



Convention on the Rights of the Child

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Summary record of the 2165th meeting (Chamber B)

Held at the Palais Wilson, Geneva, on Tuesday, 17 January 2017, at 3 p.m.

Chair: Mr. Mezmur

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties *(continued)*

Combined second to fourth periodic reports of Estonia (CRC/C/EST/2-4, CRC/C/EST/Q/2-4 and Add.1)

1. *At the invitation of the Chair, the delegation of Estonia took places at the Committee table.*

2. **Mr. Kuuse** (Estonia), introducing the combined second to fourth periodic reports of Estonia (CRC/C/EST/2-4), said that the Committee's previous concluding observations and its general comments had influenced his Government's policies in areas related to children's rights. As a country of just 1.3 million inhabitants, Estonia attached the utmost importance to the well-being of its 233,000 children. Government spending on family- and child-related social, health and education policies had been rising each year and currently accounted for approximately 1 billion euros, or 10 per cent of the overall State budget. Recent structural changes aimed to provide a strong foundation for the further advancement of children's rights. In 2010, the Department of Children and Families had been created in the Ministry of Social Affairs, followed in 2011 by the creation of the Ombudsman for Children within the Office of the Chancellor of Justice. The Strategy of Children and Families 2012-2020 was designed to achieve cross-sectoral objectives while placing emphasis on evidence-based policymaking.

3. The new Child Protection Act adopted in 2014 had modernized the principles concerning children's rights, created a strong platform for guaranteeing those rights in the areas of health, education, welfare and justice and led to the establishment of a well-functioning child protection service. The Act emphasized the State's commitment to prevention, early intervention and cross-sectoral cooperation, and expressly defined the responsibilities and obligations of different stakeholders. It also stipulated that the best interest of the child should be a primary consideration in decision-making affecting children, and that the child's opinion should be taken into account in ascertaining his or her best interest. The Act had also brought Estonia into line with other countries by banning corporal punishment. To ensure that its provisions were implemented in practice, steps had been taken to support parents in raising their children without violence. A number of non-governmental organizations were already engaged in promoting and teaching positive parenting practices.

4. Local governments were responsible for guaranteeing children's rights. In some cases, smaller municipalities had lacked the resources to hire specialized child protection workers, but that situation had gradually improved thanks to the increased recruitment of specialists and the merging of smaller municipalities under administrative reforms. The central government had created a specialized child protection unit within the Social Insurance Board that provided direct assistance to local governments in resolving complicated cases and supervised the preparation of development plans and services in support of children's well-being. The State had also committed to organizing and financing in-service training and had adopted a standardized electronic case management and data gathering system to support the efforts of local government child protection workers.

5. Family benefits had considerably increased in recent years, leading to reductions in child poverty. A universal child benefit for families with one child had increased from 19 to 50 euros per month, while families with three children would receive 500 euros per month from July 2017. Absolute child poverty had decreased more than threefold in the previous 10 years, while further increases in family benefits were projected to drive down relative poverty by 15 per cent and absolute poverty by 41 per cent.

6. The Government had also given special consideration to single-parent households, with measures including the launch of a maintenance support scheme. Other developments to improve the lives of vulnerable children included making alternative care more family-like and child-friendly, and enhancing the quantity and quality of training provided to service providers.

7. Legal and policy changes had taken effect to guarantee that excessive punishments were not meted out to children in conflict with the law, with preference given to restorative justice measures and an emphasis on assistance and treatment. Estonia had also adopted the Barnahus model to better assist children who had suffered from sexual violence, guaranteeing immediate, high-quality treatment and care.

8. One concrete measure to boost child participation and the right to be heard was the granting to 16- to 18-year-old children of the right to vote in local government elections, a right they would have the opportunity to exercise in 2017. Awareness-raising activities in that regard had been planned by the Office of the Chancellor of Justice and youth non-governmental organizations.

9. In the area of health, several positive trends had been noted, including an increase in the share of children rating their health as very good and a drop in infant, child and adolescent mortality rates. All children in Estonia enjoyed full health insurance coverage, ensuring the provision of extensive primary and special health care services (including preventive services in schools), while from February 2017 all newborns would be automatically registered with a family doctor.

10. **Mr. Guráň** (Country Rapporteur) said that the State party's report and its replies to the list of issues had been well prepared and were comprehensive. Estonia's high standards of human rights, including the promotion and protection of children's rights, were commendable. In that regard, he would be grateful if the State party could describe its experience of implementing the Child Protection Act since its entry into force in January 2016, and specifically whether the Government had prepared relevant by-laws and regulations to effectively implement the Act. He would also welcome information on whether local and national social authorities had been adequately funded, staffed and trained in order to perform the new duties attributed to them. Clarification was also needed as to whether the Child Protection Act incorporated the principle of the best interests of the child, and whether the Government planned to assess the impact of that principle, if it was included in the Act. He also wished to learn how the principle — as set out in article 3 of the Convention — was applied in the area of family law, considering that Estonia had high divorce and low marriage rates and that children were affected by disputes in which issues such as custody and visiting rights needed to be resolved. What level of support was provided through extrajudicial measures, such as family mediation, in order to resolve such problems?

11. While the Committee noted the adoption of the Strategy of Children and Families 2012-2020, it was concerned that the Strategy was not cross-sectoral because different ministries pursued separate strategies. It would therefore welcome some indication of how Government strategies were coordinated in order to maintain a child-friendly approach in all aspects of implementation. Moreover, although the Committee understood that the Ministry of Social Affairs was the coordinating body of children's rights policy, the replies to the list of issues had mentioned the creation of a Child Protection Council. The delegation should therefore explain whether that Council was the body responsible for coordinating family policies and strategies in Estonia, and describe its mandate, structure and membership.

12. The Committee was aware that the Office of the Chancellor of Justice — which in 2011 had been granted the competence of Ombudsman for Children — was not a member

of the Global Alliance of National Human Rights Institutions, but it did not have further information regarding the Office's status. Accordingly, it would be grateful for confirmation of whether it was compliant with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Information should be provided as to whether a special department dealing only with children's rights had been established within the Office, and whether the staff were adequately trained for its new and specific mandate. The Committee was also concerned that the number of complaints referred to the Office was very low, and the State party should explain whether that situation reflected a lack of need or low visibility. Were children aware of the possibility of communicating with the Office? More comprehensive information was needed regarding the type of complaints the Office received, as well as its structure, priorities and activities and its compliance with the Committee's general comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2).

13. In view of the concern that the Convention was not sufficiently or systematically disseminated in Estonia, more detail should be provided about the training for various professional groups working with or for children (for example, judges and teachers). He particularly wished to know whether regular teaching programmes were in place to provide information about the Convention and related documents. Had general comments No. 12 on the right of the child to be heard (CRC/C/GC/12) and No. 14 on the right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14) been translated into the Estonian language and used for training purposes? The delegation should also indicate whether it had been possible to incorporate the Convention into school curricula, especially at the elementary level.

14. Concerning the implementation of general comment No. 12, the State party's report mentioned that the law had been amended so that children aged 10 years and older would be heard in decision-making. In his view, that provision created an age threshold that was not fully in keeping with the spirit of the general comment, and in practice had resulted in cases where judges had not given due weight to the wishes of children below the age of 10 years. The delegation should therefore explain the situation of children's right to be heard.

15. Regarding children's participation, further information would be appreciated concerning the State party's practices and programmes in support of school student councils. He specifically wished to learn whether such councils were established in all elementary schools under a State regulation, or were they dependent on the goodwill of individual school administrators? Did Russian-language schools participate in the activities of the Estonian School Student Councils' Union, and was it possible to set up student councils in schools that taught minorities? Lastly, in light of the project to lower the voting age in local government elections, the Committee wished to learn whether children's councils were set up at the community level, including as part of possible strategies to develop active citizenship education.

16. **The Chair** (Country Rapporteur) said that the Government was to be commended for the Child Protection Act and for its programme and policy initiatives. However, he was concerned that the Family Law Act still allowed for the extension of the active legal capacity to persons aged at least 15 years for the purpose of contracting marriage, in cases where underage girls were expecting or already raising a child. According to the State party, the purpose of that provision was "to grant both the underage mother and her child the possibility of a family and to protect them from a possible social exclusion". In that context, he would be grateful for information on the root causes of teenage pregnancy in Estonia and the efforts undertaken by the State to combat it. Did the dispensation to marry at the age of 15 years mean that the children in question were no longer stigmatized? He also requested

information on recent trends in the number of marriages in which one or both of the partners was under 18 years of age, which had stood at 10 in 2014-2015.

17. With regard to access to information, he was grateful for the details provided on the Vihjeliin child helpline and website, and he would be interested to discover the impact of such initiatives. He would also welcome a description of the role played by the business sector, particularly information and communications technology (ICT) companies, in providing services to make sure that children were not exposed to the production or dissemination of sexually related or harmful content.

18. The Committee was aware of the State party's historical background and progress in the area of civil rights and freedoms, but it wished to learn more about the situation of statelessness in Estonia in view of the decline in the number of naturalizations that had taken place since the 1990s. It was particularly concerned that the amendment to the Citizenship Act implemented on 1 January 2016 covered only those under the age of 15 years and did not benefit children aged 15 to 18 years, those whose parents did not meet the five-year residency requirement, or the children of parents who could not transmit their nationality. The delegation should comment on how the State party planned to protect such groups of children and confirm whether it would be possible to establish a statelessness determination procedure for migrants arriving in Estonia. Moreover, given that Estonia cooperated closely with the Office of the United Nations High Commissioner for Refugees (UNHCR), which was currently conducting a profiling survey of stateless persons in order to understand the reasons for their statelessness, the Committee would like to know whether the Government planned to conduct a survey of persons with underdetermined citizenship.

19. While it was commendable that the Child Protection Act had explicitly outlawed the physical punishment of children, the Committee was concerned that liberal attitudes towards corporal punishment remained prevalent in society. In that sense, it was interested to know whether any new initiatives were foreseen in order to enforce the Child Protection Act. On the issue of bullying, the Government was implementing the freedom from bullying initiative, but concerns had been raised that effective supervision was lacking, while some reports indicated a low level of support from school management. The delegation should therefore comment on whether that was a fair assessment, and whether the State party envisaged measures to address the situation.

20. **Mr. Nelson** said that he would like to know whether the success of the freedom from bullying initiative had been measured. He also asked whether the Government provided financial support for the implementation of such initiatives, and whether the initiative had revealed the root causes of bullying, such as issues related to age or ethnicity.

21. **Ms. Oviedo Fierro** said that she was interested to know how the State ensured that its consultations with children were put into practice, and whether the many participation mechanisms took on board what children told them. She also wished to learn what process the Government had followed in deciding to involve children and adolescents in elections. Had young people participated in that decision, and what mechanisms were envisaged to ensure that all adolescents were able to vote?

The meeting was suspended at 3.50 p.m. and resumed at 4.10 p.m.

22. **Mr. Kuuse** (Estonia) said that the Government viewed the Child Protection Act as a significant step forward, which had brought about a change in how children's rights and the responsibilities of certain stakeholders were understood. The Government had involved numerous stakeholders and children's organizations in the preparation of the Act and was confident that all aspects and opinions had been taken into consideration. The Act aimed to clarify roles and to set higher standards, but it did not impose new obligations on local municipalities, which remained in charge of the initial response to needs and issues relating to families and children. Few changes had been made to the system of funding, with

municipal budgets that were regulated by the State. Local municipalities had been included in the preparation of the Act, so discussions had extended beyond the parliamentary level. The State service established under the Child Protection Act was now successfully performing its functions of supervising, coordinating and advising local municipalities on the most serious and difficult cases, and it was empowered to take over cases that proved beyond the capacity of the municipalities. Local staffing and budgeting had been enhanced and issues addressed under regional reforms, while the State was also implementing the Child Protection Act by funding training for child protection workers. All by-laws that had been envisaged by the Child Protection Act had now been drafted and were in force.

23. **Ms. Riisalo** (Estonia) said that considerable efforts had gone into preparing the Child Protection Act, whose drafting had commenced in 2012. The first step had been to gather all stakeholders involved in child protection in Estonia, including the Union of Child Welfare, the Office of the Chancellor of Justice, and children themselves through child and youth organizations. During that process, focus groups and discussions had been held with children and young people on themes such as corporal punishment and participation. The Government had asked the Social Insurance Board, as the main office responsible for implementing child protection, to draw up guidelines for the municipalities and for the Board's own staff, consisting of 30 child protection specialists. Those guidelines included exact instructions on how to separate at-risk children from their family and home. In collaboration with the municipalities and the National Institute for Health Development, the Government had devised specific training programmes for social workers dealing with children. The training was practical and flexible, so that social workers could decide whether they needed more information and training on children with disabilities, alternative care or parenting issues, for example. The Ministry of Social Affairs also provided supervision for municipal social workers, in the form of a State-funded work counselling system, on an ongoing basis. Another important tool for local authorities was the social services and benefits register known as STAR, a personalized electronic database that allowed the State to gather child protection data and track individual children's needs. Municipalities had the ability to refer the electronic case file to the relevant child protection worker of the Social Insurance Board, who in turn might provide advice or assistance in person. More than 4,000 children under the supervision of social workers were monitored in the STAR system, which had proved useful in dealing with problematic families who avoided officials and moved between municipalities. The Ministry was in the process of creating more assessment tools for the municipalities and would train its staff in their use once they were ready for deployment.

24. **Mr. Kuuse** (Estonia) said that it was normal practice to perform an impact assessment after new legislation had been in force for a number of years, and the Estonian authorities planned to evaluate the Child Protection Act in 2019. One year after the implementation of the law, it was clear that there was greater trust in the State child protection service and that municipalities were consulting more openly about difficult cases. Cases were extensively covered by an information system and database, which enabled the State to make policy decisions.

25. While it was true that there was a high prevalence of divorce in Estonia, he did not consider that to be a crisis, but rather a trend that was visible in many European countries. The Government recognized the importance of paying attention to parenting and to protecting the child's best interests in disagreements between parents, and a system of family mediation and referral was in place. A policy paper had been drafted to introduce family mediation as a compulsory measure prior to court hearings. Initial responses had been positive, and it was hoped that the measure could shortly be introduced in cases where parents were involved in disputes over parental responsibilities and rights. Courts would be able to check whether the parties had attended mediation, and refer them to the service with a view to resolving their problems. Such practices were not new in Estonia, but they had

not been as widespread as they might have been. He also accepted the need to train the judiciary to respect children's rights and to take into account various aspects that might not be visible to the untrained eye. The curriculum for the in-service training of judges, under the responsibility of the Ministry of Justice, contained topics relating to children's rights and their effective exercise.

26. With regard to strategy coordination, in Estonia the strategic planning system was tightly related to budget planning, which meant that activities were planned in keeping with the financial means at the Government's disposal. The development plan for children and families was one of three development plans coordinated by the Ministry of Social Affairs, which also dealt with labour, health and social policy lines. Each development plan was equipped with a four-year action plan that corresponded to the fiscal planning period and offered the possibility of including other ministries and sectors in its implementation. Development plans were overseen by councils consisting of representatives of ministries, State bodies, non-governmental organizations and other interested parties, which had the mandate to supervise implementation and issue an opinion concerning further development. Every year, evaluation, feedback and proposals were presented to the Government in the form of a report. Those plans were not specific to individual ministries, but concerned the Government as a whole. While the Ministry of Social Affairs was responsible for coordinating child and family policies, the Ministry of Justice, the Ministry of Education and Research and the Ministry of the Interior also had some responsibility for child issues.

27. The adoption of the Child Protection Act had led to the creation of the Child Protection Council, a body formed of various stakeholders whose task was to establish the objectives of the State child protection policy and to coordinate the activities necessary for the implementation thereof. The Council also had the mandate to submit proposals to the Government and other relevant institutions concerning the protection of children's rights and ensuring the well-being of children, and to make recommendations for cross-sectoral preventive measures of child protection. Council members were confirmed by the Government. Taking the above into consideration, all strategic bodies and strategies were accountable to the entire Government, which should ensure transparency and allow a sense of whether strategic aims were achieved or not.

28. As stated previously, children's rights were independently monitored by the Ombudsman for Children. The Government was committed to having at least one institution achieve compliance with the Paris Principles; accordingly, the Ombudsman for Children and the Gender Equality and Equal Treatment Commissioner were engaged in preparations, in the hope that they would achieve that status in the near future.

29. The issue of children's rights was not a new competence for the Office of the Chancellor of Justice, which had already come into contact with policies relating to children and the family. However, to discharge its duties as Ombudsman for Children, a special Children's Rights Department had been set up within the Office, with at least three specialists in the protection of children's rights. In his view, that solution had successfully increased the visibility of children's rights and had gained a positive response from society at large. The office of the Ombudsman for Children was highly visible and was considered to be one of the most trusted State institutions in Estonia. It conducted regular visits to schools, arranged meetings with students and had established a special youth council, which enabled it to gain insight into issues concerning the well-being of children.

30. In collaboration with the Child Protection Union, almost all legislation relating to the Convention on the Rights of the Child had been translated into Estonian and published on easily accessible websites.

31. **Mr. Guráň** said that the State party should confirm that the Office of the Chancellor of Justice had been established as the office of the Ombudsman for Children, and that it

contained a special department for children's rights. He asked why the office of the Ombudsman for Children was the only one of its kind in Europe that did not belong to the Global Alliance of National Human Rights Institutions.

32. **Mr. Kuuse** (Estonia) said that the system was indeed set up in the manner described by Mr. Guráň. The Government needed time to assess whether it was in a position to enforce all the Paris Principles. However, it was committed to taking the necessary steps to bring its institutions into line with those principles.

33. **Ms. Riisalo** (Estonia) said that the Child Protection Act was an umbrella law that established the right of children to be heard in accordance with their age and stage of development. Parents, guardians and all individuals who worked with children on a professional basis were subject to the Act, under which municipal authorities were obliged to provide assistance to any child who required it and to document the views of that child. The municipal authorities were required to ask children for their opinion in all cases concerning the awarding of child custody. Children aged 10 years and older also had to give their consent before they could be adopted. Where necessary, contact was established with children outside of hearings to ensure that they would not be frightened by the process. In some cases, children were brought to court by their carers, but they were not obliged to attend a hearing.

34. **Mr. Guráň**, noting that some countries had opted not to establish age limits on the right to be heard as they would not be in compliance with general comment No. 12, asked why Estonia had established such a limit.

35. **Ms. Riisalo** (Estonia) said that the age limit on the right to be heard, along with various other age limits, had been established some time before in legislation that had since been superseded by the Child Protection Act.

36. **Ms. Winter** asked whether judges were permitted to seek the views of children under 10 years of age or were prevented from doing so by the law establishing that children aged 10 years and above had the right to be heard.

37. **Ms. Riisalo** (Estonia) said that, in civil cases, judges were not prevented from hearing the opinions of children under 10 years of age.

38. **Mr. Kuuse** (Estonia) said that judges considered the interests of children irrespective of the 10-year age limit. The Child Protection Act, which was the most recent legislation protecting the rights of children, established many general principles which ensured that children's best interests were taken into account by all stakeholders concerned. Such general principles applied in all cases, irrespective of any previous legislation that was still in force. All judges were highly conscious of the need to protect children's rights in both civil and criminal cases.

39. School student councils did not grant more rights to Estonian-speaking children than to children who spoke Russian or other languages. The word "Estonian" in the title "Estonian School Student Councils' Union" referred to the country rather than to the Estonian language. Under the law, students had the right to set up and run such councils at every school in Estonia and could participate in decision-making processes concerning their schools. All schools were also obliged to establish supervisory councils, made up of parents, school staff and students, which collaborated with the school management in taking decisions and determining school policy. School directors were required to consult with supervisory councils.

40. **Mr. Pere** (Estonia) said that persons aged between 15 and 18 years were able to apply for legal permission to get married. In 2014 and 2015, five marriages per year had taken place in which one of the parties had been under 18 years of age. Given that the figures in question were very low, it was not possible to identify any significant trends in

underage marriage. In 2013, following discussions about the possibility of removing the right to marry for persons under 18 years of age, it had been decided that such a change would be detrimental to the interests of the persons concerned, as it would deprive them and any children that they had of the legal protection and benefits afforded by marriage. The legal safeguards in place ensured that adequate protection was provided to persons under 18 years of age who applied for permission to get married.

41. **The Chair**, noting that the judges in some countries approved the vast majority of applications to marry filed by persons under 18 years of age, asked whether that situation obtained in Estonia. He requested further information on the profiles and family backgrounds of children who applied for permission to marry and wished to know whether such children were adversely affected by poverty or a lack of access to information on reproductive health.

42. **Mr. Kuuse** (Estonia) said that, given the low numbers of persons aged under 18 years who wished to get married, the issue was not a priority for the Government. However, it should be noted that family counselling programmes were available as part of the school curriculum and that, in larger schools, specialized social workers provided support in that area. Therefore, all children received guidance in the area of family planning and reproductive health.

43. **Ms. Vseviiov** (Estonia) said that the Estonian Union for Child Welfare administered Vihjeliin, the online service that enabled Internet users to report illegal content. According to data provided by the Union, the service had justified its existence, receiving around 220 reports of websites that were not suitable for children, including 22 websites that contained material relating to the sexual abuse of minors. The Union cooperated with the police and with internet service providers, which were empowered to block websites and, if necessary, to initiate criminal proceedings. The Union also cooperated with ICT companies, which raised awareness of the issues concerned, offered technical support and, in some cases, provided financial support. Every second year, a survey was carried out which indicated that public awareness of the service had increased, as had the number of reports that it received and the number of visits to its website.

44. **Mr. Kuuse** (Estonia) said that education on safe use of the Internet was provided from preschool level upwards, and that certain websites enabled children to report any concerns that they had in that regard. Police officers working online provided children with guidance in using the Internet and gathered information on the contents of websites against which action might need to be taken.

45. **Ms. Kallas** (Estonia) said that reducing statelessness had been a goal of the Government for many years. Accordingly, it had established a naturalization process for all legal residents who wished to acquire Estonian citizenship. The amendments to the Citizenship Act that had come into force at the beginning of 2016 had been particularly aimed at children aged 15 years or less. As a result of those amendments, citizenship was automatically granted to all children who were born in Estonia to parents who had lived in the country for at least five years and were not citizens of any other State. Likewise, citizenship was granted to all minors of undetermined citizenship, aged 15 years or less, who were born in Estonia before 1 January 2016 to parents who had lived in the country for at least five years and were not citizens of any other State. Provided that they met the relevant naturalization conditions, children aged between 16 and 18 years could acquire Estonian citizenship by submitting an application. The Government also strove to reduce statelessness by offering free language courses and encouraging stateless persons to apply for citizenship. Any reluctance on the part of stateless persons to obtain citizenship might be explained by the fact that, with the exception of certain political rights, such as the right to stand in elections, they already enjoyed most of the rights held by Estonian citizens.

46. **The Chair** said that the figures on statelessness held by the Committee appeared to correspond with those cited by the delegation. Noting that the number of persons who had acquired Estonian citizenship appeared to have fallen between 2013 and 2016, he asked whether the difficulty of learning the Estonian language to the level required to pass the mandatory test posed a significant obstacle to applicants. He asked how the mandatory language test was administered to children aged between 15 and 18 years.

47. **Ms. Kallas** (Estonia) said that the language test was unlikely to be a significant factor in preventing people from acquiring citizenship since the Estonian language was taught in schools and free language courses were provided.

48. **Mr. Kuuse** (Estonia) said that the Estonian language was taught in all schools, including those in which Russian was the main language of instruction. Students had to reach intermediate level by the ninth grade and advanced level by the time they completed their secondary education. The school diploma was therefore proof that a certain level of proficiency had been reached. Every year, for demographic reasons and because of the success of previous citizenship campaigns, it became harder to find families and individuals who were motivated to acquire citizenship.

49. **The Chair** said that he had raised the issue of the Estonian language as the statistics indicated that 29 per cent of persons of undetermined citizenship had no knowledge of the language, 27 per cent of such persons understood the language but did not speak it and a further 30 per cent understood it but had limited speaking skills. The Committee was particularly interested in how the question of language affected persons of undetermined citizenship who were under the age of 18 years. The Committee also wished to make clear that it welcomed the great progress that the Government had made in reducing statelessness, which had fallen from 500,000 in 1992 to 80,000 in 2010.

50. **Mr. Kuuse** (Estonia) said that evidence-based, State-funded programmes to prevent bullying had raised awareness of the problem, received positive feedback from both students and parents, and encouraged parents to become more involved in school life. The Ministry of Education and Research had established that all kindergartens and 90 per cent of schools would be covered by such programmes by 2020. The programmes aimed to work with school management in order to determine the root causes of bullying, which was driven not by ethnic or language differences but by universal causes that were not specific to Estonia.

51. **Mr. Guráň**, noting that the Committee had received little information on developments in the area of deinstitutionalization, asked whether the majority of children who had been separated from their biological parents continued to be placed in some kind of institution. Could the fall in the number of children placed with foster families be attributed to a genuine lack of such families, to a lack of State support, or to the fact that potential foster families had difficulty accessing suitable preparation programmes? He also wished to know why national and intercountry adoption rates were so low, and which institution acted as the central authority in respect of adoption. Given that the United States of America did not fully adhere to the standards on intercountry adoption established under the Convention, he asked why that country was one of the three with which Estonia cooperated in the area of adoption.

52. **The Chair** said that he wished to know whether any plans were in place to tackle the problem of overburdened care workers in shelters by establishing a target ratio of carers to children in such establishments. He requested more information on the factors that prevented some children from accessing preschool education and asked whether the State party was on course to meeting its target of ensuring that all children would be able to access preschool education by 2020. Noting that the school dropout rate remained relatively high, particularly among boys, he asked whether any measures had been taken to tackle the

problem. He asked whether, as a result of the language policy that was applied to secondary education, non-Estonian speaking students had difficulty mastering core subjects that were taught only in Estonian. Lastly, he asked what efforts had recently been made to improve the quality of preschool education and to address the disparities in quality that existed between different municipalities.

53. **Ms. Winter** asked why unaccompanied minors who were seeking asylum were not provided with legal representation, and whether an alternative to detention could be found for families with children who were awaiting expulsion after failing to obtain asylum. She asked why children who were over the age of criminal responsibility were dealt with by juvenile justice committees, which were administrative rather than judicial bodies. In particular, she wished to know whether the punishments handed down by such committees resulted in children acquiring a criminal record. Was community service a punishment, or an alternative? She asked whether referrals to special schools were imposed by courts with specialized judges, and whether special schools that had been converted into specialized education centres were open or closed.

54. Noting that the parents of child witnesses were unable to forbid their children from being heard in court, she asked whether a four-year old child would be obliged to appear as a witness if his or her parents knew that the experience would be traumatic, and whether judges were able to seek the opinion of a psychologist in respect of such matters. She asked whether child witnesses received legal representation and, if so, which age groups would be eligible to receive it. She asked the delegation to clarify what it meant by the phrase “the body conducting proceedings”, which had been used several times in the report.

55. Noting that there had been reports of inadequate food, weight loss and inter-prisoner violence among children at Viru Prison, she asked why a separate prison had not been created for the children held in the juvenile section of that institution. More prison psychiatrists were required to treat children in prison, and children who were detained as a result of alcohol abuse required special treatment. Lastly, she asked what steps were being taken to increase the support and protection provided to children participating in criminal or legal proceedings.

56. **Mr. Nelson**, noting that the suicide rate among persons aged between 15 and 19 years had doubled between 2013 and 2014, asked what the causes of that increase had been, whether the upward trend had continued in 2015 and 2016, and what measures had been taken to address the issue. He also wished to know why drug abuse among children and adolescents appeared to be increasing and what measures were being taken to address the problem.

57. **Mr. Kotrane** asked whether the Government would consider amending the Family Law Act to ensure that the custody of a child could not be awarded to a parent who had committed acts of domestic violence. He would appreciate information on the measures being taken to provide greater protection to women in de facto unions and their children. Noting that the State party was a country of origin, transit and destination for trafficking in children, he asked what measures were being taken to tackle that crime. He asked whether it was still the case that crimes committed against children in the context of armed conflicts abroad had to be punishable under the laws of the State in question and the laws of Estonia in order for Estonian courts to have jurisdiction over them. Lastly, the delegation should provide further information on mechanisms used to identify child migrants entering Estonia who had been victims of forced recruitment or other acts that violated the Convention.

58. **Ms. Winter** asked whether any cases of child soldiers implicated in terrorist acts had come before the Estonian courts and whether the courts were prepared to deal with such cases.

59. **The Chair** asked whether training in the provisions of the Optional Protocol on the involvement of children in armed conflict was given to military and law-enforcement officers. He also wished to know whether child members of the Estonian Defence League were allowed to handle firearms and engage in military training, and whether conscripted soldiers on active duty were given regular, mandatory training in human rights and peace education.

The meeting rose at 6 p.m.