Children and Young People

Estonia ratified the UN Convention on the Rights of the Child on 26 September 1991. Under Article 4 of the Convention, States Parties must undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the Convention.

In Estonia, the function of the independent ombudsman for children is performed by the Chancellor of Justice who ensures that all decisions concerning children respect the rights of children and proceed from the best interests of the child.

Children and parental care

The Chancellor often receives requests for assistance from parents who have been unable to agree with each other on matters of child custody, maintenance or access. The Chancellor does not resolve disputes between parents; however, the Chancellor's advisers do help to clarify matters.

The laws presume agreement between parents on matters concerning their child. No law or state coercion can mend human relationships. In the absence of agreement, a dispute is resolved by the court, which must take account of the particular circumstances in its judgment and reach a solution that is in the best interests of the child. Recourse to the court should be a measure of last resort.

Unfortunately, restrictions on movement imposed due to the spread of Covid-19 caused additional tensions between separated parents and impeded communication between a child and the separated parent (read, in more detail, in the chapter "Rule of law in an emergency situation").

National family mediation system

On several previous occasions, the Chancellor has drawn the attention of ministries to the fact that in resolving a dispute between parents counselling of parents and intermediating their agreements is of primary importance.

As a positive development, at a Cabinet meeting on 9 January 2020 the Government decided

to support a proposal by the Minister of Population Affairs to prepare a national family mediation system. According to the explanation by the Minister of Population Affairs, a national family or parental mediation system would be created to enable reaching agreements with a view to the well-being of children where the parents are separated. According to the Minister, the family mediation system is intended to be prepared by February 2021.

During the reporting period, the Chancellor's advisers participated in several debates on the national family mediation system organised by the Ministry of Social Affairs, the Ministry of Justice, and the Minister of Population Affairs. The advisers emphasised that in resolving child-related disputes it is important that relevant counselling services are made available to all parents because long-term conflict between the parents is damaging to the children. Prior to having recourse to the court, disputing parents should be referred to a person intermediating agreement. This makes it possible to achieve cooperation between parents and reduce the number of court disputes.

Enforcement of court orders regulating access arrangements between parent and child

The Minister of Justice asked for the Chancellor's opinion on amendments to the Family Law Act and other Acts concerning enforcement of court orders regulating access arrangements between parent and child. In June 2019, the Chancellor submitted observations on the intention to prepare this Draft Act. In her reply to the Minister of Justice, the Chancellor pointed out that several problems raised earlier are still unresolved. For example, the Draft Act does not offer a solution to problems related to compulsory enforcement of access arrangements in the evenings, at weekends and on public holidays.

The Draft Act envisages creating the institution of an 'access caretaker' but the rights and duties of an access caretaker are still not sufficiently clearly defined. The Chancellor recommended that the explanatory memorandum to the Draft Act should explain the principles of cooperation between an access caretaker and a bailiff, as well as allocation of roles between an access caretaker and a child protection worker.

The solutions suggested in the Draft Act are closely linked to the family mediation system planned by the Ministry of Social Affairs and the Ministry of the Interior, so that it is necessary to contemplate how these issues could be resolved in an integrated manner.

The role of city government

The Chancellor was contacted by a mother who found that Pärnu City Government had violated the rights of herself and her child since it had not guaranteed the mother's access to the child who was living separately. The Chancellor concluded that Pärnu city had violated the requirements of the Child Protection Act by not having offered effective measures to assist the child and support communication between mother and child.

The Family Law Act stipulates that disputes between parents over the right of custody and the right of access are resolved by the court. However, this does not mean that the role of a local authority in ensuring a child's well-being is limited only to submitting an opinion to the court in this dispute. Under the Child Protection Act, a local authority, within its competence, must support a parent or the person raising a child in ensuring the child's rights and well-being. Thus, during and after a court dispute between parents a local authority must also support and counsel parents, if necessary, with a view to ensuring the child's well-being. A local authority knows what services and support can be offered to parents in their city, town or rural municipality (e.g. family counselling, therapy, parental skills training, and the like). As a rule, the court does not deal with these issues. Nor does a bailiff deal with these issues in the process of compulsory enforcement of access arrangements.

Certainly, the responsibility for ensuring a child's well-being and concluding agreements concerning the child lies primarily with the parents. A local authority's possibilities to influence the parents are limited. However, if parents have been unable to cooperate with each other for a longer period and this damages the child it is important that the local authority should use all statutory measures to protect the rights of the child. For example, a precept may be issued to a parent. Among other things, a precept can be used to oblige a parent to take the child to an appointment with a psychologist or to therapy.

The Chancellor criticised Pärnu City Government in that, while assessing the child's need for assistance, the city never analysed how being deprived of one parent might damage the child. In the situation where a child has become alienated from a separated parent, restoring the relationship may be stressful for the child but losing a parent may be even more damaging to the child's development.

An opinion to the court from a childcare institution

The Chancellor was asked whether a school may give the court an opinion on a child (and a parent) in a dispute over the right of custody, and as to the legal effect of that document.

The Chancellor explained to the parent that, under the Family Law Act, when hearing matters concerning a child the court must make a decision primarily with a view to the interests of the child. To assess the interests of the child, the court may collect evidence on its own initiative. Thus, there is nothing unusual about a court requesting information from a school or kindergarten when hearing a dispute concerning a child. Of decisive importance in drawing up the reply is what the court specifically asked the school or the kindergarten for. In a matter concerning a child, it may be unavoidable that by describing the circumstances related to the child the school also covers issues concerning the relationship between child and parent, i.e. provides information on the parent. The court may also ask the school for information about a parent's participation in resolving school issues. This kind of information may be significant, for example, if a parent seeks limitation of the other parent's right to decide on issues concerning the child's education.

An opinion from the school is one piece of evidence among others. The court assesses all evidence in the aggregate and no piece of evidence has predetermined weight for the court.

Parental consent

The Chancellor was asked whether a child may travel abroad if one of the parents refuses to consent to this. Unless otherwise decided by the court, parents have equal rights and duties in respect of their child. On that basis, parents with the joint right of custody must reach agreement on matters concerning the child (including on travel abroad).

No certified consent of the other parent is required at the border when departing Estonia with a child; however, such consent may be required at the border of the transit or destination country. Therefore, to ensure smooth border-crossing it is essential that parents should resolve their disagreements before the child's travel. If one of the parents refuses to consent to the child's travel abroad, the other parent may apply to the court seeking the exclusive right to decide on these issues. In the situation where parents live separately or otherwise do not wish to exercise the right of custody jointly in the future, the parent with whom the child is residing may apply to the court for partial or exclusive transfer of the right of custody to that parent.

The Chancellor also resolved a complaint where a Police and Border Guard Board (PBGB) official had prohibited the petitioner from departing Estonia together with relatives who were minors because the adult was not in possession of the parent's written consent. The PBGB admitted that the official had been mistaken since legislation does not require possession of a parent's written consent. If necessary, an official must ascertain a parent's consent by using other possibilities.

The Chancellor was asked to investigate the question whether, if the authorities (PBGB and embassies) issue personal identity documents to children upon an application by only one parent, this could facilitate child abduction. A document for a person under 15 years old or an adult with restricted active legal capacity is issued to a legal representative of the document user. The laws do not require that parents should jointly apply for documents for their child. Thus, an authority issuing a document may proceed from the assumption that the parent applying for an identity document for their child has the consent of the other parent. However, if necessary, an administrative authority must verify whether there is any indication that documents are applied for without the other parent's consent or that issue of documents may prejudice the interests of the child.

The allowance for families with many children

Separated parents have disputes not only over raising or maintaining a child or having access to the child but also over which parent is entitled to child allowances. The state must have a fair and constitutionally based solution for these situations.

The opinion submitted to the Supreme Court dealt with the possibility of obtaining the allowance for families with many children if a family with many children is made up of children of a blended family. The Chancellor found that, under the Constitution, the state is not entitled to deprive some children in a blended family of an allowance because the other parent of their sibling does not agree to give up family benefits or use them by taking turns.

Alternative care

A child's natural environment for growth and development is their family. In order for a child to be able to grow up in their family, the state has the duty to support parents in raising children. Unfortunately, even with state support not all parents are able to ensure a safe family environment and parental care to their children. In those cases, the state must ensure

suitable alternative care for a child outside their own family. Care for a child outside their birth family is called substitute care.

Forms of alternative care include adoption, guardianship, and substitute care service (in a foster family, family house, and substitute home). After having received the alternative care service, a young person entering independent life is entitled to support in order to cope independently and continue their education. This assistance is called continuing care service.

Many children under alternative care wish to maintain contact with their biological parents, relatives and other next of kin. This wish must be humanely understood and respected. Maintaining contact and ties with their next of kin is a child's right. Unfortunately, problems often arise in arranging communication because the values and principles of upbringing of a child's next of kin and those of their alternative care family may be very different. In these situations, it is necessary to take into account the interests and rights of all those concerned and find a solution which is in the best interests of the child. The right of access between a child and their biological parents may only be restricted by the court.

The right to contact of a child in a family house

The Chancellor was also asked about the possibilities to restrict contacts between a child in alternative care and other people close to the child.

In response to the question whether a family house may prohibit a child from communicating with a former family parent of theirs, the Chancellor said that under the Family Law Act a child's legal representative determines the third persons with whom the child may be in contact. Certainly, the legal representative must also hear and take into account the child's opinion.

As a rule, the legal representative of a child in alternative care is the rural municipal, town or city government where the child resides. If the rural municipal, town or city government finds that communicating with the former family parent is in the child's interests, the family house cannot prohibit communication. However, the rural municipal, town or city government should coordinate the specifics of communication (e.g. how, where, when and how often contact is allowed) with the family house, since the staff of the family house are the child's actual carers and thus best informed about the child's day-to-day living arrangements.

The right to the continuing care service

The Chancellor was asked whether the Social Welfare Act was treating young people who had been in alternative care unequally by stipulating that the decisive factor for obtaining the continuing care service was whether, after the end of studies, the young person decides to enter conscript service or continue studying. Specifically, a person subject to the conscript obligation can choose whether to find a place for continuation of studies even before conscript service and take academic leave for the period of conscript service or not to choose the place of further studies before conscript service. Young people making that different choice are in a legally different situation. Those groups are distinguished from each other by the fact whether a young person decides to enter a school before or after conscript service. It is true that a young person who has taken up studies again may also decide to enter conscript service immediately at the beginning of the studies, so that both young people may reach conscript service at the same time.

The law also lays down a possibility that a rural municipality, town or city may ensure the continuing care service to those young people up to 21 years old who are not studying and received alternative care or were under guardianship until becoming an adult. The explanatory memorandum to the Draft Act (489 SE) amending the Social Welfare Act and other related Acts says that a city, town or rural municipality may use support allocated from the state budget also for providing service to those young people.

The Chancellor found that even though the petitioner's concern about supporting young people could be understood, the Riigikogu has the right to decide to what extent and for what purpose to support young adults who have been in alternative care.

Support for guardianship families

The Chancellor was asked whether guardianship families and foster families should be treated equally and the same amount of support paid to them. The Chancellor explained that treating guardianship families and foster families differently is allowed since these families are not exactly in the same situation.

A foster family is a service provider with whom the city, town or rural municipality enters into a contract for provision of the alternative care service to a child deprived of parental care. However, by becoming a guardian a person assumes full responsibility for the child under

guardianship and decides independently how best to arrange the child's life. At the same time, the Chancellor's Office has drawn the attention of the Ministry of Social Affairs to the fact that guardianship families need more state support than now. However, the amount of support to guardianship families depends on Riigikogu social policy decisions and the state's financial possibilities.

The alternative care network

In order to contribute to systematic development in the field of alternative care, the Chancellor's adviser participates in the work of the alternative care network convened through the Ministry of Social Affairs. This is an unofficial working group of the child protection council, meeting a couple of times a year. During meetings, topical issues of alternative care are discussed and information is shared on development of the field.

During the reporting period, the discussions focused on how to take better account of the interests of the child when a child moves from one alternative care provider to another. Alternative care providers shared their experience about coping with the emergency situation and also discussed what could be done better.

Kindergarten and school

Also during this reporting year the Chancellor received a considerable number of letters about problems related to activities of kindergartens and schools. Several issues recur from year to year – for example, people ask about obtaining a kindergarten place within a reasonable time and the conditions for receiving the childcare service offered as a substitute service instead of a kindergarten place.

During the last year, problems have arisen where a local authority offers a family a place in a kindergarten too far from the family's residence and which the family cannot use due to its location. A local authority is required to offer a family a kindergarten place within its service district. However, the problem is that since the whole local authority territory may form one service district, that area is very large in some places after the administrative reform.

With regard to schools, it may be noted that conflicts at school often start from insufficient or inept communication between the school and the parents. The last reporting year was special in the sense that schools and kindergartens had to operate for several months in the conditions of an emergency situation. Naturally, this raised questions for people, a more

detailed overview of which is in the chapter “Rule of law in an emergency situation”.

Availability of and conditions for the kindergarten and childcare service

Several people complained about replacement of the kindergarten service with the childcare service. A closer look revealed that local authority legislation regulating eligibility for the kindergarten service and its replacement in the form of the childcare service was not in conformity with the law. For example, the Chancellor reviewed the relevant legal act in Rae rural municipality and made a proposal to lay down a constitutionally compliant fee for a childcare place in the event of replacing a place in kindergarten with a place in childcare, so that the fee would not disadvantage the parent of a child attending childcare in comparison to the parent of a child in kindergarten. The Chancellor also proposed that the municipality should lay down a procedure for replacing a kindergarten place with a childcare place that would be compatible with the Constitution.

The Chancellor also analysed the legal acts of several other local authorities and found similar problems (see a proposal to Kiili rural municipality and a proposal to Lääne-Harju rural municipality). Based on the Chancellor’s proposal, these municipalities have already either amended their legislation or plan to do so in the near future.

Having examined the organisation of kindergarten and childcare services in several local authorities, the Chancellor concluded that similar problems may also exist in arrangements in place in other local authorities. Therefore, the Chancellor sent a circular to all local authorities, explaining how the kindergarten service and the childcare service are regulated under the law, and what possibilities exist for local authorities to organise these services lawfully.

Under the Preschool Childcare Institutions Act, a local authority must fulfil its statutory task to ensure all applicants a place in a preschool childcare institution. A clear and unambiguous procedure must be laid down for granting a place. Among other things, it is necessary to contemplate and clearly regulate the procedure for replacing the kindergarten service with the childcare service when a child is one-and-a-half to three years old. The Chancellor explained that although local authorities generally give financial support for use of the childcare or private kindergarten service, parents often have to pay more for the childcare service than they would pay for a place in a (municipal) kindergarten which the family applied for but which the local authority did not ensure.

However, requesting a higher fee for a place in childcare or a private kindergarten, or imposing additional conditions for obtaining support, is not always prohibited. Everything depends on the legal framework in which a local authority supports the use of the childcare and private kindergarten service: whether this is done to fulfil the local authority's statutory duty or whether this involves so-to-say voluntary service provision and support.

The Chancellor asked local authorities to review the existing procedure for ensuring and supporting the childcare and private kindergarten service and, where necessary, to amend the legislation.

Kindergarten location

A parent contacting the Chancellor explained that the rural municipality offered their child a place in a municipal kindergarten located so far from the family's residence that using the service offered to them would cause the family unreasonably heavy financial expense as well as require an unreasonable amount of time. The Chancellor explained that, under the law, a municipal council approves the service district of a childcare institution. In doing so, the whole territory of the local authority may be assigned as the service district for preschool childcare institutions. The law does not define the criteria based on which a service district should be determined, including how large any one service district may be.

However, the Chancellor acknowledged that if taking a child to a kindergarten and back requires an unreasonable amount of time and excessive transport costs, it may happen that in actuality the family cannot use the kindergarten place. This raises the question of *de facto* availability of the kindergarten service and guaranteeing rights laid down by law. The Chancellor recommended that the parents should have recourse to the administrative court

to protect their rights.

The obligation to take a child to the kindergarten

The Chancellor was asked whether a kindergarten worker may oblige a parent to take their child to the kindergarten. The Chancellor explained that no general compulsory kindergarten attendance exists in Estonia, but a child protection worker may issue precepts to a person raising a child with a view to protecting a child in need of assistance and to oblige the person to cooperate with the child protection worker.

Since kindergarten facilitates a child's development in several ways – it is important to communicate and play with children of the same age, and thereby acquire social skills – attending kindergarten may be useful for a child's development. If a child protection worker obtains information that a child is attending neither kindergarten nor childcare, and the child's development does not correspond to the child's age, the child protection worker must on the basis of the Child Protection Act assess whether the child and the family need assistance. If assessment of the need for assistance shows that the child's well-being is endangered and the child needs assistance, the child protection worker is obliged to intervene. To ensure the child's well-being, it may be necessary that the child should attend kindergarten.

The Child Protection Act obliges parents to cooperate with a child protection worker if it is found that the child needs assistance. If parents refuse to cooperate, a child protection worker may issue a precept to parents requiring them to take the child to kindergarten. The parents must comply with the precept.

Rest time in a kindergarten, provision of first aid, and cooperation between a kindergarten and the family

A kindergarten asked for the Chancellor's explanations concerning children's rest time, provision of first aid to a child, and cooperation with parents. The kindergarten explained that the rest period in the kindergarten was at 13–15, during which a child may choose between sleep or quiet activities in the group room. By agreement with a parent, a child has a 30-minute rest in bed, and if the child does not fall asleep during that time they may stay awake for the remaining rest time. In the opinion of the kindergarten, such a wish by the parent does not take into account the child's well-being since it does not allow the child themselves to choose whether to have a longer sleep time or an opportunity not to go to bed at all.

The Chancellor explained that, under the Minister of Social Affairs regulation, from four years of age on, a child should be enabled to choose between a nap and another quiet activity during rest time. Everyone has a different need for sleep and it is not possible to generalise how much sleep a six-year-old child needs during the daytime. Some children at this age do not wish to sleep at all during the day, nor should they be forced to do it. Whether a child needs any daytime sleep is primarily for the parent to assess, and the parent and the kindergarten must reach an agreement as to rest time arrangements.

The kindergarten also asked whether they may decline to use an adrenaline pen if a child with a nut allergy goes into anaphylactic shock. The Chancellor explained to the kindergarten that anaphylaxis is a serious life-threatening allergic response, and in the case of its onset merely administering antihistamine is not sufficient but epinephrine must immediately be injected into muscle to halt aggravation of symptoms. After this, an ambulance must be called. This approach is compatible with the requirement of provision of first aid in a kindergarten. If the kindergarten withdraws from an agreement concluded with the parent and does not use an adrenaline pen, then anaphylactic shock may endanger the child's life. The Chancellor noted that everyone having received the relevant guidance is able to use an adrenaline pen, and this does not in any way endanger the person providing aid. The Chancellor underlined that a child with a nut allergy is also entitled to attend a kindergarten for their place of residence, and the kindergarten must create conditions for this.

With regard to cooperation between a kindergarten and parents, the Chancellor explained that parent and kindergarten must cooperate with a view to ensuring the child's well-being, based on the premise that the child must be of primary importance. A parent may make proposals to a childcare institution. A kindergarten must always asses a parent's wish in terms of the child's well-being and, in doing so, always respecting the requirements laid down

by legislation. A parent is also entitled to be informed of activities concerning their child, be it drinking water during a field trip or distributing sweets in the kindergarten.

The Chancellor suggested that, in a conflict situation, it might be worthwhile to organise a round table discussion, also involving another specialist who would help to find a solution (e.g. a clinical psychologist) apart from the parent and a representative of the kindergarten. A solution might also be to transfer the child to another group, but this can only be done in considering the child's well-being and in cooperation with the parent. In doing so, the child should also be heard. The Chancellor agreed with the kindergarten that if a parent does not act in the interests of the child, cooperation with child protection workers is needed to understand whether the child's well-being is at risk. The Chancellor explained to the kindergarten that absence of cooperation between the kindergarten and a parent cannot be the basis for excluding the child from kindergarten.

Support of a speech therapist in kindergarten

The Chancellor was contacted by a parent with a concern that their child needed the assistance of a speech therapist but the rural municipality's kindergarten had not offered it to them. Nor had the parent received assistance from the rural municipality government. The Chancellor found that the municipality had violated the rights of the child by failing to ensure the child the assistance of a speech therapist in the kindergarten. Under the Preschool Childcare Institutions Act, a rural municipality as manager of the kindergarten must create possibilities for children to obtain, if necessary, the assistance of a speech therapist, which must be organised by the director of a kindergarten.

The Chancellor explained to the rural municipality that the child is entitled to speech therapy in the kindergarten if this was recommended to the child during a check in the kindergarten. After receiving the recommendation, the parent need not contact any other specialist. It also cannot be considered a solution if the kindergarten recommends that a parent themselves find a speech therapist. The problem is also not resolved by suggesting that the parent apply for income-based health support from the municipality.

The child is entitled to assistance immediately when it has become clear that they need it. The assistance of a speech therapist must be offered in the kindergarten and for free. The child might remain without assistance if the kindergarten organises speech therapy outside the kindergarten. In justified cases, speech therapy may also be offered outside the kindergarten

if this is in the interests of the child and takes account of the parent's possibilities and working life.

The director of the kindergarten explained that the kindergarten had so far not managed to hire a speech therapist. The rural municipality explained that, in autumn 2020, it is planned to open three support centres which also employ a speech therapist. Until then, the petitioner's child was ensured the assistance of a speech therapist outside the kindergarten at the municipality's expense.

Reprimand and transfer of a pupil to another class

The Chancellor was contacted by a parent who disagreed with the school director's decree by which their child had been punished with a reprimand and transferred to a parallel class.

The Chancellor found that the reprimand had been lawful. However, that part of the decree by which it was decided to transfer the pupil to another class had been unlawful, since the school did not have the parent's permission for this. Transfer to another class is not a sanction allowed under the Basic Schools and Upper Secondary Schools Act (BSUSSA). Thus, transferring a pupil to another class based on a school's unilateral decision is not allowed. Besides sanctions, support measures applicable under the conditions and procedure laid down by the BSUSSA may be used in respect of a pupil. The list of support measures in the Act is non-exhaustive, containing only examples. The sample list does not contain transfer to another class, nor is such a support measure mentioned in any other provision of the BSUSSA.

Although a support measure is not a punishment, applying a measure may interfere with fundamental rights. Therefore, a school may apply support measures only under the conditions and procedure laid down by law. Depending on the support measure, one of the conditions for applying the measure is parental consent. This is needed where parents have an important role in supporting the child's development (e.g. a development conversation, admission to an extended-day group). The Chancellor found that if a support measure and the conditions and procedure for applying it have not been laid down by law, the school may apply such a measure only by agreement with the parent and child. Otherwise, the school would be treating the child and parents as objects of public power, which would amount to a discretionary decision, which is prohibited under the Constitution.

The Chancellor recommended that the school should annul the decree to the extent it

concerns the pupil's transfer to another class. The Chancellor also recommended that, in the future, the school should indicate in a decree how applying a sanction can be contested. The school informed the Chancellor that it had annulled the relevant part of the decree and would in the future indicate in its decrees the possibilities for appealing them.

Organisation of field trips by a school

During the reporting year, on several occasions the question arose whether a school was organising field trips in compliance with the law. Parents contacting the Chancellor explained that the school had required parents to provide co-financing for a curriculum-related field trip and that a pupil had to be in a lesson while fellow pupils were on a field trip.

Although in these specific cases no violation by the school could be ascertained (assertions made by the petitioners and the school diverged), the Chancellor recommended that, in the future, the school should ensure that financing of field trips should take place in compliance with the Basic Schools and Upper Secondary Schools Act. That is, no co-financing from parents may be required for curriculum-related field trips. Parents may be asked to pay for extracurricular field trips, but participation in such field trips is voluntary. Voluntary support to a school, including donations, must take place in compliance with the principles of donation. First of all, no parent or child should feel a direct or indirect obligation to finance an event.

The Chancellor recommended that the school should explain to parents whether a field trip is curriculum-related or extracurricular. This ensures uniform understanding of the opportunities for financing a field trip and pupils' obligations to engage in studies. If a field trip is curriculum-related, a child need not engage in studies while others are on a field trip. If the school simply offers an opportunity for pupils to be in a lesson, parents must also be clearly informed of this.

The Chancellor also drew the attention of the school to the fact that a meeting of parents is not competent to decide that pupils not participating in an extracurricular field trip/excursion must engage in studies. Such a decision has no legal force. A parent may only express the wish regarding their own child's participation in lessons, but not decide for other parents and children.

One more petition received by the Chancellor concerned organisation of field trips by a school. With reference to one specific instance, the petitioner wrote that since the school field

trip had been organised for an educational purpose, the school should have paid for this but parents were also asked to pay.

In her reply to the petitioner, the Chancellor first explained the organisation of field trips as it is laid down by law. Activities organised by a school are divided into curriculum-related and extracurricular. A school may decide itself whether to also organise studies within the curriculum in the form of field trips which are mandatory for pupils. Extracurricular activities support curriculum-related activities but participation in them is voluntary for pupils.

With regard to the specific field trip, the Chancellor found that it was a voluntary extracurricular field trip. Unfortunately, the teacher had provided misleading information to the parents that participation in the field trip was mandatory. Nevertheless, the school and the rural municipal government explained to the petitioner that the field trip was voluntary. Organising the trip had been initiated by parents. A museum visit is indeed educational in substance and helps to develop pupils' social skills, but it should be taken into account that a school cannot finance all the desired field trips. Therefore, cooperation between parents and the school is important, so that children could take part in different activities.

The Chancellor explained that if a pupil cannot participate in an extracurricular field trip or another event due to lack of money, the school in cooperation with the rural municipality could find possibilities to help the family so as to enable the pupil to participate in the event.

Restrictions on pupils' movement and study load in an upper secondary school

The Chancellor was asked to explain whether an upper secondary school may restrict pupils' access to their belongings by locking cloakrooms, and whether a school may make a lecture held after classes mandatory.

The Chancellor found that by locking cloakrooms the school prevented adult pupils from leaving the school since pupils could not collect their outercoats. Controlling and impeding the movement of an adult pupil does not comply with the Basic Schools and Upper Secondary Schools Act. A pupil's movement may only be restricted if a legal basis for this exists (§ 34 Constitution). An adult pupil's movement may only be controlled to ensure the security of pupils and school staff. In order for the school's activities to be lawful, the Chancellor recommended that the school should amend the provisions in its internal rules concerning the prohibition on leaving the school during the school day. The Chancellor also recommended that, in the future, the school should not prevent adult pupils from leaving the

school building unless this is related to ensuring security.

The school replied to the Chancellor that clauses concerning the ban on pupils leaving the school during the school day were now removed from the internal rules. The school also promised to take into account in the future the Chancellor's recommendation not to prevent adult pupils from leaving the school building unless this is related to ensuring security.

The Chancellor explained further that the school may organise lectures and other activities to support studies and the school may decide whether to make those events mandatory for pupils. On that basis, the school was entitled to organise a conference for special branches of study partially during an elective subject course.

Electing a school board of trustees

The Chancellor was contacted by a parent because they believed that electing the school board of trustees had not been in line with the Basic Schools and Upper Secondary Schools Act or the procedure for forming the school board of trustees established by the owner of the school. The parent also asserted that electing the members of the school board of trustees had not been public, transparent or involving the parents.

In a recommendation sent to the school, the Chancellor found that in some respects the school had erred against principles of good administration in electing the board of trustees. Those shortcomings could have been avoided if the whole process of election had been more thoroughly prepared and parents better informed. Therefore, in the future the school should give parents timely and detailed explanations as to electronic election of the board of trustees and give more time for putting up candidates as well as for voting.

With regard to electing the board of trustees, the petitioner also asked the Chancellor to assess the constitutionality of the procedure (regulation) for formation and operation of the board of trustees established by the owner of the school. Under the regulation, the board of trustees need not include representatives of the school's graduates or representatives of organisations supporting the school. However, the Basic Schools and Upper Secondary Schools Act stipulates that, inter alia, representatives of school graduates and organisations supporting the school must also be elected to the board of trustees.

Under the law, the board of trustees is formed and its rules of procedure are established in accordance with the procedure laid down by the owner of the school. The Basic Schools and

Upper Secondary Schools Act does not authorise the owner of a school to establish a different composition of a board of trustees than laid down by law. Moreover, the regulation also imposed substantive restrictions on who may be elected as representatives of graduates and organisations supporting the school, even though the law does not authorise the owner of a school to establish such restrictions. Furthermore, overstepping the powers amounts to a conflict with the principle of legality under the Constitution. On account of conflict with the Constitution, the Chancellor made a proposal to the city to adopt a new regulation compatible with the Constitution.

The Chancellor recommended that in the regulation the city should lay down with sufficient clarity and detail the electronic form for electing representatives of parents to the board of trustees if the municipal council believes that that form of election is admissible in electing the board of trustees. The Chancellor found that organising an electronic election without relevant regulatory arrangements may lead to conflict with the right to procedure and organisation arising from § 14 of the Constitution. Choosing between the forms of election allowed under the regulation may also be delegated to the director.

The owner of the school replied to the Chancellor that the composition of the school board of trustees was changed and that representatives of graduates and of an organisation supporting the school were invited to join the board of trustees. The owner of the school further explained that a discussion was initiated with heads of educational institutions to amend the procedure for formation and operation of boards of trustees with the aim of establishing a new regulation applicable for forming a board of trustees as of the beginning of the new school year.

Fee for a pupil's card

The Chancellor was asked to assess whether a school has the legal right to charge a fee for re-issue of a pupil's card. Several schools in Tallinn charge a fee for re-issue of a pupil's card.

In a recommendation sent to Tallinn, the Chancellor noted that by charging a fee for re-issue of a pupil's card the schools were in breach of the Basic Schools and Upper Secondary Schools Act under which a pupil is entitled to receive a pupil's card for free.

A pupil's card is intended as proof of being a pupil, primarily outside the school, for example to obtain a travel fare concession on public transport. A pupil's card with additional functions also has this basic function. This fact is not changed by the title of a pupil's card (such as a

pupil's e-card) or the material (plastic) from which the card is produced. Nor may a fee be charged for re-issue of a pupil's card due to expiry of the validity period of the card. If different services at school are linked to a chip card, such a card should also be ensured to a pupil free of charge so as to enable them to enjoy those rights, regardless of whether that card is the pupil's card or another chip card.

The Chancellor asked Tallinn city to review the practice in municipal schools and ensure that pupils receive a pupil's card free of charge, regardless of the reason why they apply for it. The city affirmed that, in the future, pupils would receive a new pupil's card for free.

Children and young people with special needs

The Chancellor has been contacted by several parents whose children have not received the necessary support at a kindergarten or school. Unfortunately, the statutory right (under the Preschool Childcare Institutions Act and the Basic Schools and Upper Secondary Schools Act) to obtain assistance to the necessary extent and from a competent support specialist and immediately when a child's need for assistance appears is still not guaranteed in reality in Estonia. According to the opinion of the Advisory Chamber of People with Disabilities, one of the most burning issues needing to be resolved is support (including the availability of support specialists) to pupils with special educational needs.

The Chancellor has drawn the attention of the authorities to the fact that government agencies must verify whether local authorities ensure statutorily required assistance to children. By exercising their supervisory competence, government agencies ensure the functioning of the system and that those in need obtain the assistance promised them by law. The Supreme Court has also emphasised (in judgment No 5-18-7) that realisation of fundamental rights and compliance with the Constitution must be guaranteed by the legislative power. That is, the relevant regulatory arrangements for providing assistance must exist in laws and sufficient money must be allocated to perform a function, supervision over that performance must be exercised, and persons entitled must be ensured effective remedies to protect their rights.

The Supreme Court *en banc* has held that the state may not let a situation develop where the availability of essential public services depends to a large extent on the capacity to provide assistance by the rural municipality, town or city where a person resides.

The Chancellor has reminded the authorities that they must perform the functions laid down by law. The Social Insurance Board must exercise supervision in the field of child protection as well as social services; the Ministry of Education and Research is tasked with verifying the activities of kindergartens and schools.

Support for children with special needs in kindergarten and school

Parents should not need to fight for their child to be able to enjoy the opportunities guaranteed by law. An example of such a fight is a petition by a parent complaining that their kindergarten-age child did not receive the necessary assistance. Several agencies discussed how to organise provision of a support person service if money from the European Social Fund is no longer available for this, or if the rules do not enable using money from the Fund to provide the service.

The duty of local authorities to provide assistance is laid down by law and this does not depend on availability of money from the European Social Fund (see also Supreme Court judgment No 5-18-7).

Consensus was also sought as to the most suitable kindergarten group for a child, and whether support for a child in kindergarten should be offered by a support person, teacher or other kindergarten staff member. Essentially, the dispute was also over whether it is the social system or the educational system that is required to provide assistance. While disputes were ongoing, a child in need of assistance was left without assistance.

A round table debate involving all the relevant specialists was organised so as to avoid losing sight of the child's need for assistance among all the debates. As a result, it was concluded that, until no other solution ensuring assistance is found, the child must receive a necessary support person. The Chancellor reminded the local authority that a local authority is responsible for assistance to a child both in a kindergarten as well as in providing social services, and in situations causing dispute must find the best solution for the child. The General Part of the Social Code Act, the Social Welfare Act, and the Child Protection Act in combination stipulate that a local authority must always proceed from the best interests of the child and agencies must cooperate in providing assistance.

The good thing is that there is awareness of problems and systemic solutions to them are being sought. In January, the Ministry of Education and Research organised a seminar on

support services with attendance of specialists from the Estonian Association of Social Pedagogues, the Estonian Union of Special Educators, the Estonian Association of Speech Therapists, and the Estonian Association of School Psychologists, as well as the Foundation Innove and the Office of the Chancellor of Justice. The topic of inclusive education was also covered by several media publications. The Chancellor's adviser Juta Saarevet participated in the television programme „Suud puhtaks" which focused on inclusive education, and the debate also continued in newspapers. Juta Saarevet also gave a seminar at Tartu University for students taking the subject of "SHHI.03.046 Collaboration networking for children with special educational needs" which focused on legal issues related to inclusive education, be they day-to-day implementation problems or choices made in law-making.

The opportunity for children with special educational needs to obtain the necessary support was also endangered during the emergency situation. Under clause 1 of Government Order No 77 of 13 March 2020, ordinary instruction in educational institutions was suspended and distance learning was applied. Thus, children with special educational needs and their parents also had to cope with studying at home. Since teaching children with special educational needs and their coping at school needs methodological support for which parents might lack special skills, this was a complicated task. Under clause 1.2 of the Order, the Government or the head of the emergency situation had to decide on measures to be applied in respect of instruction of pupils with special needs, but no such measures were established during the emergency situation. Nevertheless, guidelines on organising instruction of pupils with special educational needs were drawn up by the Ministry of Education and Research. The guidelines provided clarity that some children could continue instruction in ordinary institutions, but also affirmed the fact that, in general, children with special educational needs were also being schooled at home.

It is quite understandable that, in order to prevent the spread of the coronavirus, human contact had to be reduced; however, there was a risk that some children with special educational needs would be left without assistance if no support from outside the family was provided. In the guidelines, the Ministry of Education and Research pointed out that, besides educational support services, a pupil in need of support and their family can also obtain assistance from the local authority for their residence which can offer a child a support person or childcare service if necessary. This was a pertinent reference. However, in terms of combating the virus, it is debatable whether there is any difference as to who has immediate contact with a child: an educational specialist or a social sphere specialist. In the interests of

development of a child, it might have been better if activities under the guidance of an educational specialist already known to the child had continued. How the choice that was made affected the development of children and the situation of families remains to be seen in the future.

Establishing a child's disability

In autumn 2019, the Social Insurance Board changed the practice for establishing a disability, so that some disabled children did not have their disability established. The change of practice is also reflected in statistics. Parents of disabled children found that, because of the change, children could be left without the necessary assistance (see also articles by Anneli Habicht „Ringmäng puudega lapse ümber" [Ring dance around a child with disability], „Puue - kas on või ei ole..." [Disability – is or isn't there one]; article by Kadri Tammepuu, article by Kirsti Vainküla). The Chancellor was asked whether such practice was lawful.

Since some services and benefits that children needed were linked to establishment of a disability, some children were also deprived of the assistance they needed.

In its initial reply the Ministry of Social Affairs explained that children are not deprived of the necessary assistance because local authorities are also obliged to help those children in the case of whom no disability has been established. However, the Ministry conceded that the motivation (and also the capability) of local authorities to provide assistance to a child depends on whether a child has been determined as having a disability since the number of disabled children is taken into account when allocating money to local authorities.

The situation of children suffering from fenylketonuria proved to be especially difficult. To stay healthy, they need an expensive special diet but it was not possible to grant financial aid to them unless the disability had been officially determined. Without the expensive special diet, the children develop irreversible and progressive health damage, resulting in disability. A situation where the health of a child has to be ruined in order to become eligible for assistance is inadmissible.

Based on an application by the Estonian Fenylketonuria Association, the Chancellor explained the gravity of the situation to policymakers as well as implementing authorities. Fortunately, both the Riigikogu as well as the Ministry of Social Affairs understood the need for change. The Riigikogu adopted the necessary legislative amendment authorising payment of aid to children suffering from rare diseases whose disability had not yet been established to

prevent the onset of disability. While the amendment was pending in the Riigikogu, the Social Insurance Board took individual decisions by expanding interpretation of the law and granting aid to children suffering from fenylketonuria, while not establishing their disability.

Although the amendment provided a solution for some children suffering from certain rare diseases, there are still children with various other diagnoses in whose case a less severe disability or no disability at all is established compared to the earlier system. Here, too, the issue is that if a disability is officially established the child will be entitled to certain essential services and aid, but if no disability is established they will be deprived of the necessary assistance (e.g. children suffering from diabetes).

Policymakers should first understand the purpose of establishing a disability. It is certainly not a stamp confirming the disability, but rather the assistance, services and sometimes financial support that the child needs. Often, a child's diagnosis shows what assistance the child might need. The amendment driven by concern for children with fenylketonuria moved in the right direction because there is no need to subject a child to the process of establishing a disability if assistance can be provided on the basis of information (diagnosis) available about the child.

In its letter, the Ministry of Social Affairs indicated that the whole support system, including funding, of children with special needs is currently being analysed. Initially, the analysis was expected to be completed by February 2020 but due to the emergency situation the deadline was extended.

Working parents of a disabled child

The Chancellor was asked whether it was constitutional that a local authority did not pay a carer's allowance to a carer who was working. The petitioner pointed out that parents of disabled children are also concerned about losing their health insurance if they go to work, operate as sole proprietors or on the basis of a contract under the law of obligations. Since a disabled child often needs more care than can be provided by someone in full-time employment, people wish to work part-time.

The Chancellor explained that if a parent who had been granted carer´s allowance becomes employed (including part-time employment) the local authority would cease to pay social tax for that person and, as a result, the person would no longer have health insurance. If an adult or carer of a child works even part-time, the part-time employment should entitle them to

health insurance. The employer of a part-time employee is obliged to pay at least the minimum rate of social tax for a part-time employee, which makes employing part-time employees relatively expensive. It is true that this, in turn, may prove to be an impediment to employing parents of children with special needs. Work on the basis of a contract under the law of obligations might be a flexible alternative for parents of children with special needs but this working arrangement does not necessarily guarantee them health insurance either, because entitlement to health insurance depends on payment of the minimum amount of social tax.

The Chancellor asked the Ministry of Social Affairs to consider the possibility of establishing measures to support employment of parents of disabled children. A model for this could be a measure used by the Unemployment Insurance Fund in the frame of which the Fund helps to pay social tax for employees with reduced capacity for work, thus facilitating their participation in the labour market.

The Ministry of Social Affairs replied that they were in the process of working on a solution to the problems of family carers. According to the Ministry's assessment, the benefit should include all people bearing the burden of a carer and working part-time. This, however, presumes that in addition to a precise definition of family carers and the target group, the state must also ensure the rest of the support system (supportive services that would enable people to return to the labour-market, etc.), which besides granting a tax incentive would also facilitate better reconciliation of work, care and family life. Thus, it can be concluded from the explanations by the Ministry of Social Affairs that finding a solution will take time.

Children and health

In the field of healthcare, a topical issue is still as of what age a child may independently make decisions concerning their health. In obtaining other healthcare services a young person's right to decide independently depends on their ability to reason which is assessed by a healthcare professional, whereas a parent's consent is always needed to obtain psychiatric care.

Psychiatric and psychological care

Currently, in no case does the Mental Health Act enable providing psychiatric care to a minor without the parent's consent. It is natural that, as a rule, parents should be involved, but there may be cases where this is not in the interests of a minor (e.g. where a child is a victim of

domestic violence) or is not possible (e.g. the parent is abroad). In those cases, timely assistance cannot be provided, for instance, to a young person suffering from depression, eating disorder or addiction who has themselves contacted a psychiatrist, whose need for care is medically justified and whom the psychiatrist deems to be sufficiently mature to give consent.

The Chancellor asked the Minister of Social Affairs to consider amending § 3 of the Mental Health Act so that a young person under 18 years of age who is sufficiently mature and capable of deliberation would themselves be entitled to give informed consent to receiving psychiatric care. The Minister of Social Affairs agreed with the Chancellor's reasoning and promised to take the Chancellor's proposal into account when amending the Mental Health Act.

The Riigikogu faction of the Social Democratic Party initiated an amendment to the Mental Health Act that would resolve the problem indicated by the Chancellor. Regrettably, proceedings of the Draft Act in the Riigikogu Social Affairs Committee got stuck and will continue during the next reporting period.

The issue of parental consent is also topical in providing psychological care to young people. During the reporting period, the Chancellor was asked for advice by a parent living separately from their child and who was dissatisfied that the other parent went to a psychologist's appointment with the child without the first parent's consent. The Chancellor explained that, under the Family Law Act, the parent with the right of custody is the child's legal representative, and parents with the joint right of custody also have the joint right of representation. If a parent is representing a child independently, the other parent's consent is assumed. That is, if one parent goes to a psychologist's appointment with the child the psychologist may assume the other parent's consent. However, if the other parent informs the psychologist that no relevant agreement between the parents exists, the psychologist cannot assume the other parent's consent.

The activities of a psychologist, including a psychotherapist, are not regulated by legislation in Estonia. Therefore, also no rules exist as to who may call themselves a psychotherapist or a counsellor. Laws also do not lay down supervision over specialists providing psychological counselling. Therefore, when contacting a counsellor it is important to make sure whether they have professional education or have been awarded the occupational qualification of a psychologist. The existence of occupational qualification can easily be verified on the website of the Estonian Qualifications Authority

at the sub-page “Otsi kutsetunnistust”. At the same time, counsellors not having the occupational qualification of a psychologist are not prohibited from offering the psychological counselling service. This is a service in private law where the clients themselves have to make sure that the counsellor is competent.

During the emergency situation, the Chancellor was contacted by experts on the mental health of infants and pointed out that recommendations on supporting the mental health of children during the crisis intended for parents of schoolchildren were not quite suitable for parents of infants. However, infants also need the support and assistance of parents in order to cope well with the effects of the crisis. Since materials intended for infants were scarce, the Estonian Association for Mental Health of Infants and the Children’s and Youth Rights Department of the Chancellor’s Office prepared recommendations to parents of babies and infants for supporting their children in the emergency situation.

Dental care

The Chancellor was also asked about organisation of dental care for children. One parent enquired, for example, why it was not possible for a disabled child to obtain dental treatment under anaesthesia within a reasonable time in Tallinn. Following the Chancellor’s intervention , the Health Insurance Fund checked the availability of dental treatment under anaesthesia more generally. After several verification phone calls, a representative of the Health Insurance Fund was convinced that Tallinn Children’s Hospital was not complying with the requirements for keeping a treatment queue because those wishing to register for treatment were not enabled to register for an appointment but were asked to call back later. The Health Insurance Fund drew the attention of Tallinn Children’s Hospital to these shortcomings.

Protection of children’s data

Children in the media

During the reporting year, the Chancellor was repeatedly contacted about disclosure of children’s data and consequent possible violations by the media. When publishing materials about violations of law, cases of ill-treatment, court cases, and accidents, a journalist must consider whether identifying a particular victim (or also an alleged offender) is absolutely necessary and what kind of suffering this may entail for those concerned. It is important to keep in mind that, depending on the specific circumstances, a child may be recognisable even

if their name or face is not disclosed.

The Chancellor was contacted by an individual about whom an article written on an emotional and personal topic had been published in the press. The petitioner was concerned whether a person's right to privacy, as well as the well-being of children growing up in the family, could be sacrificed in coverage of their suffering. The financial interests of a media publication and people's curiosity do not outweigh people's right to private life. Unless the criteria set out in § 4 of the Personal Data Protection Act are fulfilled and the person so wishes, coverage of a person's private life in the media is not allowed.

The Chancellor was also contacted in a dispute where a media publication had published a news story on a specific school dealing with a conflict among the school staff, but the article also mentioned a specific pupil's marks and academic progress. Although the Chancellor cannot supervise the activities of a private media publication, it had to be emphasised that, in general, disclosing information about a child's private life is inadmissible. Even in the event of an internal conflict within an educational institution, ensuring a peaceful learning environment for children must be given priority. The school must create a safe learning environment for pupils. Children must be ensured the support of the school as well as the home in day-to-day studies and in overcoming difficulties encountered in this process, which is not possible without well-intentioned cooperation between all parties.

In media coverage of cases involving children, the best interests of the child must be placed first. Data of victims who are minors are not generally disclosed. Certainly, primary responsibility for ensuring a child's well-being rests with the parents, who decide whether to consent to an interview with the child or to disclosure of the child's data. However, a journalist must consider whether to publish the material even when a parent has consented to disclosure of the child's data, because media coverage might not necessarily be in the best interests of the child. Several good examples exist showing how potential problems in the field of social or child protection can be treated in the media without identifying children involved in the case.

On several occasions, the Chancellor has met with representatives of media organisations and journalists and explained the importance of respect for the inviolability of a child's private and family life. On several occasions, the Chancellor has also contacted a specific publication or media organisation with a request to remove material violating the rights of the child from the internet. Mainly, the Chancellor's request was complied with.

Disclosure of sports day results

Last autumn, some public excitement was caused by the Chancellor's opinion on disclosure of results of a school sports day. Legally, physical education (and a sports day as part of that subject) form part of the compulsory national curriculum, and therefore the results achieved in that subject are just as important as marks received in mathematics or foreign languages. Under the Basic Schools and Upper Secondary Schools Act, learning outcomes may not be disclosed to third parties without the consent of the child, their parents or guardian.

Since pupils with the best results in mathematics and best essay writers are often acknowledged in schools, the Chancellor recommended that schools should lay down in their internal rules how those achieving best results at a school sports day could also receive well-deserved attention and recognition. The Chancellor's opinion did not concern those sports competitions in which children participate voluntarily.

Prevention and promotion

The Chancellor's tasks also include raising awareness of the rights of children and strengthening the position of children in society as active participants and contributors. As Ombudsman for Children, the Chancellor organises analytical studies and surveys concerning children's rights, and on that basis makes recommendations and proposals for improving the situation of children. The Ombudsman for Children represents the rights of children in the law-making process and organises a variety of training events and seminars on the rights of the child.

In order to encourage and support children to analyse and understand the substance of their rights and duties, an advisory body to the Ombudsman for Children has been established at the Chancellor's Office, comprising representatives of children's and youth organisations. During the reporting year, the advisory body to the Ombudsman for Children discussed issues related to work by young people. Most young people participating in the discussion

had some work experience. Several young people had a positive experience but some had also encountered unpleasant situations at work: for example, an employer refused to enter into a contract with the young person, or the working conditions were not safe for young people. Despite this, all young people wished to continue working and earning money during school holidays. However, for young people it is important that the work should correspond to their age and capabilities, that the working conditions are safe and that employers respect the law. Hearing young people's experience and opinions provided useful information for the analysis of work by school-aged young people prepared for the Ministry of Social Affairs during the reporting period.

During the reporting period, several hundred young people from different places in Estonia visited the Office of the Chancellor of Justice. The Chancellor's advisers introduced to young people their rights and duties and the work of the Ombudsman for Children. The advisers also held lectures in schools where they met with pupils, teachers and parents. During meetings with pupils, discussions focused on the topic of the rights and duties of the child. During meetings with parents and specialists, the Danish film "Hold Me Tight" was viewed, and together with psychologists it was discussed how to notice children in need of assistance, how to support a child in need of assistance and their family, and what possibilities for assistance exist in Estonia. Additionally, cooperation meetings were held with the Estonian National Youth Council and the Association of Estonian Student Representative Bodies (EÕEL).

A Chancellor's adviser participated as a mentor in the young people's crisis hackathon "Hack the Crisis – Youth". In the hackathon organised online young people had an opportunity to offer innovative solutions to problems emerging during the crisis. The title of the best idea was given to a portable home office called "Muna" [The Egg] which has electric power supply and internet connection and is sound-proof and weather-proof – you may roll it to your home yard or into the forest. Young people had wonderful ideas how to improve online learning, sporting opportunities and communication with each other during the crisis.

In addition to holding meetings, the Chancellor's advisers wrote articles on the rights of the child. The special edition of the journal *Sotsiaaltöö* published articles on the awareness of children and adults about the rights of the child and attitudes related to rights, the rights of the child in disputes between parents concerning the rights of custody and access, as well as protection of the rights of the child in enforcing court rulings on access arrangements. An article in the journal *Märka Last* was published on the age and responsibility of children through the eyes of adults.

During the reporting period, focus was also on introducing the rights of child patients. In cooperation with the Estonian Paediatric Association, a conference on child-friendly healthcare was organised on 31 October 2019 with presentations delivered by the Chancellor's advisers Kristi Paron and Andres Aru. The Chancellor's adviser Kristi Paron gave lectures on the autonomy of child patients for members of the Estonian Medical Students' Association and students of social work at Tallinn University. She also dealt with legal aspects related to vaccination of children at a discussion day organised on 18 October 2019 by the Estonian Medical Association with the aim of improving vaccination coverage of the population.

The Chancellor's Office continues contributing to systematic solution of problems in the field of child protection by training specialists. The Chancellor's advisers regularly train child protection and social workers, and during the reporting year also offered training on the rights of the child to attorneys and students of youth work.

In order to contribute to implementing the principles of child-friendly proceedings in police work, the Chancellor's Office in cooperation with the Police and Border Guard Board, the Prosecutor's Office, the Social Insurance Board, and the Ministry of Justice organised two cooperation seminars for police officers and prosecutors. The seminars offered practical advice and knowledge on how to take the needs and interests of the child into account in day-to-day police work, or in other words, how to ensure a child's well-being. At the seminars, materials were also introduced on which police officers can rely in arranging child-friendly proceedings: guidance for police officers on treatment of children; an agreement among prosecutors on special treatment of minors in criminal proceedings; a reminder on child-friendly proceedings; the Chancellor's guidelines on the rights of children on first contact with the police.

During the reporting year, the parliament's Foresight Centre and the Chancellor's Office organised the seminar "Child well-being Indicators: current situation in and possibilities for describing the situation of children" in the Riigikogu. Researchers and specialists working with children discussed the possibilities and bottlenecks of measuring the well-being of Estonian children. Speakers at the seminar emphasised that a comprehensive overview of the situation of children is needed: this helps to prevent problems and support the all-round development of children. Social scientists speaking at the seminar emphasised the importance of the role of children themselves, as well as the importance of hearing the opinion of children. When assessing the well-being of children, it is important to take into account the opinions expressed by children themselves as this provides a better overview of their situation. The speakers criticised the scarcity of child-centred statistics in mainstream statistics and pointed out the fragmentation of data on children. Experts also pointed out that, in order to obtain a better overview of the situation of children, it is essential to agree on indicators to be observed in assessing the well-being of children, and to regularly update the indicators. Alongside objective information, it is also important to reflect opinions of children themselves as regards their opportunities and situation.

Based on the need to obtain a better comprehensive overview of the situation of children, and in view of the recommendation to Estonia by the UN Committee on the Rights of the Child to publish annual statistical surveys on the rights of children, the Children's and Youth Rights Department of the Chancellor's Office in cooperation with several agencies and organisations compiled statistics and studies related to the rights of children and published them on the homepage of the Chancellor of Justice. The published data concern family life, children's health, their opportunities to acquire education, hobby education, and to work, and spend free time. The data also deal with the issues of security and violence, living standards and coping, and the principles of child-friendly proceedings and equal treatment.

Also this year the children's and youth film festival 'Just Film', held as part of the PÖFF Film Festival, included a programme on the rights of children, prepared in cooperation between Just Film, the Chancellor of Justice, the Ministry of Justice, the Ministry of Social Affairs, the Social Insurance Board, the Police and Border Guard Board, and the Estonian Union for Child Welfare. This year, the programme on the rights of children featured already for the ninth time. Screening of selected films was followed by debates with experts and well-known personalities discussing the films together with viewers. To increase the interest of young people with Russian mother tongue, more and more films in the programme have also been

translated into Russian. This year, several debates following the films were also held in Russian. A total of 2932 cinema lovers went to see the films within the special programme on the rights of children.

The Ombudsman for Children can further contribute to making society more child-friendly by recognising good people who have done something remarkable either together with children or for children. The merit awards event „Lastega ja lastele“ [With and For Children], which was brought to life by organisations championing the interests of children, was held for the seventh time in 2020. On the International Day for the Protection of Children, the President of the Republic and the Chancellor of Justice recognised those who have significantly contributed to the well-being of children through their new initiatives or long-term activities. Also a television programme was made featuring this year's merit awards event, screened on 1 June on the public *ETV* channel.

Inspection visits to childcare institutions

Inspection visit to Tallinn Children's Home

The Chancellor inspected one family house in Tallinn Children's Home. The inspection revealed that some children often did not stay in the family house. Resolving such situations is extremely complicated. Family parents need knowledge to be able to effectively support each child with a crisis or traumatic experience. The Chancellor recommended that family parents should actively participate in training events. Apart from notifying the police, family parents themselves should also try to seek contact with a child who has left the family house and to show that people at the house are worried about the child. The Chancellor also recommended that the family house, in cooperation with the city government as guardian of the children, should offer children the necessary counselling and therapy. This, too, could help children better adapt to life in the family house and stay at the house.

The inspection revealed that some children had asked the family parent to lock them in their room so as not to be disturbed by other children at night. Children could not lock or unlock the door of their room from the inside. The Chancellor found that the wish of the staff to ensure the safety of all children could be understood but locking the door of a room without the child being able to unlock it from the inside is not a suitable way to resolve this problem. In a locked room a child's life and health may be at risk, for example if a fire breaks out or the child has a sudden fit of illness. Rather, if necessary, the family house could install a type of

lock which a child can lock themselves while in the room (for example, a thumb turn lock) but which the family parent can open from the outside.

Inspection visit to the department of child psychiatry of the psychiatric clinic of Viljandi Hospital

During the reporting year, the Chancellor inspected the department of child psychiatry of the psychiatric clinic of Viljandi Hospital. The Chancellor asked Viljandi Hospital to properly record all instances of restraint in the department of child psychiatry and enter them in a separate register. In the recommendations sent to Viljandi Hospital, the Chancellor emphasised that if a patient who is a minor does not agree to treatment or if means of restraint need to be used because of their illness, a decision on involuntary treatment must be drawn up on this. The Chancellor also asked Viljandi Hospital to improve the treatment environment: to offer young people in the department of child psychiatry more opportunities for sports outdoors in the yard and acquire play facilities for children in the yard.