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Committee on the Rights of Persons with Disabilities Twenty-fourth session

Summary record of the 526th meeting*

Held via videoconference, on Friday, 12 March 2021, at 12.30 p.m. Central European Time

Chair: Ms. Kayess

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* No summary record was issued for the 525th meeting.

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The meeting was called to order at 12.30 p.m.

Consideration of reports submitted by parties to the Convention under article 35

Initial report of Estonia (CRPD/C/EST/1; CRPD/C/EST/Q/1 and CRPD/C/EST/RQ/1)

1. *At the invitation of the Chair, the delegation of Estonia joined the meeting.*
2. **Mr. Kuuse** (Estonia), introducing his country's initial report (CRPD/C/EST/1), said that, in 2016, a new system had been set up to support work ability, based on an individual case management approach, which had had a significant positive effect on the labour market participation of persons with disabilities. Accessibility and universal design had become a priority. In 2018, a regulation had come into force that set out detailed requirements for buildings to meet the needs of persons with disabilities. In 2019, the Government had established a task force to review accessibility in areas such as housing, public buildings, audiovisual media and e-services. The task force had presented a comprehensive list of policy proposals, which would be implemented following issuance of the final report in July 2021. A bill to transpose the European Accessibility Act into national law was currently being finalized. The system for providing assistive technology had been reorganized to abolish service capacity limits and simplify the assessment process.
3. Funding from the European Regional Development Fund and the European Social Fund had facilitated the transition from institutional to community-based care, and the budget for special care services had doubled over the previous decade. The Government was providing financial support to local authorities to address the regional disparities in the availability and quality of assistance for persons with disabilities. An overhaul of the support system for children with special needs was under way, beginning with the consolidation of assessments in the social and educational spheres through a single entity. In 2020, the level of social benefits for children with disabilities had increased. In the same year, a three-year partnership funding agreement had been concluded to provide organizations of persons with disabilities with the annual sum of €1.2 million. Rapid progress was expected in addressing the remaining challenges in areas such as equal treatment and non-discrimination, accessibility, local government and social protection.
4. **Ms. Saarevet** (Office of the Chancellor of Justice, Estonia) said that the Office of the Chancellor of Justice had been her country's independent monitoring institution since 1 January 2019. Since then, awareness of the rights of persons with disabilities had significantly improved among civil servants, service providers and the general public. For example, although local governments had not met the Chancellor's request to ensure all polling stations were accessible for the 2019 elections, they would ensure accessibility for the local elections of 2021. Recent construction projects had improved the accessibility of public buildings. However, the main anti-discrimination law, the Equal Treatment Act, was unconstitutional and incompatible with the Convention because it allowed persons with disabilities to be denied equal access to services. She hoped that the Government would soon take legislative steps to allow persons with disabilities to exercise their rights on an equal basis with others.
5. **Mr. Ruskus** (Country Rapporteur) said that, while he welcomed the new work ability support system, the disability assessment system was still not aligned with the human rights model of disability. He would like to know whether the situation whereby disability assessment boards had stripped children with disabilities of their disability status and therefore their support for social inclusion had been resolved and whether the related recommendations by organizations of persons with disabilities had been taken into consideration. He would like to know whether the Government planned to redirect the money received from the European Structural and Investment Funds away from the construction of new residential institutions, such as "family-type houses", towards the development of personal assistance arrangements and the provision of regular services and facilities for persons with disabilities.
6. He wondered whether the Government was considering withdrawing its interpretative declaration of article 12 of the Convention and repealing all discriminatory legislation that allowed for the deprivation of legal capacity on the grounds of impairment. He wished to know whether the substitute decision-making regime would be replaced with a supported

decision-making mechanism. Lastly, he would like to know whether the State party intended to oppose the adoption of the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention).

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7. **Ms. Kim Mi Yeon** said that she would appreciate information about the steps taken to eliminate degrading terminology, such as “abnormality”, “mental disorder”, “feeble-minded” and “helpless person”, from legislation and regulations. She would like to hear about the efforts made to apply the human rights model to all disability assessment systems, including the determination of legal capacity. She wished to know about the Government’s response to the reported lack of coordination among authorities at the national and local levels in the implementation of support measures. Finally, she would like to know about the measures taken to raise awareness on the rights recognized in the Convention among professionals working with persons with disabilities, including municipal officials, judges, teachers and health professionals.

8. **Sir Robert Martin** said the Committee had received reports that, in Estonia, organizations of persons with disabilities did not receive sufficient funding or support from the Government, which could prevent them from participating in decision-making processes affecting persons with disabilities. He would be grateful if the delegation could comment on the veracity of those reports and indicate whether persons with disabilities were involved in the planning and delivery of activities to raise awareness of the Convention.

9. **Ms. Fitoussi** said that she would like to hear more about the measures taken to involve women with disabilities in the development of gender equality and disability-related legislation and policies; the measures put in place to protect women with disabilities against multiple and intersecting forms of discrimination; the measures taken to help women with disabilities reconcile work and family life; and the programmes and policies adopted to empower women with disabilities and to raise awareness of their rights.

10. **Ms. Fefoame** said that she would like to know what mechanisms had been put in place to enable children with disabilities to express their opinion on matters affecting them; how many children had lost their disability status and, with it, access to essential services; how, in the light of that situation, the State party planned to guarantee that children with disabilities had access to all necessary services, including early intervention services, so as to ensure their full social inclusion; and how the State party would ensure continuity of services for children with disabilities once it stopped receiving support from the European Structural and Investment Funds.

11. **Mr. Ruskus**, speaking on behalf of Mr. Schefer, said that it would be useful to receive information on the content and time frame for adoption of the domestic legislation necessary to implement the European Accessibility Act when it entered into force for Estonia and the steps already taken in that connection. The delegation might also provide more details on the mandate of the task force set up to develop a comprehensive accessibility strategy, the timeline for the completion of its work and the involvement of persons with disabilities and organizations representing them in it. The Committee would also like to learn more about the content of the domestic legislation adopted to implement the European Electronic Communications Code and the measures taken to apply it. It would also appreciate more information on how the local authorities responsible for taking decisions on accessibility measures were supervised and whether they were trained on how to guarantee the rights of persons with disabilities under article 9 of the Convention.

12. **The Chair** said that she wished to know the current status of the draft amendments intended to broaden the scope of the Equal Treatment Act to cover areas other than employment, whether any reforms had been undertaken in that connection and, if the amendments were passed, the areas to which the amended Equal Treatment Act would extend, whether it would address multiple and intersectional discrimination and whether the denial of reasonable accommodation would be included in its definition of disability-based discrimination.

The meeting was suspended at 1.05 p.m. and resumed at 1.15 p.m.

13. **Mr. Kuuse** (Estonia), replying to the question posed on the building of new “family-type houses”, said that, prior to the reform of the institutional care system, persons with special needs who required treatment had been placed in large, isolated institutions. While lengthy, the reform process had been successful, as only a few such facilities remained. Most residents had been moved to smaller, modern houses located in urban centres with accessible amenities where they could make use of nearby public services and go to work, if appropriate. The number of persons in institutional care facilities had decreased as the capacity of community-based care facilities had increased. Despite the efforts of local authorities and the State, more needed to be done to change negative public perceptions of community-based care. Organizations representing persons with disabilities and the families of those persons had been given the opportunity to create care solutions and to provide services themselves, with the support of the State. The budget for providing those services had already been increased.

14. Discussions on how best to transition to a supported decision-making model had been held with members of the judiciary and representatives of organizations representing persons with disabilities prior to the coronavirus disease (COVID-19) pandemic and were still ongoing. The Government continued to strive for practices that supported the right of persons with disabilities to make their own decisions and to be duly consulted on matters concerning them. Any change to the existing system would require agreement from different parties.

15. Significant progress had been made in supporting organizations representing persons with disabilities. While more remained to be done in that area, a long-term partnership between the Government and those organizations had been formed. A three-year funding framework worth € 3.6 million had been established to support the activities of the member organizations of the Estonian Chamber of Disabled People. Local organizations received support from municipal authorities. The Government consulted and worked closely with such organizations in drafting development plans, legislation and proposals for changes in practice.

16. A framework for discussion on development needs had been established in an effort to improve coordination between the State and the municipal authorities. The needs of persons with disabilities, and the participation of organizations representing them, were addressed in an annual workplan. The Ministry of Social Affairs was responsible for ensuring that municipal authorities delivered the services that they were required by law to provide. While there had been a number of positive and encouraging developments in that area, he acknowledged that more progress needed to be made.

17. **Ms. Einman** (Estonia), replying to the questions posed on the draft amendments to the Equal Treatment Act, said that, in January 2021, a new Government had taken office in Estonia and that its coalition agreement made specific reference to amending the Act. If passed, the draft amendments would extend the scope of the Act, which expressly prohibited discrimination on the basis of disability, to cover not only employment but access to social welfare, social security, health-care services and publicly available goods and services, including housing. The question of including multiple discrimination in the draft amendments was still under discussion. It was expected that the draft amendments would be finalized in summer 2021 and, following consultations with the relevant ministries and civil society organizations, that they would be discussed by the Government in winter 2021.

18. The accessibility task force established in September 2019 was made up of representatives of various ministries, the private sector, local government bodies and organizations of persons with disabilities. The Government had also established a working group of government experts to plan the transposition into national law of the European Disability Act, which set out accessibility requirements for products and services within the European Union. The first draft of the comprehensive law on accessibility, which would provide for the transposition of the European Disability Act into national law, was currently being reviewed by experts from the working group. The law was expected to enter into force in June 2022.

19. **Ms. Kanter** (Estonia) said that the Government was taking steps to promote gender equality and tackle all forms of discrimination, including intersecting forms. It did so by supporting, and promoting cooperation between, organizations such as the Estonian Women’s Association, the Estonian Human Rights Centre and the Estonian Chamber of

Disabled People. Steps were being taken to involve those organizations, and members of the groups that they represented, in the drafting of legislation that concerned them.

20. **Ms. Mets** (Estonia) said that disability was currently defined in national law as the loss of, or an abnormality in, an anatomical, physiological or mental structure or function of a person, which, in conjunction with different restrictions, prevented him or her from participating in social life on an equal basis with others. Other definitions of disability could be found in local legislation. Pursuant to the Social Benefits for Disabled Persons Act, a person's degree of disability was determined by the Social Insurance Board on the basis of that person's health status, medical records and the information that he or she provided in the relevant application form. In conjunction with a number of partners, including the Estonian Chamber of Disabled People, the Social Insurance Board was currently reviewing the methods used to assess disability.

21. The Government and local authorities shared responsibility for ensuring access to services for persons with disabilities, with the former overseeing the provision of more complex and expensive services, such as special care, rehabilitation and technical aids. Other forms of support provided to persons with disabilities were mainly organized by local authorities, which were more aware of individuals' requirements and more flexible in their actions. In view of the fact that the quality and availability of assistance varied from region to region, the State gave financial support to local authorities to assist with the development and provision of social services. An advisory unit attached to the Social Insurance Board provided strategic and operational advice to help local authorities to improve the quality of the support that they provided. In recent years, improvements had been made to the accessibility of a number of services, including those providing technical aids and social rehabilitation, for which there were currently no waiting lists.

22. **Ms. Hindriks** (Estonia) said that the local authorities were responsible for identifying local requirements for social services, including those for children with special needs. Each local authority was required to assess the needs of children and the availability of support services and staff so that appropriate assistance could be provided to children and their families. In 2020, assessments of the disabilities of 3,600 children had been conducted.

23. Support services were increasingly being made available in schools and children's places of residence. Services for children with disabilities were developed and provided with resources from the European Social Fund, the availability of which had been extended until the end of 2022. As the resources provided by the Fund were subject to a time limit, it was important for local authorities to obtain an overview of the needs of local children, the services that they required and the associated costs. Plans were in place to bring social service providers closer to the persons using the services concerned. Services provided by local authorities would be funded by the authorities themselves and by resources from an equalization and support fund. Funds would be distributed in accordance with the number of children with disabilities in each area and the severity of those disabilities. The Government had established a working group of experts and civil servants with a view to improving the quality and availability of support services provided to children with disabilities.

24. **Ms. Limperk-Kütaru** (Estonia) said that teacher training courses contained modules on the inclusion of children with special educational needs and those with disabilities. In-service training for teachers was also intended to develop their competences in the area of inclusion. Such training was provided by the universities as well as by national agencies.

25. **Mr. Koppel** (Estonia) said that legislation concerning mental illness had been amended over the years to ensure that it did not contain stigmatizing language. The Government had drafted a new bill on mental health that would improve the provision and organization of mental health services in Estonia. It had also continued to support the development by the Council of Europe of the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Oviedo Convention).

26. **Mr. Ruskus** said that he would welcome information on any comprehensive national strategy or plan to implement the Convention at all levels and in every area of life. It would be interesting to hear how the Government ensured that organizations of persons with disabilities had sufficient funding to operate independently. The Committee wished to know

what measures were being taken to ensure that all persons with disabilities, in both urban and rural areas, had access to information, physical infrastructure, transportation and all other services. He wondered whether the principles of universal design had been incorporated into legislation and regulations, including the Public Transport Act, the Transportation Development Plan 2014–2020 and the Building Code. The delegation might describe the measures taken to ensure that government websites and online services complied with accessibility standards in accordance with Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies.

Articles 11–20

27. **Ms. Amrani** said that she wished to learn about any measures taken during the COVID-19 pandemic to ensure that persons with disabilities had the same access to health care and services as everyone else; prevent the isolation and abandonment of persons with disabilities; and prevent violence against women and children with disabilities, especially those with intellectual disabilities. She would welcome information on the extent to which the rights of persons with disabilities were included in the Government’s immediate and long-term responses to the pandemic and on any consultations held with persons with disabilities and their representative organizations in that regard. She would like to know more about the role of persons with disabilities, especially women and persons with intellectual disabilities, under the implementing legislation of the Emergency Act and the related guidelines in order to ensure the safety of persons with disabilities. She also wished to hear about the availability of health services and home care for individuals with autism and intellectual disabilities. The delegation might also comment on whether the State party planned to withdraw its interpretive declaration regarding article 12 of the Convention and repeal the provisions of the Civil Code that allowed for the restriction of the legal capacity of persons with psychosocial and intellectual disabilities and maintained the substitute decision-making regime, on which there was a lack of disaggregated statistics.

28. **Sir Robert Martin** said that he wished to know how the terms “passive legal capacity” and “active legal capacity” were defined and whether the State party planned to reduce the lengthy five-year period between court reviews of whether guardianship continued to be needed. As independent living meant that a person could choose where and with whom he or she lived, he was curious to know what the State party was doing to ensure that individuals had such choices and to move away from group homes. Had the State party considered providing relevant information in Easy Read format to help people make choices in their daily lives?

29. **Mr. Ruskus**, speaking on behalf of Mr. Schefer, said that he would like to know whether the Government planned to amend the codes of civil, criminal and administrative procedure to provide persons with disabilities with the means of alternative and augmentative communication necessary for them to participate effectively in all legal proceedings on an equal basis with others.

30. **Ms. Gamio Ríos** said that she wished to learn what the State party was doing to address the fact that a third of parents of children with disabilities lacked childcare support, owing either to red tape or to the varying resources available in different municipalities, and how it would ensure that women’s shelters were physically accessible to women with disabilities, used accessible communication and had specially trained staff. She would welcome information on the steps being taken to prevent the involuntary placement and forms of coercion allowed under the Code of Civil Procedure and the Mental Health Act, eliminate the concept of “dangerousness” from the legislation and increase oversight. She was also curious to find out about measures being taken to provide reasonable accommodations and support measures for asylum seekers and refugees with disabilities at border crossings and in reception centres and shelters.

31. **Ms. Fefoame** said that she would appreciate information on measures taken to repeal any provisions allowing persons with disabilities, particularly persons with psychosocial and intellectual disabilities, to be confined in psychiatric wards, including in penitentiaries, or to be subjected to mechanical, physical or chemical restraints or other forms of ill-treatment or forced medication. She would also be interested to hear of any plans to repeal provisions

allowing for the sterilization of women with disabilities or the termination of their pregnancies without their consent.

32. **Ms. Kim Mi Yeon** said that she wished to learn about any measures taken to protect persons with disabilities from acts of violence, exploitation or abuse based on their age, gender or disability; the work of the independent monitoring mechanism in preventing violence against persons with disabilities in institutions; and any measures taken to fully include children with disabilities in the implementation of the Child Protection Act and protect them from corporal punishment.

33. **Mr. Ruskus** said that he wished to know whether the State party planned to ensure that all persons with disabilities had the right to choose where and with whom they lived, get the personal assistance needed to support living in the community, and have access to services and facilities in the community intended for the general public. He was curious to find out what measures were being taken to ensure access to quality mobility aids and assistive devices and technologies for all persons with disabilities.

34. **Mr. Kabue** said that he wished to know what mechanisms existed for individuals who felt that their rights had been violated – for example, the children who had reportedly lost their disability status – to seek redress. He would appreciate information on any mechanisms to provide legal assistance to persons with disabilities whose rights had been violated and examples of how those mechanisms had been used.

35. **Sir Robert Martín** said that he would welcome a response to the specific question that he had asked earlier on whether persons with disabilities were involved in the planning and delivery of awareness-raising about the Convention.

36. **Ms. Gamio Ríos** said that she would appreciate further information on the functioning of the small group homes for persons with intellectual or psychosocial disabilities. For the Committee, such houses remained institutions because, even though they were small, they were characterized by a lack of privacy and a lack of decision-making opportunities for the residents.

37. **The Chair** said that she wished to know how individualized supports would be recognized under the Equal Treatment Act and whether the denial of individualized supports would be recognized as a form of discrimination and grounds for action in all areas within the scope of the Act.

The meeting rose at 2.15 p.m.