



Country fact sheet for the CRC

ESTONIA

(not reviewed by a local contact)

REPORT N°	N° 2-4 periodic report for the CRC
PRE-SESSION/SESSION	<ul style="list-style-type: none"> • Pre-sessional: 73rd (February 2016) • Sessional: 73rd (September 2016)
LAWS (THC-1993, GUIDELINES, DOMESTIC LAWS)	<ul style="list-style-type: none"> • The UN Convention on the Rights of the Child, acceded on October 21, 1991; • The Optional Protocol to the CRC, on the Sale of Children, Child Prostitution and Child Pornography of 2000, signed on September 24, 2003; • The 1993 Hague Adoption Convention, into force since June 1, 2002; • The 1996 Hague Child Protection Convention; • The UN Convention on the Rights of Persons with Disabilities, into force since June 6, 2012; • ILO Convention N° 182, into force since September 24, 2012; • Domestic legislation: Constitution of Estonia of June 28, 1992; Child Protection Act (amended since January 1, 2016); State Family Benefits Act, 2002; Social Welfare Act, 1995(amended in 2013); Family Law Act of 2010; “Adoption Regulation” of June 18, 2010; • National Strategies and programs: 2012-2010 Strategy of Children and Families (improvement of the well-being and quality of life of children and families); 2013-2016 program for children and youth at risk.
GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY	<ul style="list-style-type: none"> • In 2015, the population of Estonia amounted to approximately 1’313’271, with 208’028 children under the age of 14. • In 2013, there were 3’190 children without parental care. • Estonia is developing a new child protection system with the new Child Protection Act as legal basis. Current child protection is organised on three levels: local, county and state level and there is no complete and cross-sectorial system in Estonia for promoting the well-being of children. Further on, a new national child welfare agency is being established that will cover areas from different ministries that effect children and youth – child protection and welfare, mental health, educational counselling and legal protection (juvenile delinquency). • Support to families provided through the increase of the child allowance in 2015 in order to reduce poverty and prevent family separation. • According to a 2013 report by the European Parliament, the country faces challenges in meeting children with disabilities most basic needs due to lacking financial and human resources of local municipalities. • According to the Social Welfare Act (§25), a child may be separated from his or her home and family only if: deficiencies in the care and raising of the child endanger the child’s life, health or development or if the child endangers his or her own life, health or development with his or her behaviour; other measures applied with respect to the family and child have not been sufficient or their use is not possible; separation of the child from the family is effected in the interests of the child. <p>Sources: European Union: http://europa.eu/epic/countries/estonia/index_en.htm; Statistics Estonia www.stat.ee and Ministry of Social Affairs Social Policy Information and Analysis Department; UNICEF statistics: http://www.unicef.org/infobycountry/estonia_statistics.html#119.</p>
	<ul style="list-style-type: none"> • There are 4 types of alternative care options: guardianship, foster care, adoption and substitute homes.

ALTERNATIVE CARE OPTIONS

- At the end of 2014, the Ministry of Social Affairs introduced a **Green Paper on Alternative Care**, which aims is to improve the development of family-based and family-type care, to increase the quality of alternative care and to support care leavers.

- **According to the Ministry of Social Affairs, in 2014, there were 216 children in foster care and 1'328 in guardian families.**

Guardianship

- If neither of the parents of a minor child has the right of representation or if it is not possible to ascertain the origin of a child, a guardian, in general a family member, can be appointed by a court on the latter's own initiative or after application of a rural municipality or city government or an interested person. Support: 191,80 EUR per month according to State Family Benefits Act. The number of children has increased since 2012 (222 children in guardian care).

Foster Care

- Social Welfare Act foresees a list of children who can be subject of foster care arrangements, requires the elaboration of a **care plan for each child** (if the child is at least 10 years old, his/her opinion must be taken into consideration) and sets specific requirements for foster carers.

- Foster care allowance shall be paid at ten times the child allowance rate, what is in total 191, 80 euros in 2012. In 2012, 254 children were cared for by foster parents. The same year, 34 children with disabilities were cared by foster parents.

Residential Care (so called substitute homes)

- In 2007, **substitute home** service for children without parental care was legitimated in Social Welfare Act and that was an important step in the light of the recommendation of the Council of Europe.

- Social Welfare Act sets a wide range of requirements, including the demands for staff and rooms, to ensure the quality of substitute home service. It also stipulates the necessity for periodical review of placement of a child to a substitute home that has to be done regularly according to a case plan. Substitute homes are governed by state, local government or non-governmental organisations and funded by the State but also supported by local governments.

- By 2015, the purpose is to decrease the maximum number of children in a substitute home family to 6 infants (current limit: 8 children). Substitute home service provider have to apply for activity license that is issued by the county government and reviewed every 5 years; personnel has to have special training.

- The **"youth homes"** are not so widely practiced but they are part of substitute homes – institutions established to accommodate and rehabilitate youths over the age of fifteen who are from children's homes, schools for the disabled, residential educational institutions or have been left without parental care.

- Despite the decrease in the number of institutions, the percentage of children in residential care has not decreased. At the end of 2014, there were 1'052 children in residential care, including 459 children with disabilities and 44 children between 0 and 2 years old. The Estonian Government has introduced reforms aimed at transforming larger institutions into small group homes. The process should be completed by 2017.

- **After care support:** a child has right to be in substitute home service until the end of the initial standard period of study established by the corresponding curriculum at a vocational school, institution of applied higher education or in Master level's study at an institution of higher education or until he or she attains 18 years age. Foster care allowance is paid until child turns 19 years old.

Sources: Recommendation Rec (2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions, <https://wcd.coe.int/ViewDoc.jsp?id=835953&Site=CM>; European Union, http://europa.eu/epic/countries/estonia/index_en.htm; Estonian Ministry of Social Affairs, <https://www.sm.ee/en/organisation-child-protection>; Opening Doors, <http://www.openingdoors.eu>; SOS Children's villages' report "Ageing out of care", <http://www.sos-childrensvillages.org/About-us/Library/Documents/Ageing%20out%20of%20Care/7-Estonia-Ageingoutofcare-screen.pdf>; Lapsele Oma Kodu, <http://www.lapseleomakodu.com/projects/open-estonia-foundations-project>; TransMonee, UNICEF, <http://www.transmonee.org/databases.php>.

<p style="text-align: center;">ADOPTION</p>	<ul style="list-style-type: none"> • Domestic and intercountry adoptions are regulated by the Family Law Act of 2010 (Chapter 11, arts. 147 and following) and the “Mandatory act relating to the preparation of adoption and their content, list of information to be presented in a petition for adoption and list of documents to be collected by county government (Regulation)” of 18 June 2010. • Domestic adoption is organised on the county level by county government (assisted by local government); Intercountry adoption (ICA) is under the responsibility of the Ministry of Social Affairs (specific committee for ICA). • The subsidiarity principle seems to be well-embedded in the legal framework and accordingly implemented in practice, given the low numbers of ICA; Foreign parents with Estonian background are given preference over foreigners with no Estonian heritage, prospective adoptive parents should explain their ties to Estonia. • Obligation to undertake ICA through adoption accredited bodies which discourages independent adoptions. • Adoption promotion: An allowance of 320 euros is provided during 70 days. • Consents: the adoption of a child who is at least 10 years of age requires his/her consent; for younger children, their wishes shall also be considered if the development level of the child so permits. • Preparation of families is done through the PRIDE training. Furthermore, the NGO Oma pere supports services for adoptive parents. However, according to the country’s Hague profile in 2010, the child’s preparation is not undertaken systematically. • Safeguards to prevent illegal practices: guarantees surrounding the consent’s process as well as the detailed sanctions in case of consent of biological parents obtained by fraud, threat or violence. <p>Sources: HCCH Web site, http://www.hcch.net/index_fr.php?act=authorities.details&aid=169; The Hague Profile, Estonia, 2010, http://www.hcch.net/index_en.php?act=publications.details&pid=6221&dtid=42.</p>
<p style="text-align: center;">STATISTICS</p>	<p>In 2012, 58 children were adopted, 13 of those children were adopted abroad. In 2011, there were 15 ICA, 28 ICA in 2010 and 24 ICA in 2009. According to the Ministry of Social Affairs, in 2010, 80% of internationally adopted children were with special needs and 20% of these latter were siblings.</p> <p>Sources: Statistics based on the TransMonee 2013 Country Profiles, http://www.transmonee.org/.</p>
<p style="text-align: center;">RISKS</p>	<ul style="list-style-type: none"> • Gaps in the legal framework: no details on the declaration of adoptability of the child; no mention of an in-depth study of the child at psychosocial, legal and medical level; no provisions on how the matching procedure is done; no intervention of a multidisciplinary team for the matching procedure. • Authorization and supervision process of adoption accredited bodies need to be clarified and strengthened. • Despite long adoption waiting lists, still low numbers of family-type options such as foster care and adoption compared to the high number of children living in residential care. • Limited number of children reintegrated into their biological family.
<p style="text-align: center;">POTENTIAL QUESTIONS</p>	<ul style="list-style-type: none"> • How does the government plan to improve the situation of CWD? (e.g. specific support, awareness raising campaigns) • What does the government plan to further promote the deinstitutionalisation process? What concrete measures are foreseen to promote a child’s reintegration into his/her family? (e.g. counselling, mediation, training) • What concrete measures does the government plan to undertake in order to practically implement the new legislative framework and promote family-type solutions, such as foster care and adoption? • How does the government plan to promote national adoption?(e.g. awareness raising campaigns, prolongation of adoption allowance) • What is being undertaken to improve the monitoring of adoption accredited bodies’ activities and authorisation process? • How does the government plan to address the above-mentioned legal gaps in the adoption procedure? (e.g. resource allocation, trained and specialised professionals)