



Õiguskantsler

Chairman of the Board Liina Lanno
AS Hoolekandeteenused
info@hoolekandeteenused.ee

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Rural Municipality Mayor Taavi Aas
Jõgeva Rural Municipality
info@jogeva.ee

Director General Priit Sauk
Transport Administration
info@transpordiamet.ee

Member of the Board Kristjan Noormägi
Non-profit association Jõgeva County
Public Transport Centre
kristjan.noormagi@uhistransport.ee

Member of the Board Arvo Sarapuu
AS Atko Bussiliinid
grupp@atko.ee

Summary of the inspection visit Vägeva unit of Vao accommodation centre

Dear Chairman of the Board of AS Hoolekandeteenused, Jõgeva Rural Municipality Mayor, Director General of the Transport Administration and Members of the Board of the non-profit association Jõgeva County Public Transport Centre and of AS Atko Bussiliinid,

On 27 March 2023, advisers to the Chancellor of Justice carried out an unannounced inspection visit to Vägeva unit of Vao Centre of the AS Hoolekandeteenused Accommodation Centre for Asylum Applicants (hereinafter 'the centre').

The staff of the centre are very sympathetic and competently arrange the everyday life of the residents. Interviews with residents enable the conclusion that people in the centre highly appreciate the centre's staff and are grateful for having their everyday matters resolved quickly.

It is positive that the centre's residents who speak Russian and English can communicate with the general practitioner and specialist doctors in private. People who are not proficient in Russian and English can use the assistance of an interpreter. The Social Insurance Board has helped with finding interpreters. This practice should definitely be continued. Further encouragement to

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Kohtu 8, 15193 TALLINN. Tel 693 8404. Faks 693 8401. info@oiguskantsler.ee www.oiguskantsler.ee

residents could be given to request, if necessary, a professional interpreter for an appointment with a doctor or a psychologist.

Some problems were identified during the inspection. One of them concerns the availability of free-of-charge wifi and another is concerned with children's route to school and kindergarten.

Wifi area

The centre's residents can use wireless internet (wifi) free of charge. Unfortunately, it is available only in one side of the building. Therefore, people living in apartments in the other side of the building need to move around in the building, including in the evenings and at night, in order to obtain internet access (including for communication with the state).

If possible, I ask you to expand the wireless area, so that it covers the centre's entire building.

Children's route to kindergarten and school

The inspection revealed that kindergarten and schoolchildren in the centre are brought back to the centre by bus in the afternoon. In the mornings, the bus does not go to the centre because years ago there was an incident in winter where the bus had slipped into a ditch off the public road (i.e. the road maintained by the state or local authority). Therefore, kindergarten and schoolchildren (together with a parent) must move approximately 1.2 kilometres along narrow unlit roads lined with ditches in order to reach the nearest bus stop. On the route, there is a railway crossing point without a barrier and traffic lights, and the last stretch of more than a hundred metres must be covered by walking along a narrow edge of a large road. Families living in the centre mostly have no possibility to use a personal car.

The Chancellor has [explained repeatedly](#) that the kindergarten service must be actually available to families. This was also emphasised by Tallinn Court of Appeal in its [judgment of 17 June 2022](#) (administrative case No 3-21-336, para. 18). The current route from the centre to the nearest public transport stop may be dangerous and frightening to both children and parents. For example, with high probability a smaller kindergarten-aged child might not be able to cover such a long distance independently and may need a pushchair. In winter, covering this route to a bus stop along a large road may turn out to be extremely complicated. Therefore, parents may give up taking their children to the kindergarten. This means that the kindergarten service might not be available to these families.

Transport to school for school-aged children must also be available and support a pupil's travel to and from school. The Chancellor has [emphasised](#) that planning a child's school route (including reaching the bus stop) must take account of the child's age and ensure that the route is safe. A walking route is a way intended for pedestrians and it must be maintained so that moving along it is possible in any weather. It would also be good if the route is lit and has a safe crossing point.

Roads must be maintained so that they conform to the requirements and that the conditions for safe traffic are ensured (see [§ 97\(1\)](#) Building Code). The Chancellor has [explained](#) that this means, first and foremost, that a road must be usable according to its purpose. It is necessary to ensure its mechanical durability, i.e. the carrying capacity, the safety of use (the necessary sloping must be made to drain excess water from the road; curves must be safe; the speed of movement must correspond to the properties of the road; and the like), and the requirements for rescue services must also be complied with.

The owner of a road is responsible for its maintenance (see Regulation No 92 of 14 July 2015 of the Minister of Economic Affairs and Infrastructure on “[The requirements for the condition of roads](#)”, Chapter 4). In the case of national roads, the duties of the owner are performed by the Transport Administration ([§ 92\(6\)](#) Building Code). The Transport Administration also checks compliance with the requirements of local government roads ([§ 130\(6\) clause 1](#) Building Code). Among other things, a local authority must plan and construct public transport infrastructure objects, manage their maintenance and use, and take measures to create preferential traffic conditions for public transport vehicles (see [§ 13 of the Public Transport Act](#)).

As far as the Chancellor of Justice is aware, the accommodation centre, Jõgeva County Public Transport Centre, which organises transport, and the bus operator (AS Atko Bussiliinid) have been unable to reach agreement on organising safe transport for the children. I ask all the parties, as well as Jõgeva rural municipality, to make efforts in order to find an adequate solution for families and children when school- and kindergarten-aged children are currently living in the centre. Since presently the afternoon bus takes children from Vaimastvere school to the centre’s yard, this shows that safe traffic for school and kindergarten children between the school and the centre is possible.

Should it appear that access to the centre is complicated due to the condition of national roads, I ask the Transport Administration to pay more attention to road maintenance. Depending on the type of road, either the Transport Administration or the local authority is responsible for the maintenance of public roads leading from the centre to the nearest bus stop.

I ask feedback to my recommendations by 14 August 2023 at the latest.

Yours sincerely,

/signed digitally/

Ülle Madise