice because they were concerned about whether daily transport would continue in the future.

The Chancellor explained that the municipality must provide daily transport for as long as the child needs it. It does not matter whether the child has the option to stay in the school's dormitory during the week or whether the family has financial difficulties. The child has the right to spend time with their family after school and to sleep at home.

Adaptations for the Estonian Language Proficiency Exam

A person filed a complaint with the Chancellor of Justice after being denied an exemption from the oral part of the Estonian language proficiency exam, even though they had applied for it due to a profound hearing impairment.

A person with hearing loss has the right to receive reasonable accommodations when taking the language exam, and the examination board must assess how and to what extent the candidate's health condition affects their ability to achieve a passing result.

The Chancellor of Justice found that the expert commission's decision did not explain why the applicant was not exempted from the oral part of the exam, even though they had been excused from the listening section.

Provision of Social Welfare Assistance

Adequacy of Assistance and Consideration of Decisions

A person with a severe disability and loss of work ability contacted the Chancellor of Justice because they were not receiving sufficient social welfare assistance from the rural municipality. They also found the rural municipality decisions to be unclear and largely unsubstantiated. The complainant did not understand how the rural municipality government had concluded that they required only 240 hours of assistance per month.

According to the law, a person has the right to apply for social welfare assistance. To provide such assistance, the municipality must assess the individual's need for help

comprehensively and offer as much assistance as is necessary. However, the rural municipality had based its decision on different principles. The explanations suggested that the person in need would have to submit separate applications for each individual service, after which the municipality would assess the suitability of each service requested. Such an approach is inconsistent with the principles of social welfare.

The administrative act granting assistance did not specify the extent of the person's need. Because the decision was not properly reasoned, the Chancellor of Justice could not assess whether the assistance provided was sufficient.

The conditions for providing assistance, including deadlines, must be carefully considered and justified. Individuals have the right to know why they are receiving assistance in a particular amount and under certain conditions. The rural municipality government's decision contained no such reasoning.

Under the principles of good administration, the municipality must avoid causing people unnecessary expenses or inconvenience. Among other things, this means that a person must not be required to submit documents or evidence that the authority already possesses. This is also expressly prohibited by the General Part of the Social Code Act. The rural municipality government violated these principles by requiring the applicant to keep a daily assistance log for four months, even though the municipality already had comprehensive information about the person's needs.

Moreover, the rural municipality effectively ignored the applicant's request for additional support for periods when family members could not assist. The application was left unaddressed on the grounds that the person could arrange help independently or apply for a caregiver.

The Chancellor of Justice found that the rural municipality could not refuse to process the application simply because the applicant was capable of organising some assistance themselves. The Chancellor recommended that the municipal government reopen the case and issue a lawful decision on the provision of support.

Payment for Social Transport

Persons with disabilities have the right to request social transport from their local government to visit doctors or attend to necessary errands. This service is not entirely free – municipalities generally require users to pay a small co-payment.

A person who turned to the Chancellor of Justice complained that the co-payment for the social transport service was unaffordable. According to the municipal decision, their co-payment was set at €0.40 per kilometre, meaning they had to pay more than €100 for a trip to the doctor.

The Chancellor of Justice found that before setting the payment, the municipality should have assessed whether the applicant was financially capable of paying it. This assessment had not been made, nor did the decision explain how the amount had been determined.

Although the person explained that their health was deteriorating and they needed regular medical visits, the rural municipality government granted the transport service for less than a year, requiring a new decision at the end of the period.

The Chancellor recommended that in future decisions, the rural municipality assess the applicant's ability to pay for the service and provide a clear justification for the co-payment in the administrative act. The Chancellor also asked the municipality to consider how long the applicant should be entitled to use the service under the established conditions.

The rural municipality government accepted the recommendation and issued a new decision granting the applicant free social transport for as long as it is needed.

Necessary Support for Children with Special Needs

A parent contacted the Chancellor of Justice because their child required the assistance of a support person while the parent was at work, but the rural municipality government had neither assigned a support person nor provided any other form of help.

The Chancellor of Justice found that the rural municipality government had acted unlawfully because it had not assessed the child's need for support or made a decision regarding appropriate assistance. It was therefore likely that the child had been left without necessary support for several months. The Chancellor recommended that the municipality decide as soon as possible whether the child required a support person and take action based on that decision. The rural municipality complied with the Chancellor's recommendation.

Other Issues

Impact of the Motor Vehicle Tax on Persons with Disabilities

At the beginning of 2025, Estonia introduced a motor vehicle tax, which caused widespread public discontent and led to numerous complaints being submitted to the Chancellor of Justice.

While the Riigikogu has broad discretion in shaping the tax system, the Chancellor of Justice pointed out in her proposal to the Riigikogu (paragraphs 51–55) that this discretion is not unlimited. It must consider the constitutional principles of property rights, support for families, and the protection of persons with disabilities, among others.

In many countries with a long-standing tradition of vehicle taxation, people with disabilities are granted tax exemptions. Naturally, each country must consider its own societal needs, financial capabilities, accessibility of public transport, and other relevant circumstances when determining such benefits, meaning that foreign models cannot simply be copied. However, in the absence of such exemptions, persons with disabilities may be forced to give up essential vehicles, which in some cases could lead to a constitutionally questionable situation. Complaints referring to such cases have been submitted both to the Chancellor of Justice and to administrative courts.

The Constitution requires the state to pay special attention to the welfare of persons with disabilities.

The Chancellor of Justice therefore urged the Riigikogu to consider introducing exemptions to ensure that families with many children and persons with disabilities would not have to give up vehicles that are essential to their daily lives.

Payment of the Work Ability Allowance

The amount of the work ability allowance paid to a person with reduced work capacity depends on their income from the previous month. A person with no work capacity contacted the Chancellor of Justice after losing their allowance because their employer had paid several months' worth of salary in a single month – one payment at the beginning of the month for the previous month, and another at the end of the same month upon termination of employment.

The Chancellor of Justice found that this situation was inconsistent with the Constitution (specifically § 12(1) and § 28(2)).

The Riigikogu subsequently amended § 13(3¹) of the Work Ability Allowance Act, with the change entering into force on 13 June 2025. Under the amendment, the Estonian Unemployment Insurance Fund may now treat wages received for the final month of employment as income of the following month if wages are normally paid at the beginning of the next month. As a result, the person's work ability allowance will no longer be reduced – or will be reduced to a lesser extent – due to overlapping salary payments.

Criteria for Issuing Parking Cards

The Chancellor of Justice received complaints that local governments were applying inconsistent requirements when issuing parking cards for vehicles serving persons with disabilities. Some municipalities required, in addition to the official disability determination decision, a medical certificate from a doctor. Others did not, provided that the disability decision already indicated a mobility or visual impairment.

The conditions for issuing parking cards are set by a regulation of the Minister of Social Affairs. The Minister amended this regulation so that when a person's disability status has been officially established and the data are recorded in the social protection information system, the person no longer needs to submit any additional documents when applying for a parking card. The amendment to the Minister of Social Affairs Regulation "Form and Conditions for Issuing a Parking Card for a Vehicle Serving a Person with a Mobility or Visual Impairment" entered into force on 10 March 2025.

Social Protection

This year saw the resolution of several issues in the social protection system that the Chancellor of Justice had previously highlighted in her recommendations.

At the Chancellor's initiative, the Riigikogu amended the Work Ability Allowance Act to ensure that people whose employment ends and who receive several months' salary in a single month (a payment at the beginning of the month for the previous month and another at the end of the same month upon termination) would no longer have their allowance unfairly reduced. The amendment to § 13(3¹) of the Work Ability Allowance Act entered into force on 13 June 2025. Under the revised provision, if a person with reduced work ability usually receives their salary at the beginning of the month following the work performed, the Estonian Unemployment Insurance Fund may treat wages received for the final month of employment as income of the following month.

The rules on subsistence benefits for students were also amended. The Chancellor of Justice had earlier pointed out that the law only allowed a full-time student aged up to 24 and living separately from their family to receive a subsistence benefit if their family had been granted such a benefit in the same or previous month.

Because of this rule, university students and other students under 25 living independently could be left without support, as the law assumed that parents always provided financial assistance during studies – an assumption inconsistent with real life and with the legal framework governing maintenance obligations.

The Riigikogu added a new provision to the Social Welfare Act (§ 131(9¹)), allowing local governments, within the limits set by law, to decide whether to grant a subsistence benefit to a student or not. The amendment will enter into force on 1 January 2026.

Following the Chancellor's recommendation, the Social Insurance Board changed its administrative practice regarding the payment of benefits to children under guardianship. In the future, the Board will base benefit decisions solely on whether the court has revoked or suspended parental custody and whether a guardian has been appointed for the child. Commendably, the Board also agreed to review a large number of past decisions and revise them to bring them in line with the new administrative practice.

The Social Insurance Board also amended its practice for paying parental benefits following the Chancellor's recommendation. This concerned situations in which parents received a shared parental benefit for one child while another child was about to be born. Previously, when the Board was still paying the shared parental benefit for the first child, it did not add the mother's unused parental benefit days to the new shared benefit period. As a result, some families received fewer benefit days per child than families whose children were born further apart.

People also turned to the Chancellor of Justice for help after losing benefits paid by the Social Insurance Board or the Estonian Unemployment Insurance Fund – such as child allowances or work ability allowances. In several cases, the institutions reviewed their decisions at the Chancellor's request. In others, the Chancellor was able to simply

explain who is eligible for certain benefits, under what conditions, and what steps must be taken to apply. In one instance, it turned out that an authority had published misleading information about benefits on its website, which was corrected at the Chancellor's request.

The Chancellor of Justice also had to address several important issues related to employment policy. She analysed whether sufficient assistance is available for older persons seeking work; whether the unemployment insurance benefit may be calculated based on wages earned during parental leave while working part-time; and whether an employee may go on strike during working hours for political purposes.

As in previous years, many people were dissatisfied that their local governments had either not provided (sufficient) welfare assistance or had charged excessively for it.

The Chancellor of Justice cannot step into the role of the rural municipality or city government to determine what kind of help a person needs or what social services they should receive. In such cases, the Chancellor recommended that local governments re-examine the person's application, clarify all relevant circumstances, and issue a justified decision in accordance with the law.

Providing reasoning for a decision is not merely a formality – it ensures that the decision-maker has thoroughly considered all the facts and reached a fair outcome. It also helps the person concerned understand why the decision was made. A well-reasoned decision saves everyone time and money, as it allows the person to assess whether there is any reason to contest it. This helps avoid unnecessary appeals and court proceedings.

Social Services Provided by Local Governments

Providing Assistance According to Need

A person with a disability contacted the Chancellor of Justice, explaining that the provided personal assistance service was insufficient to meet their needs.

The Chancellor of Justice found that the rural municipality had violated the law in several ways.

First, in order to provide social welfare assistance, the rural municipality must assess a person's need for assistance comprehensively and provide as much help as necessary. However, according to the municipality's explanations, individuals were required to apply separately for individual services, and the municipality assessed only whether each of those specific services was suitable.

Second, the rural municipality's decision did not specify the extent of the person's need for assistance. Because the decision was unreasoned, it was impossible to assess whether the help offered was sufficient. The law requires that the conditions for providing assistance, including time limits, must be carefully considered and justified. Individuals have the right to know why they are receiving assistance in a particular amount and under certain conditions.

Third, under the principles of good administration, the rural municipality must avoid causing people unnecessary costs or inconvenience. This also means that individuals must not be required to resubmit data or evidence they have already provided, as long as they confirm that the information remains correct. The municipality has a continuing obligation to retain such data. The rural municipality violated these rules by requiring the person to keep a so-called “assistance diary,” even though it already had comprehensive information about the individual’s needs.

Finally, the rural municipality failed to issue a decision within ten working days, as required by both its own regulations and the law. It also failed to decide on the provision of additional assistance.

The Chancellor of Justice recommended that the rural municipality reopen the person’s case and issue a lawful, reasoned decision on the provision of assistance. The municipality followed the recommendation.

Provision of Housing Services

A young person sought the Chancellor of Justice’s help, complaining that the City of Tallinn had not resolved their housing problem.

The Chancellor of Justice found that while social workers had made efforts to assist, the city’s actions were not fully lawful. The city’s decision did not indicate why the individual was offered social and accommodation services in a social housing unit, nor whether the individual was entitled to the housing provision service.

When the individual declined the place offered in the social housing unit and reapplied for housing assistance, the city began processing the application and clarifying the circumstances but did not bring the matter to a conclusion.

In the Chancellor of Justice’s view, the city should have issued a substantive decision, as there was no basis for leaving the application unexamined.

The Chancellor asked the city to complete the processing of the application and issue a clear decision so that the applicant could understand whether they were entitled to the housing service and on what grounds the decision was made. The Chancellor also noted that the housing service does not necessarily mean assigning a social housing apartment – it may also include helping the person find accommodation on the private rental market.

The Chancellor of Justice cannot, however, determine whether, as a result of processing the application, the individual is entitled to the housing provision service (a social housing unit or assistance for renting a dwelling on the open market) or to any other social service. This assessment must be carried out by the local authority.

A person with a loss of work ability and a severe intellectual disability also contacted the Chancellor of Justice regarding housing, asking whether the rural municipality was permitted to refuse to provide them with accommodation and essential assistance after the fire in their social housing unit. The municipality offered the individual support only in applying for a new ID card and paid 10 euros in social assistance.

The Chancellor of Justice found that the rural municipality's actions were unlawful because it had not determined whether the person required social welfare assistance before making a negative decision. The municipality should have recognised that after the destruction of a social housing unit, the person might urgently need assistance – such as temporary shelter, food, and clothing. The municipality should have contacted the person to establish what kind of help was required. The Chancellor asked the rural municipality to review the person's housing application.

In another case, a person who had lost their home during the property reform was worried about whether they could continue living in a municipal apartment, as the local government had referred to their improved financial situation and advised them to find a new home on the private market.

The Chancellor of Justice explained that a tenant who has been allocated a municipal dwelling has been entitled to expect that their housing problem has been resolved and that, having fulfilled their contractual obligations arising from the tenancy, the dwelling will not be taken away from them. Where a tenant who had lived in a dwelling that had been restituted to its former owner is provided with a municipal dwelling, this cannot be regarded as the fulfilment of a social welfare obligation.

Support Person for a Child

A parent contacted the Chancellor of Justice, explaining that their child needed the help of a support person while the parent was at work, but the rural municipality had neither found a support person nor provided any alternative assistance for the child.

The Chancellor of Justice found that the municipality's actions had been unlawful. It was clear that the mother wanted a support person for her child, yet the municipality had neither assessed the child's need for assistance nor made a decision regarding suitable support. The rural municipality had stated that it would assess the child's needs and make a decision only after a support person had been found.

The law does not permit the municipality to refrain from assessing a person's need for assistance on the grounds that a support person has not yet been found. If the assessment of the need for assistance and the determination of appropriate support have not yet been carried out, the municipality cannot know what type and extent of assistance the person requires. Only once the municipality has established these circumstances is it possible to select a suitable individual to act as a support person.

When a person submits a proper application for social services to the municipality, the municipality must issue a decision on whether and what kind of assistance will be provided. The response cannot simply consist of placing the person on a waiting list or leaving them in limbo. Making a formal decision is also essential to enable the applicant to protect their rights through an appeal or administrative court process.

If, despite persistent efforts, no support person can be found, the municipality should investigate why so few people are interested in the position and, if necessary, adjust the conditions of the service – for example, by offering a more favourable contract or

higher remuneration. The law does not prescribe what type of contract must be concluded with a support person.

Another parent was concerned that, despite repeated applications, the city had not assigned a support person to their child. The parent believed the child needed such assistance to cope at school. The Chancellor of Justice found that the city had violated legal and good administrative principles in handling the applications because it:

- took no action and failed to respond to the parent's initial letter;
- assessed the child's need for a support person and decided that the child did not require the service – a decision that could not be considered lawful, as it lacked any substantive reasoning (it was impossible to understand why the support person was denied). This raised doubts about whether the city had identified and weighed all relevant facts. Furthermore, the city did not hear the child or assess whether the decision was in the child's best interests;
- reconsidered the case only after the parents' third letter but again failed to issue a decision. Although communication with institutions, organising meetings, collecting evidence, and observing the child at school understandably took time, the delay in making a final decision was unreasonable.

The Chancellor of Justice could not determine whether, after properly considering all facts and interests, the city should have reached a different conclusion. However, she asked the city to promptly decide whether the child required a support person at school or whether the previous refusal would remain in force.

The city accepted the recommendation and reviewed the child's support person application.

Charging for Social Transport

A person with a disability complained to the Chancellor of Justice that paying for the social transport service was unaffordable. The person needed social transport to visit doctors, but under the rural municipality's decision, they had to pay €0.40 per kilometre.

The Chancellor of Justice found that before making its decision, the municipality should have assessed whether the person was financially capable of paying for the service – something it had failed to do. The municipality also had not explained in its decision how it arrived at that specific rate. The Chancellor asked the rural municipality to correct these shortcomings in a new decision.

In addition, the Chancellor pointed out that the municipality had granted the social transport service for less than one year, even though the person's health was deteriorating and they required regular medical visits. The Chancellor recommended that the municipality also consider, when making its decision, how long the person should be entitled to use the social transport service under the given conditions.

Family Benefits and Pension Under Favourable Conditions

Payment of the Guardianship Allowance
The Chancellor of Justice was asked whether the Social Insurance Board had acted correctly in paying the guardianship allowance.

The Chancellor of Justice found that the Social Insurance Board must pay the allowance in every case where a court has revoked or suspended the parents' custody rights and appointed a guardian for the child.

When appointing a guardian, the court has already assessed that the parents are not fulfilling their obligations under the Family Law Act to raise and care for the child. Therefore, in making its decision, the Social Insurance Board must rely on the court judgment rendered in the civil case. Otherwise, the board undermines the legal authority of the court's decision.

The Chancellor emphasized that the law does not give the Social Insurance Board the right to consider additional factors when deciding whether to grant the benefit – such as whether the parents agreed to the restriction of their custody rights, whether they maintain contact with the child, or whether they could seek to have custody restored by the court. It would be arbitrary to conclude, based on such factors, that the parents are effectively exercising custody instead of the guardian.

The board also cannot refuse to grant the benefit on the grounds that the guardian could seek child support from the parents on the child's behalf. Parents whose custody has been restricted by the court remain legally obliged to provide financial support for their child, but the right to receive the guardianship allowance does not depend on whether child support is paid.

The Chancellor of Justice asked the Social Insurance Board to henceforth pay the guardianship allowance to all children for whom a guardian has been appointed and whose parents' custody rights have been revoked, suspended, or restricted by the court to a comparable extent, provided that the child lives with the guardian. Exceptions may only be made if compelling arguments contradict the conclusions presented in the court decision.

The Chancellor also requested that the board review all decisions refusing to pay the guardianship allowance that were issued after the change in administrative practice. The Social Insurance Board complied with the Chancellor's recommendation.

Entitlement to Parental Benefit

The Chancellor of Justice was also asked to assess whether the Social Insurance Board was applying the Family Benefits Act correctly in cases where parents were receiving shared parental benefit for one child while expecting another.

The problem was that the board did not add the mother's unused parental benefit days to the shared parental benefit in cases where the children were born so close together that the shared parental benefit was still being paid for the previous child. The board took the view that the mother's parental benefit and the shared parental benefit are

benefits of the same type, and that when they overlap in time, the family must choose which benefit to use in order to avoid double payment. In such situations, it could happen that these families received up to 39 calendar days less parental benefit for one child compared to families in which the children are born further apart.

However, the board failed to take into account that if the mother has not begun to use her maternity leave, she has not acquired the right to receive the mother's parental benefit for the child who is about to be born. The law clearly states that the mother is entitled to receive the parental benefit only during the period of maternity leave. In such a situation, no double payment of benefits arises.

The Chancellor of Justice asked the Social Insurance Board to amend its administrative practice and bring it into compliance with the law. The board informed the Chancellor that it would follow this recommendation.

Granting of Allowance for a Family with Many Children

A family contacted the Chancellor of Justice after being denied the allowance for a family with many children, even though their third child had been born. Before the birth of the third child, the child allowances had been arranged so that the mother received the child allowance for the oldest child, while the father received the allowance for the second child. Because of this arrangement, the Social Insurance Board refused to grant the allowance for a family with many children after the third child was born.

The board explained that in such cases, it cannot determine that the children are being raised in the same family. According to its interpretation, this determination requires that child allowances be paid to one parent already before the birth of the third child.

The Chancellor of Justice found that this administrative practice of the Social Insurance Board does not reflect the intent or purpose of the law. If, before the birth of the third child, the parents have agreed that one of them will receive the child allowance for one child and the other parent for another, there is no need to change this arrangement prior to the third child's birth.

Parents who are jointly raising two children should not be expected to formally confirm to the state, before the third child is born, that they will continue to constitute a family and intend to raise their children together. If, in such a case, the state needs additional information to determine the amount of the allowance (for example, an agreement between the parents on which of them should receive the allowance for a family with many children), the family must be given the opportunity to provide that information to the board.

At the Chancellor's request, the decisions concerning this family were reviewed.

Payment of Child Allowance to a 20-Year-Old Secondary School Student

A parent expressed concern that child allowance for their 19-year-old child, who were still attending secondary school, would end at the close of the academic year.

The law provides that a 19-year-old secondary school student is entitled to receive child allowance until the end of the current school year or until removal from the school register. The parent considered it unfair that their child, who would graduate from secondary school at age 20, would no longer receive state support. The child had started school a year later than usual and, as a result, were no longer entitled to the allowance during their final year of studies.

The Chancellor of Justice concluded that paying child allowances to 20-year-old secondary school students would require a political decision. The response sent to the parent was also forwarded to the Social Affairs Committee and the Cultural Affairs Committee of the Riigikogu for their consideration.

Pension Under Favourable Conditions for Raising Children

Several people asked whether they are entitled to pension benefits for raising children: an old-age pension under favourable conditions, a pension supplement, and pensionable service.

The Chancellor of Justice explained that the right to receive an old-age pension under favourable conditions before reaching the pension age belongs to those who have raised a child with a disability or at least three children. Pension benefits cannot be applied retroactively, and postponing the pension under favourable conditions for raising child does not increase the amount of that pension. Since the Social Insurance Board is not aware of individuals' private circumstances (for example, who actually raised the child), the board does not inform people of pension benefits before they submit a pension application. Information on pension benefits can be found on the website of the Social Insurance Board.

In general, to qualify for pension benefits, the applicant must have raised a child for at least eight years. If several people have raised the child for that period, only one of them may use the pension benefit, though it can also be divided among those who participated in raising the child. If only one person wishes to claim the benefit, they must obtain the consent of the other eligible persons. If consent is not reached and the matter is not taken to court, the Social Insurance Board will divide the pension benefits related to raising the child equally among those entitled.

The Chancellor further explained that a parent who raised a child alone is entitled to the full pension supplement if the Population Register contains no information about the other parent, or if the other parent is deceased, missing, or their residence cannot be established. A parent who raised the child alone is also entitled to the full supplement if the other parent's custody rights were revoked before the child reached the age of eight, or if the other parent has already been granted a pension but has not applied for the supplement. These circumstances must be supported by appropriate documentation.

Attention was also drawn to an explanation on the Social Insurance Board's website, which could be understood to mean that a single parent receives only half of the pension supplement. The Chancellor clarified that this applies only if both parents have raised the child for at least eight years. If the other parent has raised the child for less

than eight years, the entire pension supplement must be granted to the parent who raised the child alone.

The Chancellor of Justice informed the Social Insurance Board that the information on its website could be misleading and requested that the wording be corrected – which the agency subsequently did.

Prosecutor's Old-Age Pension

The Chancellor of Justice was asked to assess the requirement that a prosecutor's old-age pension cannot be granted before the person reaches the general retirement age. The applicant argued that prosecutors receiving this pension are in a worse position than those eligible for a flexible old-age pension.

The Chancellor of Justice found that the condition stipulating that a person who has worked as a prosecutor is entitled to the prosecutor's old-age pension only upon reaching retirement age is consistent with the Constitution.

Work

Discrimination Against Older Job Seekers

The Chancellor of Justice was contacted regarding the difficulties faced by people aged 50 and older in finding employment. The complainant argued that individuals in this age group struggle to secure jobs because employers tend to prefer younger workers. They also suggested that the Unemployment Insurance Fund should offer more services specifically tailored to older job seekers.

The Chancellor of Justice found that, in an abstract assessment, it cannot be concluded that the Estonian Unemployment Insurance Fund discriminates against older persons in the provision of its services. Nor is there sufficient reason to assert that the Fund is legally obliged to introduce new services specifically for older job seekers.

The Chancellor explained that if a person suspects they have been discriminated against during the hiring process or while receiving labour market services, it is possible to determine – based on concrete facts – whether discrimination occurred.

In cases of alleged discrimination, the Chancellor of Justice can initiate a conciliation procedure. The Gender Equality and Equal Treatment Commissioner may also provide a legal assessment. The Chancellor emphasized that addressing each such case individually helps raise awareness of the problem and contributes to reducing age-based discrimination.

Suspension of Work Ability Allowance

A person reported that they had unexpectedly stopped receiving their work ability allowance from the Estonian Unemployment Insurance Fund. According to the Fund, the payment was suspended because the person no longer met the "active

participation" requirement for receiving the allowance for partial work ability – the Fund believed they were no longer serving as a member of a company's management board.

Upon review, it turned out that the Unemployment Insurance Fund had relied on data obtained automatically from national registers. However, because the individual had undergone a legal gender change, the correct data had not reached the Fund's system.

Following the intervention of the Chancellor of Justice, the underlying problem was identified and the error was corrected.

Opinion Submitted to the Supreme Court on Unemployment Insurance

The Chancellor of Justice was asked to provide an opinion to the Supreme Court regarding the calculation of unemployment insurance benefits based on income earned during parental leave.

Under § 9 (1) of the Unemployment Insurance Act, parents who work while on parental leave (formerly childcare leave) receive a smaller unemployment insurance benefit than those who do not work during that period.

The Chancellor of Justice concluded that this provision is unconstitutional. Although, in theory, a parent on parental leave who notices that their income during the leave will be lower than before could avoid an adverse situation by choosing not to work, it is unreasonable to expect such behaviour. This forced choice makes it harder to reconcile work and family life and may discourage parents from remaining economically active.

Such a method of calculating unemployment insurance benefits also disregards the Riigikogu's own assumption that a parent raising a child under the age of three should not be expected to work full time.

The Supreme Court agreed with this position (case no. 3-22-246), finding that the relevant provision of the law is unconstitutional insofar as it allows the unemployment insurance benefit to be reduced because the insured person earned income during maternity, paternity, parental, or adoptive leave on which unemployment insurance contributions were paid.

Exercise of the Right to Strike

The Estonian Trade Union Confederation sought an assessment of whether the statutory provision allowing an employee to refrain from performing work duties only when participating in a strike – but not when taking part in any other protest action (e.g. a demonstration) – is compatible with the Constitution. In other words, the question concerns extending the concept of a strike so that employees could also participate in a strike directed against government policy.

The Chancellor of Justice found that neither the Constitution nor international law requires that employees must be allowed to participate, during working hours, in strikes conducted purely for political purposes.

Different countries regulate the right to strike in different ways. The committees overseeing compliance with the Revised European Social Charter and the International Labour Organization (ILO) conventions have not found Estonia's laws to be inconsistent with these instruments regarding political strikes.

Employees are already able to participate in strikes in which they present both work-related demands and political demands. Employees may also participate in protest actions where only political demands are made, but they may do so during working hours only if this has been agreed with the employer.

In practice, it is not always clear whether a particular strike is purely political or whether it concerns issues of economic and social policy that affect employees' interests. In Estonia, the courts decide whether a specific strike was unlawful. The court also determines whether the extraordinary termination of an employment contract with a worker who took part in a political strike – and therefore failed to perform work duties – was legally valid.

Protection of Health

Section 28 of the Constitution of the Republic of Estonia provides that everyone has the right to the protection of health. This right is closely connected to the right to human dignity set out in § 10 of the Constitution, the right to life in § 16, and the right to privacy in § 26, which also encompasses physical and mental integrity (see The Constitution of the Republic of Estonia: Commented Edition, commentary on § 28).

For years, the Chancellor of Justice has emphasized the need for a clear and functional mechanism allowing individuals to express their will to refuse medical treatment before they become incapacitated and unable to make such decisions themselves (see, for example, the address to the Riigikogu's Social Affairs Committee and the 2021–2022 annual report of the Chancellor of Justice). Until recently, there was no clarity on how to make such a declaration of intent – what conditions it must meet for healthcare professionals to rely on it – nor a solution for ensuring that such declarations would be easily accessible to all medical personnel.

It is encouraging to note that the Riigikogu has now adopted important legislative amendments that establish for patients the possibility to prepare an end-of-life declaration of intent, which will be accessible in the health information system.

Unfortunately, many patients still cannot see a doctor within a reasonable time. The main obstacles include long waiting times, the considerable distance between the doctor and the patient, and, in some cases, the high cost of the medical service. According to an analysis by the Estonian Institute for Health Development (TAI), Estonia has the highest estimated level of unmet medical need in Europe: in 2023, this affected approximately 13% of the population, compared to the European Union average of 2–3% (OECD/EOHSP, 2024; Population Health Yearbook 2025. The Health of the Estonian Population and Its Determinants, Estonian Institute for Health Development).

The existence of this problem is also confirmed by numerous petitions sent to the Chancellor of Justice, in which people express concern over long waiting lists and, in some cases, even the difficulty of getting onto a waiting list at all. The Chancellor also frequently receives complaints from patients who disagree with their doctors' medical decisions. In several instances, people have raised concerns that adding new medicines to the list of reimbursable drugs takes too long, thereby delaying patients' access to medicines under favourable conditions.

Although the Chancellor of Justice does not directly resolve such issues – as there are other procedures established for handling healthcare-related disputes (see the Ministry of Social Affairs website for more details) – in many cases, solutions have been found with the assistance of the Estonian Health Insurance Fund or the Ministry of Social Affairs.

Provision of Healthcare Services in Estonian

During a public debate in the spring, the Chancellor of Justice was repeatedly asked how healthcare services should be ensured for patients who do not speak Estonian.

The Estonian Medical Students' Association and the Estonian Junior Doctors' Association noted in their submission that older doctors often struggle to communicate with English-speaking patients, while younger doctors face difficulties communicating with Russian-speaking patients. They requested clarification on how language issues are regulated by law and what should be done to achieve clarity in this matter.

The Chancellor of Justice explained that effective communication between healthcare professionals and patients is essential to providing quality medical care.

The official language of Estonia is Estonian (Constitution § 6). The Language Act establishes the language proficiency requirements for healthcare workers. Under a regulation based on the Language Act, physiotherapists, midwives, nurses, and other healthcare providers who communicate daily with patients and provide them with information must have Estonian language skills at the B2 level. Doctors and psychologists must have C1-level proficiency. It is the employer's responsibility to ensure that employees meet the required language standards.

People residing in, visiting, or planning to settle in Estonia must understand that the Estonian state, under its Constitution, is obligated to ensure that healthcare services are available in Estonian. If a healthcare provider does not offer services in a foreign language or has not agreed to arrange translation, a person who does not speak Estonian must bring their own interpreter or find another translation solution.

The Chancellor of Justice also explained several times how healthcare should be provided to patients who do not speak Estonian and are unable to arrange translation themselves. In such cases, it is of course essential that no patient is left without necessary medical assistance.

It is advisable to think about potential language barriers before visiting the doctor. When scheduling an appointment, patients should be informed that if they do not have sufficient command of Estonian, they need to make efforts to arrange interpretation. If the healthcare provider has agreed to arrange interpretation, the patient should be clearly informed of the conditions under which this will be provided.

A different situation arises when emergency medical care must be provided – care that cannot be delayed or withheld without risking the patient's life or causing permanent harm. In such cases, the provider of emergency medical assistance must also consider situations where they receive a patient in critical condition who is unable to arrange interpretation or use any technological translation aids.

This is a complex issue. On one hand, a healthcare worker must be confident that they understand the patient, as this is a prerequisite for providing quality care. By law, however, doctors cannot be required to know foreign languages. On the other hand, it is in the patient's best interest to receive information about their health and treatment in a way they can understand.

There are several possible solutions. One is to develop and implement technological tools such as translation software and train healthcare professionals to use them. In some countries, medical interpretation services are already available by phone, video,

or on-site. Another option is to translate frequently used informational materials into the most common languages used in patient interactions.

The state could also consider promoting free language support services in healthcare settings and in the dissemination of health information – including interpretation and mediation services for those who do not speak or understand Estonian. The needs of sign language users should also be taken into account, and consideration should be given to how persons with sensory or intellectual disabilities could be supported.

Use of Technological Solutions in the Provision of Healthcare

A person turned to the Chancellor of Justice with a concern that they had not been informed about the results of a screening test, which may have led to delays in necessary follow-up and treatment.

The physician who carried out the examination noted in the Health Portal entry that the patient required a new polypectomy and histological examination within six months, but the hospital did not contact the patient or inform them of the results of the initial examination or the need for a repeat procedure. As the elderly patient did not use a computer on a daily basis, they were unaware of the entry in the Health Portal.

According to the Chancellor of Justice, digital tools – such as online registration systems, patient portals, and other platforms that enable communication with healthcare providers – are undoubtedly very useful for patients, healthcare institutions, and the state. Unfortunately, for various reasons, these solutions may be inaccessible to some patients.

Data from Statistics Estonia show that a considerable proportion of people do not use the Health Portal at all. In 2024, 59.2% of people aged 55–64 (a total of 150,500 individuals) viewed their health data online (including digital prescriptions and digilugu.ee). This means that approximately 61,400 people in this age group did not use the Health Portal. Among those aged 65–74 (a total of 104,500 individuals), 50.3% viewed their health data online, meaning that roughly 52,000 people in this age group did not use the Health Portal.

Regular use of e-health solutions can be hindered by the lack of technological devices (such as computers or smartphones), limited digital literacy and related anxieties, or user interfaces that are too complex. A person's ability to use digital systems can also be affected by age, as well as by physical or cognitive limitations. Furthermore, patients may find it confusing to interpret the information or results they receive.

Given that such a large number of people do not use the Health Portal, it is clear that medical information cannot always be delivered to patients solely through this digital channel. Family doctors and hospitals must consider the patient's (and, where relevant, their relatives') needs when communicating. This means that patients have the right to receive information about their health directly from their doctor or nurse.

Reimbursement of Insulin Pump Costs

With the support of the Estonian Health Insurance Fund, insulin pumps are provided only to insured individuals up to the age of 25. A person who contacted the Chancellor of Justice expressed concern that this age limit might have been set arbitrarily.

The Chancellor of Justice explained that there is no reason to consider this age limit arbitrary. Until the end of 2022, insulin pump therapy was reimbursed for insured persons up to 19 years of age. Since 2023, the Health Insurance Fund has extended reimbursement to cover patients with type 1 diabetes up to the age of 25. Thus, the group of eligible recipients has been gradually expanded in accordance with the financial capacity of the Health Insurance Fund.

The purpose of this expansion is to ensure continuity of care for young people who began insulin pump therapy as children and need to continue this treatment as they start living independently. In social policy, young people are often treated as a distinct target group. Those who have just reached adulthood and are beginning independent life are in a particular situation: on one hand, they no longer qualify for child-related social protection and benefits, but on the other hand, they may not yet have full access to the opportunities available to adults – for example, stable employment income or sufficient social support.

In Estonian legislation, the youth age group is typically defined as people up to 26 years old (for instance, in the Youth Work Act and the Social Welfare Act). Therefore, when making social policy decisions, it is consistent to treat individuals up to 26 as a separate group, and this age limit cannot be considered arbitrary when applied to healthcare benefits such as insulin pump reimbursement.

Complaint Mechanisms in Cases of Medical Error

The Chancellor of Justice was asked to clarify to whom a patient should turn in order to determine whether a medical error has occurred, since the Health Care Services Quality Expert Commission has now ceased its activities.

The individual explained that because the error in their treatment occurred before the entry into force of the Mandatory Liability Insurance for Healthcare Providers Act (TOKVS), their case does not constitute an insured event within the meaning of that Act. The applicant considered that, without an expert opinion from the former commission, it is difficult for a patient to decide whether bringing a court action would be likely to succeed.

The Chancellor of Justice found that there are nevertheless no grounds to conclude that the termination of the commission's work violated the rights of those individuals whose treatment errors occurred before the entry into force of the TOKVS but were discovered only after the commission ceased its activities. She explained that a healthcare professional was under no obligation to comply with the commission's opinion, nor did the opinion guarantee compensation for the patient. The courts treated the commission's opinion as one item of evidence, equivalent in nature to other forms of evidence.

After the closure of the commission, patients can still attempt to resolve disputes about alleged medical errors through out-of-court negotiations. If these negotiations do not lead to a satisfactory outcome, the patient may turn to the courts to protect their rights. The Constitution does not guarantee that a person must receive a free expert opinion in cases of suspected medical error to assess whether it would be effective to pursue the matter in court.

Liability Insurance for Speech Therapists

The Chancellor of Justice was asked whether the requirement for mandatory liability insurance for speech therapists as healthcare providers is justified.

In the Chancellor's view, the obligation to hold liability insurance in the case of speech therapy services cannot be considered clearly unjustified. It is possible that a patient may suffer harm to their health as a result of a speech therapist's actions. A speech therapist may make an incorrect diagnosis, apply inappropriate therapy, or fail to provide necessary treatment. Such actions may cause both physical (for example, through improper treatment or neglect of a swallowing disorder) and mental harm.

Provision of Psychiatric Care

The Chancellor of Justice was also asked to clarify issues concerning access to psychiatric care. The complainant argued that Estonian legislation does not sufficiently protect the health, property, or dignity of people with mental disorders or their families, and that preventive measures are lacking.

The Chancellor explained to the complainant the principles governing the provision of involuntary psychiatric care, the obligation to ensure the confidentiality of health data, and the conditions and responsibilities related to the appointment of a guardian.

Cities and Rural Municipalities

The Constitution guarantees autonomy to cities and rural municipalities – that is, the right to independently decide and manage all local matters. The Riigikogu, the government, and ministries must respect this local autonomy. Naturally, cities and rural municipalities are also obliged to act in accordance with the Constitution and other laws. Local governments must respect individuals' fundamental rights and freedoms, use taxpayers' money prudently, and conduct their affairs with integrity. The common democratic principles of local self-government in Europe are set out in the European Charter of Local Self-Government and its additional protocol.

A local government is not a subordinate body of the central government or ministries, but neither is it a "state within a state." The idea of local self-government lies in the community's right to handle local issues itself – in a way that best suits that particular city or rural municipality. The state must support local governments: conditions must be established so that cities and rural municipalities can perform their duties and have sufficient funds to promote local life. The state may, by law, assign national tasks to local governments, but in doing so, it must provide adequate financial resources from the state budget. The local budget and the state budget are separate.

During the reporting year, the Chancellor of Justice helped resolve several internal management issues within cities and rural municipalities and reviewed whether the legislative acts (regulations) adopted by local government councils complied with the Constitution and the law. The Chancellor also monitored that cities and rural municipalities lawfully carried out their public duties and did not violate individuals' fundamental rights and freedoms.

In addition, the Chancellor of Justice participated, within the limits of their competence, in discussions on amending the Constitution. The constitutional amendment adopted by the Riigikogu restricted voting rights in local government council elections.

Local Government Council Elections

On 26 March 2025, the Riigikogu urgently adopted the Constitution of the Republic of Estonia Amendment Act, which removed the right of third-country nationals residing in Estonia to vote in local government council elections. On 9 July 2025, the constitutional amendment entered into force, stipulating that the right to vote in local elections belongs, under conditions provided by law, to Estonian citizens and stateless persons who are permanent residents of the local government and at least sixteen years old. A further restriction will take effect on 1 March 2026, when only Estonian citizens who are permanent residents of the local government will be eligible to vote in local elections.

The Chancellor of Justice participated in the discussions on the constitutional amendment in the Constitutional Committee of the Riigikogu and expressed views on the issue repeatedly in the media.

Prompted by the constitutional amendment, the Sillamäe City Council turned to the Chancellor of Justice for clarification. The Chancellor explained that voting rights in

local elections can be restricted on the basis of citizenship only by amending the Constitution, and that is what the Riigikogu had done. The Chancellor cannot challenge the constitutional amendment or propose alternative solutions.

The Chancellor added that, even under the new circumstances, the state authorities and local governments must ensure the protection of the fundamental rights and freedoms of all people living in Estonia. Local governments remain obliged to manage local affairs based on the legitimate needs and interests of their residents and the particular characteristics of the city's or rural municipality's development (Local Government Organization Act § 2). All residents of the local government should be effectively involved in open decision-making processes (such as planning procedures), through which they can influence decisions. People, regardless of their citizenship, may also be included in the work of council committees.

The local government council elections will take place in October 2025. In connection with this, the Chancellor of Justice sent a memorandum to cities and rural municipalities, reminding them that access to all polling stations must be ensured.

Under § 1(11) of the Chancellor of Justice Act, the Chancellor supervises the protection and promotion of the rights of persons with disabilities. The Chancellor has been monitoring election accessibility since 2017. Compared to that time, cities and rural municipalities have made significant progress – the situation has improved considerably, though it is still not as good as it should and could be.

According to Article 29 of the UN Convention on the Rights of Persons with Disabilities, all States Parties must ensure that persons with disabilities can participate in political life on an equal basis with others. This includes the right to vote and to be elected. All voting procedures, facilities, and materials must be accessible and appropriate for persons with disabilities. Accessibility must be guaranteed throughout the entire election process: information about elections must be available, polling stations must be physically accessible, and electronic voting systems must use accessible software.

When designing voting booths, the specific needs of voters must be considered. According to § 41 of the Local Government Council Election Act, the booth must contain a table and writing utensil. Because not all voters can fill out a ballot while standing, necessary adjustments must also be made for those who use mobility aids, wish to vote while sitting, or are of short stature. Although § 45(7) and (10) of the Act allow a voter with a physical disability to be assisted by another voter (for example, in filling out or inserting the ballot into the box), election organizers must do everything possible to enable voters to cast their vote independently – this concerns human dignity, equal treatment, and the secrecy of the ballot.

Electronic voting or home voting with a ballot box must remain strictly voluntary options. It is not appropriate to pressure people to vote in ways that are merely more convenient for election organizers.

Information provided to voters must correspond to reality. A polling station that a person with a disability cannot physically reach or move around in cannot be considered accessible.

Ensuring accessibility to polling stations is especially important in these elections, given that the number of polling stations will be reduced.

By Tallinn City Government Regulation No. 11 of 8 April 2025, 44 polling stations were established for the October local government elections. The Chancellor of Justice was asked whether reducing the number of polling stations (there were 96 during the 2021 local elections) could impair physical access for voters, hinder participation, and thus conflict with the principles of the Constitution.

The Chancellor explained that in assessing the constitutionality of Regulation No. 11, it is necessary to evaluate how much the change limits actual voting opportunities and the reasons for the reduction.

The Chancellor concluded that reducing the number of polling stations in Tallinn is not unjustified. The change does not violate the principle that there must be enough voting opportunities and methods to allow voters to participate in elections with reasonable effort.

Over the past decade, the number of polling stations has been reduced in most rural municipalities and cities. The main reason is that an increasing number of voters prefer to vote in advance and outside their home district. Ensuring the proper operation of polling stations requires financial resources from local government.

According to § 22(1) of the Local Government Council Election Act, there must be at least one polling station in every city (in each district of Tallinn) and rural municipality. Voters can choose between several voting times and methods (§§ 44, 49, 51 etc.). A voter who cannot vote in person at a polling station due to health or other valid reasons may request home voting (§ 52).

The possibilities for advance voting outside one's residential district have been significantly expanded. The data controller of the Population Register must send information sheets to eligible voters, presenting the voting options available in the rural municipality or city and providing other information necessary for voters (§ 26).

Thus, voters can choose the time and method of voting that suits them best and may also cast a paper ballot at a polling station near their workplace, school, or a shop.

According to the explanatory memorandum to Tallinn City Government Regulation No. 11 and the response of the city secretary, the previous reductions in the number of polling stations have not decreased voter turnout in Tallinn or other local governments. The city explained to the Chancellor that some polling stations will remain closed this time because fewer than 600 people voted there during the last elections; some stations were located very close to each other and are therefore being merged; and some polling places did not meet accessibility requirements.

Public transport in Tallinn is free of charge. According to the city government, the polling stations for the 2025 elections will be within walking distance of each voter's registered place of residence. The city government's response indicated that the polling stations to be opened under Regulation No. 11 comply with accessibility requirements.

Because the Chancellor of Justice monitors the protection and promotion of the rights of persons with disabilities, the Chancellor's advisers visit polling stations during elections. Rural municipalities and cities whose polling stations fail to meet accessibility requirements receive a formal notice from the Chancellor.

The Chancellor of Justice concluded that, although some voters will likely need to go to a different polling station than before, Tallinn City Government Regulation No. 11 is not contrary to the Constitution or the law.

Opinions Submitted to the Supreme Court

During the completed reporting period, the Supreme Court resolved, in constitutional review proceedings, several important cases concerning the constitutional guarantees of local self-government. In all these cases, the Chancellor of Justice submitted a reasoned opinion.

Application of Saue Rural Municipality Council concerning the Act amending the Income Tax Act

The Act amending the Income Tax Act, adopted on 29 July 2024, changes the principles of distributing income tax to rural municipalities and cities. In 2025–2027 the share of income tax allocated from the state pension of a resident natural person will be gradually increased from 2.5% to 10.23%, while at the same time the share of income tax allocated from other income will be gradually reduced from 11.89% to 10.23%. As a result, the growth of income tax revenue will accelerate in municipalities with a higher proportion of elderly residents and will slow down in municipalities with a higher proportion of working-age residents and a higher wage level. Among the public, the new allocation method has been dubbed the "Robin Hood Act".

Saue municipality is one of the local authorities whose revenue growth will slow down due to the amendment of the Income Tax Act. The Saue Rural Municipality Council submitted an application to the Supreme Court to declare § 1 or § 2 of the amending Act unconstitutional under § 154 of the Constitution. The Council raised before the Supreme Court the important question of whether the state takes into account the constitutional right of local authorities to sufficient funding for the performance of their functions.

Bearing in mind future applications by municipal councils for the protection of the constitutional guarantee of financial sufficiency, this is a complex and precedent-setting case.

The Chancellor of Justice found that an objective assessment of whether the amendment to the Income Tax Act deprives Saue municipality of sufficient funding for the performance of local government functions requires an overview of the municipality's overall financial situation. This means assessing whether the possibilities of reducing expenditure (such as reducing the scope of voluntary local government functions, savings through internal structural changes, etc.) and increasing revenue (for example, through local taxes) have been exhausted.

The Chancellor of Justice did not consider the financial and other data presented in Saue's application sufficient to take a position on whether the right of the municipality to sufficient funding for its functions (§ 154(1) of the Constitution) had been violated. On the other issues raised in the application, the Chancellor of Justice did not find a violation of the constitutional guarantees of the municipality:

- The amending Act did not impose a state function on the municipality;
- § 2 of the Act is not in conflict with the local government's right to the stability of the financing system for its functions (§ 154(2) of the Constitution);
- The classification of public functions into local and state functions is not regulated in laws more inadequately than before.

On 30 June 2025 the Constitutional Review Chamber of the Supreme Court ruled that the amendments reallocating part of income tax revenue from wealthier municipalities to those with lower income are not unconstitutional.

Application by Elva Rural Municipality Council Concerning the Population Register Act

In its application to the Supreme Court, Elva Rural Municipality Council argued that failure to adopt a legislative act determining whether, under what conditions, and by what means a municipality may verify the substantive correctness of address data entered in the population register is unconstitutional under § 154(1) of the Constitution (the guarantee of the right to self-government). By verifying the data, it would be possible to ensure that only local residents act as members of the municipal council and stand as candidates in council elections.

As an alternative, Elva Rural Municipality Council requested that the Supreme Court declare unconstitutional the legal uncertainty. The Council noted that in the current situation municipalities cannot sufficiently clearly and precisely determine their rights and obligations, even though they are required to ensure that only local residents act as members of the council.

The Chancellor of Justice's overall assessment was that although the application of Elva Rural Municipality Council was admissible, it should be dismissed. The limited possibilities for verifying the accuracy of address data provided for in the Population Register Act (i.e. the absence of relevant legal provisions) do not violate the constitutional guarantee of local self-government under § 154(1) of the Constitution. The mere absence of a legal norm does not, in itself, constitute a breach of the Constitution (see Supreme Court en banc judgment of 21.05.2008, case no. 3-4-1-3-07, para. 50).

The Chancellor of Justice noted, among other things, that the outcome of this case has significant implications for the organisation of local government. For example, the address entered in the Population Register determines which kindergarten can offer a place to a child; which school is designated as the child's school of residence; and which rural municipality or city is responsible for providing social services (Social Welfare Act § 5(1); see also Supreme Court Constitutional Review Chamber judgment of 9 December 2019, case no. 5-18-7/8, paragraphs 132–139) as well as for assessing

the need for assistance and organising the necessary support (Child Protection Act § 27(3); § 28(1) and § 29).

On 26 February 2025 the Constitutional Review Chamber of the Supreme Court dismissed the applications of Elva Rural Municipality Council (see Supreme Court judgment no. 5-24-29/14).

Even after the judgment, the Chancellor of Justice has had to explain the legal significance of entering a candidate's or a council member's address in the population register and the rules for verifying this data.

Application by Kiili Rural Municipality Council concerning the Planning Act

Kiili Rural Municipality Council submitted an application to the Supreme Court requesting that § 131(2) of the Planning Act (PlanS) be declared unconstitutional (§ 154(1) of the Constitution: right to self-government) and invalid insofar as it does not allow a municipality to conclude an administrative contract with a person interested in a detailed plan, under which the interested person undertakes to build social infrastructure or cover the costs of constructing social infrastructure buildings and facilities.

The Chancellor of Justice found that § 131(2) and § 128(2) clause 2 of the Planning Act, taken together, are not unconstitutional. Municipalities have lawful means to control population growth. A municipality can guide its development through the comprehensive plan and has the right to refuse to initiate a detailed plan if it would entail obligations the municipality cannot fulfil. Problems associated with planning autonomy do not mean that a law enabling a municipality to adopt a plan – and thereby also assume obligations – is unconstitutional. Municipalities can foresee and take into account the impact of planning on their duties.

On 19 June 2025 the Constitutional Review Chamber of the Supreme Court dismissed the application of Kiili Rural Municipality Council (see Supreme Court judgment no. 5-24-34/13).

Water and Sewerage

The Chancellor of Justice continued the review of the wastewater management regulations established by cities and rural municipalities and drew attention to the deficiencies found in them. Compliance with the requirements for on-site wastewater treatment is essential, since failure to do so may contaminate groundwater, which in turn may endanger access to clean drinking water.

Under § 104(7) of the Water Act, every city and rural municipality must adopt rules for on-site wastewater treatment and removal. These rules must address cases where wastewater from a property is not discharged into a public sewerage system. Unfortunately, the law does not provide sufficiently precise guidelines and conditions as to what cities and rural municipalities should regulate in their local rules. It is, however, essential that the requirements set out in such rules have a legal basis and are not in conflict with the law.

The Chancellor of Justice drew the attention of the leaders of Kose Rural Municipality to problems concerning both access to drinking water and the municipality's rules on on-site wastewater treatment. Cities and rural municipalities are responsible for ensuring that their residents do not remain without access to clean drinking water. This obligation also means that if a person, for reasons beyond their control, cannot obtain drinking water from their own well, the local government must, for example, arrange for water to be delivered to the person. The local government must also, where necessary, provide financial assistance for the purchase of water or otherwise ensure access to clean water.

The most appropriate solution in a specific situation depends primarily on the person's need for assistance. The Chancellor of Justice has previously addressed the consequences of a municipality's failure to fulfil this obligation in a circular sent to cities and rural municipalities.

Organisation of Municipal Council Work

The Chancellor of Justice was asked to verify whether § 5(1) of the Rules of Procedure of the Saaremaa Rural Municipality Council is consistent with the law. This provision states: "A council faction may be formed by at least three members of the council who were elected from the same party or electoral alliance list. Members of the council elected from the same list may form only one faction. A member who leaves a faction is not entitled to join any other faction."

The Chancellor of Justice found that the conditions established in this provision of the council's Rules of Procedure fall within the council's right of self-organisation and are consistent with the law.

The Local Government Organisation Act does not specifically regulate the activities of council factions. The local government council is a constitutional body (Constitution § 156). Therefore, it possesses the right of self-organisation, including the authority to establish rules governing its internal procedures. In exercising this right, the council must comply with the Constitution, the norms and principles of the European Charter of Local Self-Government, and the relevant laws. The council itself adopts its Rules of Procedure (Local Government Organisation Act § 44(1)). Within this legal framework, various approaches are permissible.

Revision Committee of the Saarde Rural Municipality Council

The Chancellor of Justice was informed that the Saarde Rural Municipality Council had, for an extended period, been operating without a revision committee.

In a memorandum, the Chancellor of Justice drew the council's attention to the fact that such a situation is unlawful. The revision committee is a statutory committee of the municipal council, and establishing it, as well as determining its composition, is a legal obligation of the council itself (Local Government Organisation Act § 48). The absence of a revision committee is not merely a formal issue – the committee performs important supervisory functions as prescribed by law (§ 48(3)–(8) of the Local Government Organisation Act; § 29(10) of the Local Government Financial Management Act).

Although the law does not specify the exact time frame within which new elections must be held following the resignation of committee members, this must be done within a reasonable period. In Saarde Rural Municipality, the reasonable period had clearly been exceeded: nearly nine months had passed since the resignations of the committee chair, vice-chair, and a member.

The rural municipality council took the Chancellor of Justice's notice into account and proceeded to elect a new revision committee chair, vice-chair, and member.

Positions of the Chancellor of Justice on Other Matters

Construction Sector

- "Delay in granting design specifications"
- "Delay in the occupancy permit procedure"
- "Proposal to bring the Tallinn City Council Regulation No. 24 of 15 December 2022 – Procedure for the Construction and Financing of Publicly Used Buildings – into conformity with the Constitution"
- "Co-financing requirement for the construction of a publicly used building"
- "Delay in the occupancy permit procedure"
- "Occupancy permit for change of building use, and energy performance certificate"
- "Administrative agreement in the case of a detailed plan that amends the comprehensive spatial plan"
- "Delay in granting design specifications in Kose Rural Municipality"
- "Occupancy permit procedure for a building constructed under a building permit issued before the entry into force of the Building Act"

Registration of Place of Residence

- "Registration of place of residence"

Good Administrative Practice

- "Responding to applications"
- "Responding to inquires"
- "Responding to requests for public information, memoranda, and explanatory inquiries"

Hobby Education and Hobby Activities

- "Procedure for supporting hobby education and hobby activities"
- "Support for hobby education"

Cemetery Management

- "Indeterminate legal concepts and design principles applicable in cemeteries"

Local Government Supervision of Regulations Adopted by Council

- "Draft Act amending the Local Government Organisation Act (537 SE)"

Organisation of School Transport

- "Organisation of school transport"
- "Organisation of school transport for a student requiring learning support"
- "Organisation of school transport in Põlva Rural Municipality"
- "Obligation to organise school transport"
- "Arranging a student's school route"

Pre-School Institutions

- "Rest time in kindergartens"
- "Support for a child with special needs in a kindergarten"
- "Provision of speech therapy in a kindergarten"
- "Reduction of kindergarten fees"

Children's Rights

- "Living arrangements and child support for children after the loss of a parent"

Municipal Housing

- "Termination of a rent for municipal housing with a tenant who lived in a restituted property"

Municipal Primary and Secondary Schools

- "Organisation of national defence field training course"
- "Alleged alteration of entrance test results"
- "Storage of mobile phones at school and the length of breaks"
- "Procedure for students leaving the school building"
- "Formation of school boards"
- "Provision of a school place"
- "Procedure for students leaving the school building"
- "Supporting students at school"
- "Assignment of school places for children"
- "Admission requirements for upper secondary schools"
- "Establishing school rules and procedures for leaving the building"
- "Number of qualified teachers in schools"
- "Admission requirements for upper secondary schools"
- "Length of breaks and students' study workload"
- "Duration of lessons"
- "Formation of level classes and tempo groups at Aruküla Basic School"

Parking Supervision

- "Parking on the pavement in front of an apartment building"

Planning Sector

- “Delay in initiating a detailed spatial plan”
- “Delay in adopting a detailed spatial plan”
- “Minimum permitted distance of a wind farm from dwellings”
- “Termination of a special plan for a wind farm due to overriding public interest”
- “Requirement for spacing between dwellings in a comprehensive spatial plan”
- “Administrative agreement in the case of a detailed plan that amends the comprehensive spatial plan”
- “Delay in processing a detailed plan”

Financial Compensations and Social Services

- “Support person assistance in school”
- “Support person for a child”
- “Payment for a care home place”
- “Fee for social transport service”
- “Provision of housing assistance”
- “Organisation of assistance corresponding to individual needs”
- “Provision of housing”
- “Graduation allowance”

Right of a Council Member to Access Information

- “Disclosure of employee salary data”

Public Transport

- “Proof of entitlement to free travel”
- “Travel discounts on the Munalaid–Manilaid ferry route”

Inspection Visits

Under § 1(7) and § 27 of the Chancellor of Justice Act, and Article 3 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Chancellor of Justice has the duty to regularly inspect places of detention.

A place of detention is any facility where individuals are held under the order, with the support, or with the express or tacit consent of public authorities. Places of detention are not limited to prisons and police detention centres; they also include detention facilities for foreign nationals, closed childcare institutions, and care homes from which people cannot leave of their own free will. There are several hundred such institutions in Estonia.

The purpose of inspecting places of detention is to determine whether people held there are treated with dignity. Human dignity must be respected regardless of whether the person is a convicted offender, has a mental disorder, or is a foreign national – including, for example, a prisoner transferred from abroad under a prison rental agreement. The Chancellor of Justice assesses whether detainees are provided with sufficient and regular food, clean clothing and bedding, warm and hygienic living conditions, and meaningful activities.

During the reporting year, the Chancellor of Justice paid particular attention during inspection visits to the treatment of elderly persons in both prisons and care homes, as well as to the treatment of foreign nationals in detention facilities. In several cases, the Chancellor emphasised the importance of maintaining and improving the health – especially the mental health – of those in detention, and of ensuring compliance with the requirements for storing and administering medicines. Care must also be taken of individuals held in isolation: their condition and health must be monitored continuously, and it must be regularly assessed whether their isolation remains necessary.

After almost every inspection visit, the Chancellor of Justice stressed that it is crucial to recruit, retain, and train dedicated and well-qualified staff, as this is essential for ensuring the rights and well-being of people held in places of detention.

Prisons

Inspection Visit to Tallinn Prison

During the reporting year, the Chancellor of Justice focused attention on the conditions of detention in Tallinn Prison. The inspection primarily examined the situation of prisoners held in solitary confinement, elderly detainees, and foreign nationals, as well as the organisation of visits and the accessibility of healthcare services.

The Chancellor of Justice commended Tallinn Prison for the significant efforts it has made to improve the organisation of visits. The waiting and visiting areas have become more child-friendly and comfortable, and staff members are welcoming and supportive toward children and families.

Prison guards are increasingly spending time in the living units to get to know inmates better and to build constructive relationships with them – a practice that also enhances overall security within the prison. Newly admitted prisoners are no longer kept in the reception unit for months, the duration of disciplinary solitary confinement has been reduced, and the reasons for placing individuals in locked isolation cells are reviewed regularly. It was encouraging to note that during the past year, there were few cases where the use of direct coercive measures was necessary.

The prison has found ways to allow inmates more time outdoors in ground-level exercise yards. Common areas have been furnished with more comfortable furniture (for example, sofas), and additional sports and leisure equipment has been acquired. More telephones have been installed in the living units, allowing inmates to call their families and loved ones more frequently. These improvements have been welcomed by both prisoners and staff, as they help create a calmer and more respectful atmosphere.

Remand prisoners now have significantly better opportunities to communicate, make phone calls to their families and children, and access information through newspapers and television, since not all of them are confined to locked cells for 23 hours a day.

The Chancellor of Justice reiterated the position that individuals held in solitary confinement should be able to have at least two hours of meaningful social contact each day. Medical staff should assess the health condition of those in solitary confinement on a daily basis. Particular attention must be paid to remand prisoners subjected to additional restrictions by the prosecutor or court, who are therefore prohibited from communicating with other detainees or persons outside the prison.

The Chancellor noted that conditions must be created to adequately accommodate prisoners with mental disorders, self-harm tendencies, or suicidal behaviour. Consideration should be given to establishing a dedicated mental health unit, designed and staffed to meet their specific needs, offering opportunities for activity and social interaction.

The scheduling of family and child visits should also be reviewed to ensure that relatives arriving by public transport can reach the prison in time and do not have to wait excessively long.

The Chancellor of Justice drew attention to the need for the prison to better accommodate the needs of older prisoners, making conditions of detention more suitable for the elderly. Efforts should also be made to improve the digital skills of older inmates.

Improvements are also needed for foreign prisoners who do not speak Estonian or Russian. Because of the language barrier, they face difficulties in obtaining information, communicating, participating in reintegration activities, and accessing healthcare services. They also have limited opportunities to contact their families, as international phone calls are expensive and video meetings are not available to them.

The Chancellor of Justice recommended that the prison, together with the Ministry of Justice and Digital Affairs, find a way to make purchases from the prison shop more

accessible to detainees and remand prisoners. The existing practices for using restraint measures during prisoner transfers should also be reviewed. The use of restraints must always be based on an individual risk assessment.

A healthcare expert accompanying the inspection found that medical services – including mental healthcare – were not sufficiently accessible in Tallinn Prison, as they should be. Medical personnel must work to maintain trust between doctor and patient and ensure that privacy and confidentiality are respected when providing healthcare.

The Chancellor of Justice urged the prison and the Ministries of Justice and Digital Affairs to continue efforts to fill vacant positions. The number of staff in Tallinn Prison must not be reduced, even if the plan to rent part of Tartu Prison for foreign prisoners is implemented.

Medical Expenses of a Person Who Intentionally Self-Harmed in Prison

The Chancellor of Justice was asked to assess whether § 53(4) of the Imprisonment Act is compatible with the Constitution. This provision allows the Estonian Health Insurance Fund to reclaim medical treatment costs from a person who has intentionally self-inflicted injuries while in prison. By contrast, people living in freedom who intentionally harm themselves receive emergency medical treatment (including urgent psychiatric care) without being required to reimburse the costs afterwards.

The Chancellor of Justice found that such differential treatment is inconsistent with the general societal understanding in Estonia that medical care must be provided to those who self-harm, and therefore violates § 12 of the Constitution (the principle of equality). In the Chancellor's view, § 53(4) of the Imprisonment Act endangers the right of prisoners to the protection of health guaranteed under § 28 of the Constitution. The measure effectively acts as a financial penalty, which is neither necessary nor appropriate for resolving a mental health crisis. According to international detention standards and the position of international organisations, prisoners must have access to healthcare of the same quality as that available to the general population.

The Chancellor of Justice requested the Ministry of Justice and Digital Affairs to prepare amendments to § 53(4) of the Imprisonment Act to ensure equal treatment of prisoners and compliance with international detention standards and human rights principles. The ministry agreed with the Chancellor's position and undertook to repeal this provision in the next amendment of the Act.

Payment of Wages to Prisoners

A prisoner in Tallinn Prison contacted the Chancellor of Justice with concern that, because he had not received his wages, he was unable to buy hygiene products.

The Chancellor of Justice emphasised that if, due to an administrative error, a prisoner does not receive the wages he is entitled to on time, the prison must ensure that he has sufficient hygiene supplies to maintain cleanliness and proper clothing, and that his contact with family members is not disrupted. The Chancellor urged the prison to organise its work processes so that payment of wages to prisoners does not experience delays. Postponing wage payments undermines prisoners' motivation to

work and develop self-sufficiency and does not support the purpose of imprisonment – to guide the individual toward a law-abiding way of life.

Unequal Treatment of Parents

The Chancellor of Justice has drawn attention to the fact that, under the Imprisonment Act, imprisoned mothers and fathers are treated unequally – while mothers are allowed to live in prison with their young children, fathers are not given this opportunity.

The Chancellor noted that allowing a parent to live with a young child in prison is a highly exceptional measure, and it may be permitted only when it is clearly in the best interests of the child. The decision on whether it is in the child's best interests to stay in prison with their mother is made by the guardianship authority (Imprisonment Act § 54(1), second sentence). Since the decision-making power rests with the guardianship authorities, it is not justified for the Imprisonment Act to exclude in advance situations where living in prison with the father might be the best solution for the child.

The Ministry of Justice and Digital Affairs agreed with the Chancellor of Justice and prepared the necessary amendments to § 54 of the Imprisonment Act.

Deaths in Prisons

The Chancellor of Justice assessed how the Prison Service investigated ten deaths that occurred in prisons during the year (01.09.2023–01.09.2024). The staff of the prisons' internal control departments investigated the deaths effectively and provided prisons with practical recommendations to prevent similar incidents in the future.

The Chancellor stressed that individuals brought to prison to sober up and those who are agitated or pose a danger to themselves must be monitored with particular care. Prisons should have specially designed cells where agitated or self-harming individuals can be kept in a safe and secure environment.

The Chancellor again pointed out that prisons must obtain tear-proof bedding that can be issued to suicidal inmates when necessary. The condition of cells must not enable access to objects (for example, pieces of cracked flooring) that could be used to harm oneself or others. The Chancellor also requested that prisons consider acquiring equipment capable of detecting a wide range of narcotic substances.

Renting Out a Prison

The Chancellor of Justice has been monitoring the plan of the Ministry of Justice and Digital Affairs to rent out part of Tartu Prison for the detention of individuals serving prison sentences imposed in Sweden. The Chancellor's advisers have identified several potential issues that should be carefully considered before implementing such a plan.

First, prisoners transferred from a foreign country must be treated in accordance with Estonian law and international standards of detention. It is also essential to ensure that, if the plan is carried out, the situation of Estonian prisoners does not worsen.

Second, renting out parts of prisons must not endanger Estonia's internal security in the broadest sense. For example, it would be unacceptable if, due to the need to guard foreign prisoners, there were even fewer prison officers and specialists (including healthcare staff) available for Estonian inmates, or if employees from other law enforcement agencies – which are already understaffed – were reassigned to guard foreign prisoners.

Care Homes

During the reporting year, the Chancellor of Justice inspected five general care homes – Kehtna Elderly Home, Tammiste Care Home, OP Eakatekodu OÜ Loksa Home, SA Elva Hospital Care Home, and SA Hooldekodu Härmalõng Kastre Home – as well as one care home providing 24-hour special care on the basis of a court order (the unit of AS Hoolekandeteenused located at Merimetsa tee 3 in Tallinn).

General care homes mostly accommodate elderly people. Residents are assisted in their daily activities, which they can no longer manage on their own due to poor health or unsuitable living conditions. General care homes also house younger individuals who, because of illness or injury, are unable to live independently or are waiting for a place to become available in a special care institution.

The 24-hour special care service provided based on a court order is intended for adults with severe mental disorders who have difficulty understanding or controlling their behaviour and have therefore become dangerous to themselves or to others.

Provision of General Care Services

By 1 July 2026 at the latest, all institutions providing general care services must employ the required minimum number of staff. Until now, no minimum staffing levels have been established for care homes providing general care. Almost all the facilities inspected during the year lacked sufficient staff, which means residents may not be receiving high-quality care.

Often, only one care worker is on duty at night – a situation that cannot be considered acceptable. However, in facilities such as SA Elva Hospital Care Home and SA Hooldekodu Härmalõng Kastre Home, it is valued that not all residents are left under the sole responsibility of one staff member during the night. Based on inspection visits, it was also observed that many care homes violated the Social Welfare Act requirement that a care assistant without the necessary qualifications may work only under the supervision of a trained care worker.

Care home operators frequently complain that it is difficult to find enough care staff. It is therefore commendable that many homes support the training and professional development of their employees, often while they continue working. Increasing emphasis is also being placed on helping staff improve their Estonian language skills (for example, at OP Eakatekodu OÜ Loksa Home).

During two inspection visits, advisers to the Chancellor of Justice found that residents were being locked in their bedrooms. This is not permitted. Undoubtedly, caregivers face difficulties in managing residents with challenging behaviour, but a care home

must nevertheless ensure a safe environment for all residents in a lawful and secure manner. This can primarily be achieved by ensuring that there are sufficient staff.

In all of the care homes inspected, a nurse was on duty or could be called for assistance quickly (for example, at the SA Elva Hospital Care Home). In several care homes, problems were identified in the handling and administration of medicines.

The Chancellor of Justice has repeatedly emphasised that prescription drugs must not be given without a doctor's prescription, expired medications must be disposed of, and medicines must not be accessible to unauthorised persons. When nurses and caregivers exchange information about residents, it is crucial to ensure that personal data are protected from access by outsiders. These principles must be followed in every care institution.

In the care homes inspected, service providers must pay greater attention to ensuring that care plans include all necessary information about each resident and are updated regularly, at least every six months, as required by law. More importantly, the preparation and updating of care plans are essential for the service provider itself to understand what kind of care each resident needs.

Unfortunately, deficiencies in the preparation and updating of care plans were found in every inspected care home: some plans were incomplete or overly brief, others failed to specify who participated in drafting them, or whether the need for healthcare services had been substantially assessed. Relatives were often not involved, even though their observations and input help to better understand the resident's needs and characteristics. Up-to-date care plans must be readily accessible to caregivers so that the necessary activities recorded in them can actually be implemented.

A care institution is the home of the people who live there. Therefore, every resident must be provided with as homelike an environment as possible, and their preferences should be considered when arranging rooms. Bedrooms for bedridden residents were often austere, as they cannot decorate or arrange their rooms themselves. Since these residents spend most of their time in their rooms, the living environment should be made as cozy and personal as possible – for example, by decorating walls with pictures, adding curtains, and placing potted plants to create a warmer atmosphere.

The Chancellor of Justice has repeatedly had to remind care homes that the privacy of residents must be protected during hygiene and care procedures. A person should not have to hide behind a cupboard door in order to preserve their privacy. A screen or curtain can be used for this purpose. It is also important that assistance from caregivers is continuously available. For this reason, the Chancellor of Justice has emphasised that care homes should implement effective call-for-assistance systems.

It is also crucial to offer residents meaningful leisure activities. It is encouraging that most inspected care homes had hired an activity supervisor, though further diversification of leisure activities is still possible. Some homes deserve recognition – for instance, SA Elva Hospital Care Home – for finding ways to help residents with mobility difficulties spend time outdoors. It was also positive to hear that some care homes seek residents' input when shaping the living environment – for example, Tammiste Care Home holds regular house meetings for this purpose.

Care in a Closed Institution on Basis of a Court Order

The law permits the short-term restriction of liberty of a person receiving 24-hour special care on the basis of a court order by placing them in an isolation room. In the summary of the inspection visit carried out at the AS Hoolekandeteenused unit at Merimetsa tee 3 in Tallinn, the Chancellor of Justice emphasised that the safety of the person must be ensured during isolation and that they must be under continuous direct supervision. At the same time, other residents must not be forgotten, and their supervision and safety must likewise be guaranteed.

The Chancellor of Justice urged the care home to record decisions on isolation and descriptions of incidents in greater detail, so that the care institution can thoroughly analyse the circumstances leading to isolation and so that state authorities can, where necessary, exercise supervision over the service provider.

Preparation requirements have been established for activity supervisors providing 24-hour special care services. The care institution must ensure that employees receive the necessary training. It must also ensure that appropriate and purposeful measures are used to influence the behaviour of residents.

Detention Facilities of the Police and Border Guard Board

Among the detention facilities of the Police and Border Guard Board, the Chancellor of Justice inspected the short-term detention cells of the Võru and Valga police houses, as well as those of the Viljandi police station of the Southern Prefecture.

During the renovation of the Valga police station, the detention area was completely modernized. It is also commendable that the Võru police station has improved the safety of its cells by removing window bars. However, the Chancellor reminded the PPA of an earlier recommendation that police detention cells must have adequate lighting, including natural daylight. The Chancellor emphasized that detention rooms must be safe for both wheelchair users and intoxicated persons. Not all cells in the Viljandi police station met these standards.

The Chancellor of Justice emphasised that a detained person must be provided with the opportunity to wash and with hygiene supplies. She also requested that the hygiene area in the cell be shielded from the view of other persons held in the cell. The hygiene area should also not be visible through the hatch in the cell door.

The Chancellor of Justice pointed out that police officers must receive the necessary training on a regular basis. Expired medicines were found in the PPA detention facilities, and these must be disposed of in accordance with the relevant requirements. The Chancellor of Justice requested that the health data of detainees be stored in such a way that they cannot be accessed by unauthorised persons.

In the detention facilities inspected, individuals brought in for detoxification are generally examined by ambulance personnel prior to being placed in a cell; however, this is not consistently the case. An assessment by a healthcare professional is essential, as such individuals may be in a life-threatening condition. The healthcare

provider is the competent authority to decide whether the person must be transferred to a hospital. Particular attention must be paid to monitoring the health status of intoxicated persons.

A person held in a PPA detention facility complained to the Chancellor that, despite requesting meat-free meals, their preference was not respected on several occasions. The individual did not have a medical certificate, and they felt that receiving a special diet depended on their behaviour while in custody.

The Chancellor explained that, under both domestic and international standards, detainee meals must take into account the person's state of health as well as their religious or philosophical beliefs. A doctor's certificate or other documentation is not always necessary for special dietary needs, and detention facilities may not demand one in all cases. Today, vegetarianism is a common dietary choice and may form part of a person's deeply held convictions.

The Chancellor further emphasized that if providing food in line with a detainee's dietary preferences would place an unreasonable burden on the facility, there is no obligation to do so. However, the provision of special meals must never be linked to disciplinary behaviour. The amount or type of food may not be used as a means of punishment or control.

Detention Centre for Foreign Nationals

Among facilities housing foreign nationals, the Chancellor of Justice inspected the Police and Border Guard Board's (PPA) Detention Centre under the Northern Prefecture's Public Order Bureau.

The detention centre is not a penal institution. It accommodates foreign nationals who, under a court order, are being held pending deportation from Estonia, as well as certain applicants for international protection.

A nurse is present at the centre on all working days, and access to medical care is generally prompt. However, it was found that in some cases, the health of newly arrived detainees had not been examined within the 24-hour period required by law. The Chancellor requested that no foreign national be placed in a separate room for medical reasons unless a medical indication exists. She also emphasized the importance of handling health data carefully, ensuring access to professional interpretation for medical purposes, and maintaining the availability of medical records.

The Chancellor reminded the PPA that detained foreign nationals must have access to regular psychological and/or psychiatric care when needed. Any refusals of healthcare services should be documented in writing.

As in previous inspection summaries, the Chancellor once again recommended removing dense metal window grilles that block daylight in several rooms. The outdoor area of the reception rooms should also be improved in line with international recommendations.

The Chancellor has repeatedly stressed that people held in the detention centre must be able to spend their time meaningfully and communicate with their loved ones. During the latest visit, it was found that detainees were not always able to inform family members of their detention or make phone calls while in medical isolation. The Chancellor asked the centre to find a safe and suitable way for detainees to have regular video calls with their relatives (or with healthcare professionals, for example), allowing both parties to see one another during the conversation.

Although video surveillance was no longer used in the second-floor rooms, the Chancellor noted that cameras should be clearly marked or covered in a way that allows residents to understand whether they are operating.

The Chancellor also provided recommendations concerning general living conditions – including information availability, lists of approved purchasable goods, distribution of clothing, catering arrangements, and access to the electronic records system. She further urged that all documentation concerning detained foreign nationals be completed accurately and in full.

The Chancellor was asked whether it was lawful to apply security measures and place a deportable foreign national in a locked isolation room while held at the detention centre.

She explained that the law does permit the use of security measures for detainees who display suicidal tendencies or are likely to attempt escape. The detention authority is obliged to ensure the safety of all individuals in its care. It is essential that decisions to impose such measures be properly and precisely documented so that every official involved understands the restrictions being applied. In addition, a healthcare professional at the centre should, on their own initiative, meet daily with any person held in a locked isolation room to assess their physical and mental condition.

Closed Childcare Institutions

The Chancellor of Justice inspected the activities of the Emajõgi Study Centre of the Maarjamaa Educational College. As of 1 July 2025, the closed child care services at these centres will be provided by the state-owned company AS Hoolekandeteenused.

The group homes at the study centre were found to be cosy, and the other facilities generally spacious and well maintained. The students had good opportunities for sports and extracurricular activities, with some participating in hobbies and training outside the centre. Staff were generally supportive and professional, seeking constructive solutions to young people’s problems.

The Chancellor requested that the administration ensure proper documentation of the distribution and intake of medication. When the nurse is unavailable (for instance, on leave), the duties must be carried out by another staff member with medical training. The medical expert accompanying the inspection visit stressed that medication prescribed to children must not be crushed unless a healthcare professional has specifically instructed so.

The Chancellor also requested that young people whose mother tongue is not Estonian receive psychological support in a language they understand. It is important that an action plan be prepared for each new arrival as soon as possible and that the plan be regularly updated.

The Chancellor reiterated that disciplinary measures must not include reducing the legally required minimum time for phone calls or restricting home visits. Young people must be able to speak on the phone without staff overhearing their conversations. It should also be ensured that every young person can approach a staff member of the same gender for help or to discuss personal concerns. The centre must always have the required number of staff on duty.

All cases involving the use of isolation rooms must be properly documented. Under the law, isolation also applies when a young person is kept involuntarily in a room – even one with an unlocked or open door – and is not permitted them to leave.

The Chancellor asked the centre to ensure that young people are not housed separately as punishment. If separation is necessary for safety or mental health reasons, the young person must receive consistent therapeutic and psychological support. Staff must also be supported – through training, psychological counselling, and by fostering a stable and trusting work environment.

Equal Treatment

A total of 48 complaints concerning unequal treatment or discrimination were submitted to the Chancellor of Justice. The highest number of complaints concerned discrimination on the grounds of age (5), disability (6), language (4) and ethnic origin (4). In most cases, the Chancellor of Justice confined her response to providing explanations, but some cases required intervention.

Voting Rights in Local Government Elections

On 26 March 2025, the Riigikogu urgently adopted the Constitution of the Republic of Estonia Amendment Act, which removed the right of third-country nationals residing in Estonia to vote in local government council elections. On 9 July 2025, the constitutional amendment entered into force, stipulating that the right to vote in local elections belongs, under conditions provided by law, to Estonian citizens and stateless persons who are permanent residents of the local government and at least sixteen years old. A further restriction will take effect on 1 March 2026, when only Estonian citizens who are permanent residents of the local government will be eligible to vote in local elections.

The Chancellor of Justice participated in the discussions on the constitutional amendment in the Constitutional Committee of the Riigikogu and expressed views on the issue repeatedly in the media.

Prompted by the constitutional amendment, the Sillamäe City Council turned to the Chancellor of Justice for clarification. The Chancellor explained that voting rights in local elections can be restricted on the basis of citizenship only by amending the Constitution, and that is what the Riigikogu had done. The Chancellor cannot challenge the constitutional amendment or propose alternative solutions.

The Chancellor added that, even under the new circumstances, the state authorities and local governments must ensure the protection of the fundamental rights and freedoms of all people living in Estonia. Local governments remain obliged to manage local affairs based on the legitimate needs and interests of their residents and the particular characteristics of the city's or rural municipality's development (Local Government Organization Act § 2). All residents of the local government should be effectively involved in open decision-making processes (such as planning procedures), through which they can influence decisions. People, regardless of their citizenship, may also be included in the work of council committees.

In June, the Kohtla-Järve City Council decided to challenge the constitutional amendment before the Supreme Court and also submitted a request to the Chancellor of Justice to initiate constitutional review proceedings. The Chancellor of Justice initially declined to initiate proceedings, awaiting the decision of the Supreme Court.

Medical Treatment Costs for Prisoners Who Self-Harm

The Chancellor of Justice was asked to assess whether § 53(4) of the Imprisonment Act complies with the Constitution of the Republic of Estonia. This provision authorizes the Estonian Health Insurance Fund to demand repayment of medical treatment costs from a prisoner who has intentionally injured themself while in custody. Until 1 July 2024, this right belonged to the prison itself. Some cases have already reached the courts, where prisons demanded that self-harming prisoners cover their own medical expenses.

The Chancellor found that this measure is inconsistent with international detention standards and the positions of international human rights organizations. It endangers the right of prisoners to the protection of health and contradicts the general consensus in Estonian society that medical care should be provided to everyone in need, including those who self-harm.

Persons who intentionally self-harm while at liberty receive emergency medical care (including psychiatric care) without later being charged for it. However, a person in the same situation who is in prison may have their medical expenses reclaimed by the Estonian Health Insurance Fund. This difference in treatment is unjustified and violates the principle of equality before the law set out in § 12 of the Constitution.

The Chancellor therefore asked the Ministry of Justice and Digital Affairs to prepare amendments to § 53(4) of the Imprisonment Act to ensure equal treatment of prisoners and compliance with international detention standards and the views of relevant international bodies. The ministry agreed with the Chancellor and promised to repeal the disputed provision during the next legislative amendment to the Imprisonment Act.

Unequal Treatment of Parents in Prison

The Chancellor of Justice has also highlighted unequal treatment of incarcerated mothers and fathers under the Imprisonment Act. Currently, mothers are permitted to live in prison with their young children, while fathers are not granted the same opportunity.

The Chancellor noted that living in prison with a young child is an exceptional arrangement that can be allowed only when it is in the best interests of the child. Under § 54(1) second sentence of the Imprisonment Act, the decision on whether the child's stay in prison with their mother serves those interests rests with the guardianship authority. Since decision-making competence has been conferred on the guardianship authorities, it is not justified to exclude, a priori and by virtue of the Imprisonment Act, situations in which the best solution for a child may be to live in prison together with the father.

The Ministry of Justice and Digital Affairs agreed with the Chancellor's position and prepared amendments to § 54 of the Imprisonment Act to address this issue.

Issuance of Identity Documents

The Chancellor of Justice was once again informed of problems with receiving identity documents, for example in cases where a person wished to collect a document through an authorised representative. Although the Identity Documents Act (ITDS) provides that an identity document may be issued to an authorised representative (see ITDS § $12^1(2^1)$), this is not always possible due to requirements arising from European Union law. Unfortunately, the law has not been clarified either, which understandably causes confusion among the public. Regrettably, officials of the Police and Border Guard Board have also provided people with inaccurate explanations.

Generally, an identity document is not issued to an authorised representative if the person has applied for the document via the self-service portal or by e-mail. However, neither the self-service portal nor the application form provide any explanation for this.

The Chancellor of Justice was also approached concerning problems with collecting a digi-ID, as the Police and Border Guard Board (PPA) was unwilling to issue these cards at its service offices. The applicant, who had a severe disability, found it difficult to move independently outdoors, and had therefore ordered the digi-ID to a Selver store so that their relative could collect it. However, it turned out that Selver does not issue documents to an authorised representative.

The PPA responded that although documents are not issued to authorised representatives at Selver stores, they also cannot be delivered to a PPA service office, as digi-IDs are not issued there. Due to the lack of a technical solution, it was likewise not possible to redirect the document to another Selver store located closer to the applicant's place of residence. It was also stated that Selver would not issue the document to a social worker; instead, the document could only be collected at a PPA service office, to which, however, digi-IDs are not delivered.

This vicious circle of bureaucratic helplessness arose despite § $12^2(1)$ of the Identity Documents Act, which allows a document, with the user's written consent, to be issued to an employee authorised by the head of a rural municipality or city government or of a welfare institution, who then delivers the document to the user.

The provision in question does not establish a restriction that it applies only when a document is issued at a PPA service office. Consequently, it must also be applied when a document is issued at a Selver store. The applicability of this provision likewise does not depend on the manner in which the document was applied for – whether in person at a service office, through the PPA self-service portal, or by e-mail. Moreover, the PPA had no legal basis to refuse to issue a digi-ID at its service office.

As a result of the Chancellor of Justice's intervention, the PPA finally issued the document to the person through a social worker. However, the PPA and Selver stores must ensure that people are given appropriate information and that unlawful restrictions are not imposed on the collection of documents.

Kindergarten Fee Reduction

A parent asked whether the rural municipality has the right not to apply the kindergarten fee reduction when a child starts school at the age of six. The rural municipal government explained that, in determining eligibility for the reduction, it relies on the statutory age of compulsory schooling (as defined in § 9(2) of the Basic Schools and Upper Secondary Schools Act). This means that the fee reduction is granted to families whose child turns seven and starts school in that same year.

The Chancellor of Justice found that, although this may seem unfair, there is no basis for concluding that the rural municipality government is applying the regulation unlawfully or that the municipal council's regulation results in impermissible differential treatment within the meaning of the Constitution. The Chancellor of Justice explained that the law does not require a kindergarten fee reduction for pre-school children. It is for the rural municipality to decide whether such a reduction is granted, for what purpose, and under what conditions.

According to the Chancellor, this distinction has a reasonable basis and therefore does not amount to arbitrary unequal treatment. The purpose of the preschool fee reduction is to ensure that children attend kindergarten for at least one year before starting school, helping them acquire the necessary readiness for school life.

By law, children must start school once they reach compulsory school age. Younger children may start school earlier at the request of their parents and with a recommendation from Rajaleidja or the kindergarten, but they are not required to do so. When parents decide to enrol their child in school a year earlier than usual, the objective of the fee reduction – to promote one year of preschool attendance before school – no longer applies. This justifies the different treatment of children who start school earlier in relation to the granting of the fee reduction.

Hobby Education Support in Vormsi Rural Municipality

Vormsi Rural Municipality provided financial support to families for their children's and youths' participation in extracurricular activities, but only if the children lived in Vormsi Rural Municipality and attended the Vormsi Kindergarten–Basic School, or, after completing that school, had enrolled in a secondary school or vocational institution. The Chancellor of Justice was asked whether Vormsi Rural Municipality had the right to deny support to children who were officially registered as residents of Vormsi but attended school in another municipality.

The Chancellor found that, in general, the municipality does have the right to provide hobby education support under such conditions, as the different treatment serves a legitimate aim – encouraging families to enrol their children in the local Vormsi school.

However, the rural municipality council had not taken into account that families whose children study outside Vormsi for objective reasons should not be excluded from the support scheme. For instance, some children might not be able to attend the island's school due to disability, or a child might have moved to the island only after completing basic school. To ensure fairness, the Chancellor recommended that the council include discretionary provisions in the regulation to account for such cases.

In response, the Vormsi Rural Municipality Council amended the regulation so that, as of January 2025, support may also be granted to students for whom the Vormsi Kindergarten–Basic School cannot provide education in accordance with Rajaleidja's recommendation. The council also authorized the rural municipality government to grant support exceptionally in other objectively justified cases.

Validity of a Professional Certificate

A person who graduated from Tartu Health Care College in 2014 with a qualification as a care worker (level 4) turned to the Chancellor of Justice. The certificate of professional qualification the person received upon graduation was valid for five years. Since 2017, however, the same college has been issuing permanent certificates to all graduates of the level 4 care worker program. The applicant believed that this situation was unfair and asked the Chancellor to assess whether such unequal treatment was lawful.

The Chancellor of Justice found that this situation might constitute a violation of the prohibition of discrimination established in § 15(4) of the Professions Act, because the person had not been given the opportunity to obtain a permanent level 4 care worker certificate, unlike those who completed the program later. The Ministry attempted to explain why a permanent certificate could not be granted to the applicant, but those explanations were unconvincing.

The Chancellor of Justice recommended that the Ministry of Education and Research consider adopting rules to allow for a substantive assessment of how to issue permanent certificates to people who completed their vocational training at Tartu Health Care College and passed the qualification exam but were not granted a permanent certificate. The Chancellor also recommended amending the current procedure.

The Ministry has not yet done so but has begun a comprehensive review of the qualification system.

Discrimination and Conciliation Proceedings

In three cases, the Chancellor of Justice offered conciliation proceedings to resolve a discrimination complaint. One applicant agreed to this.

In one case, a person with a disability sought help from the Chancellor of Justice after being denied employment due to their disability. Another applicant believed it was discriminatory that scholarships in her field of study were awarded only to male students. The third complainant reported that a service provider had refused to allow them to apply for a care worker position because they had been fined for a traffic violation a few years earlier, even though the penalty had already expired.

The Constitution prohibits discrimination on the basis of social status, which includes circumstances related to past convictions. Employers certainly have a legitimate interest in ensuring that care workers employed through their organization are trustworthy, as people in need of care must be protected from exploitation. However,

it is unjustified to impose restrictions on care workers that are disproportionate to the legitimate aim being pursued. According to the Social Welfare Act (§ 22(5)), a person with a valid conviction for an intentional crime that could endanger the life, health, or property of a person entitled to the service may not provide such care directly.

The Social Insurance Board further explained that, under this provision, persons convicted of serious crimes against persons (such as homicide, murder, causing grievous bodily harm, assault, torture, rape, etc.) or against property (such as theft, robbery, fraud, or embezzlement) may not provide direct care services. Therefore, a person cannot be prohibited from working as a care worker solely because they have at some point been convicted of an offense.

As the respondent declined to participate in conciliation, the Chancellor of Justice terminated the proceedings.

The Chancellor of Justice has repeatedly pointed out that the Equal Treatment Act conflicts with the Constitution and international treaties because it does not provide individuals with effective protection against discrimination.

Specifically, the Equal Treatment Act does not guarantee protection in all essential areas of life. Under the current law, individuals are protected from discrimination only in employment and professional contexts, if discrimination occurs on the grounds of disability, age, religion or belief, or sexual orientation. Another issue is that the Act protects people only on the grounds listed in EU directives, leaving out other important grounds of discrimination.

Government bodies have been discussing amendments to the Equal Treatment Act and the Gender Equality Act for several years, but no necessary reforms have been made. The Ministry of Economic Affairs and Communications prepared a draft amendment last year, but the Ministry of Justice and Digital Affairs decided to commission a new analysis instead. Regulating this area requires careful consideration of how to balance multiple fundamental rights and how to design an effective system for their protection.

It is regrettable that the clear gaps and inconsistencies in the Equal Treatment Act have not been addressed over the years. Correcting such flaws should not depend on prolonged debates about whether or how to merge existing laws or make broader structural reforms.

Alleged Discrimination Against Older Job Seekers

A person complained that people aged 50 and older who have lost their jobs find it difficult to secure new employment because employers prefer younger workers. In a letter to the Chancellor of Justice, the person suggested that the Estonian Unemployment Insurance Fund could offer more services specifically designed for older job seekers.

In the Chancellor of Justice's view, it cannot be concluded, on the basis of an abstract assessment, that the Estonian Unemployment Insurance Fund discriminates against older persons. Nor is there any basis for assuming that the Estonian Unemployment

Insurance Fund is required to introduce new services specifically to support the job-seeking efforts of older persons.

If a person suspects that they have been discriminated against during a job application process or in receiving employment services, the matter can be investigated. The Chancellor of Justice may initiate a conciliation procedure, and the Gender Equality and Equal Treatment Commissioner may also issue a legal assessment of the case. The Chancellor noted that resolving each verified case helps raise awareness of the issue and reduce age-based discrimination in the labour market.

Access to Banking Services

A person expressed concern that their elderly mother must go to a bank branch to pay her bills, where transactions are quite expensive. Previously, she had paid her bills using an ATM, but that option is no longer available. Due to her disability, she cannot use online banking.

The Chancellor of Justice found that many banks do, in fact, offer affordable payment solutions, though the person had not been informed of these options. The Chancellor reminded the Estonian Banking Association that, under the Convention on the Rights of Persons with Disabilities, banks are obligated to ensure that people with special needs have access to banking services.

The Chancellor emphasized that clients with disabilities require special attention to avoid situations where a person feels excluded or discriminated against simply because they lack information or access to convenient, affordable banking options.