



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Estonia\*

#### I. Introduction

1. The Committee considered the initial report of Estonia (CRPD/C/EST/1) at its 526th, 527th and 528th meetings (see CRPD/C/SR.526, 527 and 528), held online on 12, 15 and 17 March 2021. It adopted the present concluding observations at its 534th meeting, held online on 29 March 2021.
2. The Committee welcomes the initial report of Estonia, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/C/EST/RQ/1 and Corr.1) to the list of issues prepared by the Committee (CRPD/C/EST/Q/1).
3. The Committee commends the State party for having agreed to having its initial report reviewed entirely online, given the extraordinary circumstances due to the coronavirus disease (COVID-19) pandemic. It appreciates the fruitful and sincere dialogue held with the State party's delegation, which was diverse and multisectoral and which included representatives of the relevant government ministries. The Committee also appreciates the participation of the Office of the Chancellor of Justice, in its capacity as independent monitoring mechanism, pursuant to article 33 (2) of the Convention.

#### II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention since its ratification in 2012 and notes with appreciation the State party's cooperation with organizations of persons with disabilities, including through public funding. The Committee commends the State party for having achieved accessibility to all government websites and for the progress made in increasing the employment rate of persons with disabilities.
5. The Committee expresses appreciation for the establishment in 2018 by Parliament of an independent mechanism within the Office of the Chancellor of Justice to monitor the implementation of the Convention. It notes that the mechanism has been accredited with A status by the Global Alliance of National Human Rights Institutions.
6. The Committee welcomes the legislative measures taken to promote the rights of persons with disabilities, in particular the adoption of the following:
  - (a) The European Accessibility Act, in April 2019, introducing accessibility requirements for products and services;
  - (b) Amendments to the Basic and Upper-Secondary School Act, in 2018, promoting inclusive education;

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\* Adopted by the Committee at its twenty-fourth session (8 March–1 April 2021).



(c) Regulation No. 28, on the requirements for structures arising from the special needs of persons with disabilities, in force since 29 May 2018, establishing accessibility requirements for polling stations;

(d) Amendments to the Copyright Act, in 2018, transposing into the State party's legislation Directive 2017/1564 of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonization of certain aspects of copyright and related rights in the information society;

(e) Amendments to the Election Act, in 2014, allowing persons with visual impairments to vote independently through an electronic voting application.

### **III. Principal areas of concern and recommendations**

#### **A. General principles and obligations (arts. 1 and 4)**

7. The Committee notes with concern:

(a) That disability-related legislation and policies have not yet been fully brought into line with the Convention and, in particular, that disability-assessment systems have a negative impact by preventing the inclusion of children with disabilities in society and limiting their access to appropriate services and required support;

(b) The use, in laws and policies, of derogatory concepts and terminology concerning persons with disabilities, including the use of words such as "abnormalities", "helpless persons" and "mental disorders", which emphasize persons' impairments, reflect the medical and paternalistic approaches to disability that exist in the State party and reinforce stigma against persons with intellectual or psychosocial disabilities;

(c) The existence of disability-related regulations and policies that approach persons with disabilities primarily as social service recipients and the absence of an overall strategy for implementing the Convention in all areas of life;

(d) The existence of information indicating a lack of coordination between the national and local levels of public administration concerning the implementation of disability-specific programmes;

(e) The lack of awareness among policymakers, officers and professionals, at the national and municipal levels, including judges, prosecutors, teachers and medical, health and other professionals working with persons with disabilities, on the rights recognized in the Convention.

8. **The Committee recommends that the State party:**

(a) **Review existing disability-related legislation and policies, including on disability-assessment systems, and bring them into line with the human rights model of disability in the Convention. Ensure that policies and programmes mainstream support for children with disabilities, irrespective of impairment;**

(b) **Repeal derogatory terminology and concepts from the Social Benefits for Disabled Persons Act and the Equal Treatment Act, as well as other provisions or regulations, and ensure they conform to the human rights model of disability;**

(c) **Adopt a comprehensive disability strategy and a national action plan for implementing the rights of persons with disabilities in the Convention across all government sectors and levels in order to address attitudinal and environmental barriers that hinder the participation of persons with disabilities in society;**

(d) **Ensure appropriate coordination and cooperation among entities at the national and municipal levels, ensure accessibility and availability of social protection programmes and mainstream community services for persons with disabilities;**

(e) **Strengthen capacity-building programmes for public policymakers, municipal officers and professionals at the national and municipal levels, including judges, prosecutors, teachers and medical, health and other professionals working with persons with disabilities, on the rights of persons with disabilities and the obligations of the State party under the Convention. The State party should involve organizations of persons with disabilities in the design and implementation of training for public officials.**

9. The Committee notes with concern:

(a) The lack of effective involvement of persons with intellectual disabilities, persons with psychosocial disabilities and persons with autism, through their representative organizations, in decision-making processes concerning disability-related laws, policies and programmes, including in processes related to the implementation of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals;

(b) The insufficient availability of financial and other support, particularly for organizations of persons with intellectual disabilities;

(c) The lack of accessibility to information about public decision-making processes, which limits opportunities for persons with disabilities to participate in grass-roots organizations.

10. **The Committee recalls its general comment No. 7 (2018) and recommends that the State party:**

(a) **Strengthen and implement mechanisms for the effective involvement of persons with disabilities, through their representative organizations, in public decision-making processes, including for monitoring and reporting on the implementation of the Sustainable Development Goals. The State party should ensure that meaningful consultations are held with the whole range of organizations of persons with disabilities, including organizations of children with disabilities, persons with intellectual disabilities, persons with psychosocial disabilities, intersex persons with disabilities, women with disabilities, persons with disabilities living in rural areas, persons with autism, Roma persons with disabilities, lesbian, gay, bisexual, transgender and gender diverse persons with disabilities and persons with disabilities requiring higher levels of support;**

(b) **Ensure that adequate financial and other necessary support is available for organizations of persons with disabilities. The State party should ensure that organizations of persons with disabilities have access to independent and self-managed funding to strengthen their capacity to independently advocate for their participation in society and adopt measures to safeguard their independence from public authorities;**

(c) **Provide organizations of persons with disabilities with accessible information, including information in Easy Read and other accessible formats, and a timetable for the consultation processes concerning any reforms to be made to laws and policies affecting persons with disabilities.**

#### **Equality and non-discrimination (art. 5)**

11. The Committee observes with concern:

(a) That the anti-discrimination law recognizes discrimination on the basis of disability only in relation to vocational training and work and that the State party has no provisions that address multiple and intersectional forms of discrimination against persons with disabilities, including gender-based discrimination against women with disabilities;

(b) The insufficient financial and human resources available to the office of the Gender Equality and Equal Treatment Commissioner to implement its mandate in respect of persons with disabilities;

(c) The absence of measures to prevent and address discrimination on the basis of disability in all areas of life;

(d) The limited awareness about the right of persons with disabilities to request reasonable accommodation and that denial of reasonable accommodation is not recognized as a form of discrimination on the basis of disability.

**12. The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Accelerate the amendment of the Equal Treatment Act so that it recognizes discrimination on the basis of disability across all areas of life and sectors, as well as multiple and intersectional forms of discrimination, including all forms of gender-based discrimination against women with disabilities;**

(b) **Ensure the availability of sustainable and appropriate human and financial resources to the office of the Gender Equality and Equal Treatment Commissioner to carry out its mandate;**

(c) **Establish mechanisms allowing persons with disabilities exposed to discrimination to gain access to redress, including compensation, and rehabilitation and ensure that perpetrators are sanctioned;**

(d) **Adopt a definition of reasonable accommodation that is in line with the Convention, recognize the right of persons with disabilities to request reasonable accommodation in all sectors and areas of life and recognize in legislation the denial of reasonable accommodation as a form of discrimination on the basis of disability.**

#### **Women with disabilities (art. 6)**

13. The Committee notes with concern:

(a) The insufficient information available, in anti-discrimination, gender equality and disability-related legislation and policies, about specific measures concerning women and girls with disabilities;

(b) The insufficient information available about measures that make it easier for women with disabilities to benefit from policies aimed at reconciling work and family life and that ensure their development, advancement and empowerment in all areas of life.

**14. The Committee recalls its general comment No. 3 (2016) and recommends that the State party:**

(a) **Strengthen its efforts, with the meaningful participation of women and girls with disabilities and their representative organizations, to mainstream the rights of women and girls with disabilities into all gender-specific and disability-related legislation and policies;**

(b) **Ensure the reconciliation of work and family life of women with disabilities through regulatory measures, ensuring that flexible working arrangements are available and that the right to seek reasonable accommodation is recognized;**

(c) **Adopt measures aimed at achieving the empowerment and full inclusion of women and girls with disabilities in all spheres of life, as well as their involvement in all public decision-making processes. The State party should implement measures to ensure that women with disabilities are represented in political life in decision-making roles, including in government bodies, and that they participate in the procedures of the office of the Gender Equality and Equal Treatment Commissioner.**

#### **Children with disabilities (art. 7)**

15. The Committee observes with concern:

(a) That children with disabilities are more likely to be at risk of poverty and to encounter barriers in gaining access to mainstream social and educational services and facilities;

(b) The uneven protection at the local level of children with disabilities who have lost their disability status as a consequence of the reassessments carried out by the Social Insurance Board;

(c) That children with intellectual disabilities, children with autism, children with psychosocial disabilities and children who are deafblind are more likely to face exclusion from quality early intervention services, technical aids, social rehabilitation and transportation;

(d) The lack of information about measures to ensure continuous access to inclusive services in the community for children with disabilities once the support received through European structural funds ends.

**16. The Committee recommends that the State party:**

**(a) Take measures to address poverty among children with disabilities, implement appropriate social protection programmes, support children with disabilities and their families and provide access to and ensure the availability of inclusive social and educational services and facilities to children with disabilities on an equal basis with other children;**

**(b) Adopt measures to provide redress to children with disabilities who have been excluded or who have not been granted disability status, provide for reassessments and ensure adequate social protection for them at the municipal level;**

**(c) Ensure the availability, accessibility and quality of inclusive early intervention services, as well as access to mobility aids, devices, assistive technologies and transportation for children with disabilities;**

**(d) Adopt measures, including the earmarking of budgets, to ensure continuity and development of mainstream services in the community that are inclusive for children with disabilities.**

**Awareness-raising (art. 8)**

17. The Committee is concerned about:

(a) The lack of awareness about the dignity, abilities and rights of persons with disabilities in media and in society;

(b) Negative stereotypes about disability, including in connection with prenatal genetic testing as a measure to primarily prevent future disabilities.

**18. The Committee recommends that the State party:**

**(a) Adopt a national strategy, in close consultation with and with the involvement of organizations of persons with disabilities, to raise awareness of and combat prejudices against persons with disabilities and monitor its impact;**

**(b) Introduce training and awareness-raising modules about the rights of persons with disabilities at all levels of education, in all accessible formats and with the active involvement of persons with disabilities, in order to foster respect for the dignity, abilities and contributions of all persons with disabilities;**

**(c) Develop targeted programmes to identify and combat disability-related stigma and stereotypes in all areas of life, including in respect of the use of prenatal genetic testing to prevent disabilities, which is not in line with the Convention.**

**Accessibility (art. 9)**

19. The Committee notes with concern:

(a) The lack of a comprehensive accessibility strategy encompassing physical, information and communication, and digital access, and that mechanisms for monitoring accessibility have yet to be enforced at the municipal level;

(b) That persons with disabilities in rural areas face greater obstacles in gaining access to public transportation and built environments;

(c) The absence of accessibility standards within the e-Estonia system and that information and communication and other services for persons with intellectual or psychosocial disabilities and persons with vision impairments are insufficiently accessible.

20. **The Committee recalls its general comment No. 2 (2014) and recommends that the State party:**

(a) **Adopt a national accessibility strategy that includes all areas described in the Convention and strengthen its mechanisms for monitoring accessibility at the municipal level, including by establishing a system of sanctions for non-compliance;**

(b) **Review the Public Transport Act of 2015 and the Building Code of 2015 and bring them into line with the Convention, including by recognizing the need for accessibility standards in urban and rural areas;**

(c) **Introduce accessibility standards within the e-Estonia system, taking into consideration Directive 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies and the Web Content Accessibility Guidelines 2.0, for all public websites;**

(d) **Take measures to transpose into national legislation and regulations Directive 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services and Directive 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code.**

#### **Situations of risk and humanitarian emergencies (art. 11)**

21. The Committee notes with concern:

(a) That persons with disabilities still in institutions, including in psychiatric settings, have been disproportionately affected by the COVID-19 pandemic, having faced greater risks of contracting COVID-19 and further isolation in the context of general lockdowns and confinement measures;

(b) That organizations of persons with disabilities have yet to be consulted with respect to the immediate and long-term responses to the pandemic;

(c) The barriers faced by persons with disabilities in gaining access to emergency information and devices, such as mobile applications and fire alarms, and the helpline 112.

22. **The Committee recommends that the State party, guided by the guidance and policy brief on a disability-inclusive response to the COVID-19 pandemic prepared by the Office of the United Nations High Commissioner for Human Rights:**

(a) **Mainstream disability in its COVID-19 response and recovery plans, including in respect of ensuring equal access to vaccines, and other economic and social programmes to tackle the negative impact of the pandemic;**

(b) **Adopt measures to deinstitutionalize persons with disabilities in times of emergency and to provide them with appropriate support to live in the community;**

(c) **Involve persons with disabilities and their representative organizations at all stages of developing and implementing COVID-19 response and recovery plans;**

(d) **Ensure that all persons with disabilities in situations of risk and in humanitarian emergencies can gain access to information through alternative modes of communication and information and that the emergency number 112 is fully accessible.**

#### **Equal recognition before the law (art. 12)**

23. The Committee notes with concern:

(a) The interpretative declaration made by the State party, upon ratification, to article 12 of the Convention and the provisions set out in the Civil Code maintaining guardianship and the substituted decision-making regime and limiting the active capacity of persons with disabilities on the basis of psychosocial and intellectual impairment;

(b) The absence of supported decision-making mechanisms for persons with disabilities to exercise their legal capacity on an equal basis with others;

(c) The lack of disaggregated statistics on persons with disabilities under the substituted decision-making regime and the lack of measures for them to regain their legal capacity.

24. **The Committee recommends that the State party:**

(a) **Review its interpretative declaration on article 12 of the Convention, guarantee the right of all persons with disabilities to equal recognition before the law and establish supported decision-making mechanisms in all areas of life;**

(b) **Amend the Civil Code to repeal the guardianship regime and develop a system of supported decision-making for all persons with disabilities, in line with the Committee's general comment No. 1 (2014). Supported decision-making mechanisms must respect the dignity, autonomy, will and preferences of persons with disabilities in the exercise of their legal capacity;**

(c) **Adopt a plan of action to restore the full legal capacity of all persons with disabilities, irrespective of impairment.**

#### **Access to justice (art. 13)**

25. The Committee notes with concern:

(a) That persons with disabilities under guardianship are de facto denied access to justice and have to contend with the prevailing paternalistic attitudes concerning persons with disabilities participating in legal proceedings;

(b) The limited range of age- and gender-responsive procedural accommodations for persons with disabilities and the absence of programmes to ensure legal assistance to all persons with disabilities;

(c) The reported lack of information in accessible formats for persons with disabilities throughout legal proceedings, the barriers to gaining physical access to justice facilities, including courts and police stations, and the lack of accessible transportation to get to these facilities.

26. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities prepared in 2020 by the Special Rapporteur on the rights of persons with disabilities and target 16.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Ensure full recognition of the legal capacity of all persons with disabilities and of their right to gain access to justice on an equal basis with others, including throughout proceedings before the courts, tribunals and administrative authorities, and recognize the right of all persons with disabilities to seek restoration of their legal capacity and legal assistance to pursue their claims;**

(b) **Strengthen capacity-building programmes for the judiciary and justice-sector professionals on the provisions of the Convention and the human rights model of disability;**

(c) **Adopt mechanisms to provide persons with disabilities with age-appropriate accommodations, including support, and access to legal aid throughout legal proceedings, in all areas of law and at all levels of the judiciary;**

(d) **Develop alternative and augmentative means of information and communication for use throughout legal proceedings, such as Braille, sign language, Easy Read and audio and video transcription, apply the principle of universal design and adopt an action plan to ensure physical access to all justice facilities, including through accessible transportation.**

#### **Liberty and security of the person (art. 14)**

27. The Committee notes with concern:

(a) That provisions of the Mental Health Act allow for the involuntary treatment of persons with psychosocial disabilities and the deprivation of liberty on grounds of

disability and perceived dangerousness and that provisions of the Social Welfare Act allow for the restriction of movement of persons placed in care facilities;

(b) Information about facilities for depriving children with “behavioural problems” of liberty and about the placement of children with intellectual disabilities and children with psychosocial disabilities in such detention settings;

(c) The lack of accessibility and reasonable accommodations for persons with disabilities in penitentiary institutions.

28. **The Committee recommends that the State party:**

(a) **Review and repeal legal provisions allowing for the involuntary deprivation of liberty on the grounds of impairment and perceived dangerousness and restore the rights of persons with psychosocial disabilities to liberty and security of person, on an equal basis with others. Moreover, the State party should develop human rights-based mental health provisions and encourage self-managed support groups in municipalities;**

(b) **Adopt a plan of action to identify children with disabilities who are currently in institutions for children with “behavioural problems” and deinstitutionalize them as a matter of urgency. The State party should review the cases of children committed to detention facilities and apply non-custodial measures;**

(c) **Ensure full accessibility and procedural accommodations, including augmentative and alternative models of communication and support in decision-making, for all persons with disabilities being investigated or prosecuted, at all stages of criminal proceedings.**

29. **The Committee calls upon the State party to be guided by its obligations under article 14 of the Convention and the Committee’s guidelines on the right to liberty and security of persons with disabilities (A/72/55, annex) and 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. The State party should implement its obligations under the Convention on Human Rights and Biomedicine in a manner compatible with the human rights model of disability.**

**Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)**

30. The Committee observes with concern:

(a) The involuntary internment and treatment of persons with disabilities in mental health settings;

(b) Information indicating that persons with disabilities, in particular persons with intellectual disabilities and persons with psychosocial disabilities, are subject to seclusion, solitary confinement, mechanical, physical and chemical restraints, forced medication and other forms of ill-treatment in psychiatric settings, residential care facilities and penitentiaries.

31. **The Committee recommends that the State party:**

(a) **Ensure the right of persons with disabilities to make autonomous decisions based on their free and informed consent, including through supported decision-making mechanisms, concerning any type of medical treatment and legally recognize involuntary treatment on the basis of disability as a violation of the right of persons with disabilities to be free from cruel, inhuman or degrading treatment;**

(b) **Strengthen the role of the national mechanism for the prevention of torture and cruel, inhuman or degrading treatment or punishment to introduce measures to prevent and eliminate solitary confinement, the use of pharmacological therapeutic treatment and any means of restraint on the basis of disability in all settings, including in psychiatric settings, residential care facilities and penitentiaries;**

(c) **Set up a complaint procedure accessible to all persons with disabilities still in institutions and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, imposing sanctions proportional to the conduct.**

#### **Freedom from exploitation, violence and abuse (art. 16)**

32. The Committee notes with concern:

(a) The lack of a comprehensive strategy against all forms of exploitation, violence and abuse against persons with disabilities, in all settings, including in the family, at school and in the workplace;

(b) The absence of disaggregated information about gender-based violence against women and girls with disabilities and the lack of a gender- and disability-sensitive perspective concerning support measures for women and girls with disabilities, including psychosocial support and legal counselling;

(c) The lack of information concerning all instances of exploitation and violence in all facilities and programmes designed to serve persons with disabilities;

(d) The absence of information about measures to enforce the prohibition of corporal punishment against children with disabilities in all settings.

33. **The Committee, recalling the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Adopt a comprehensive strategy to prevent and combat all forms of violence and exploitation against persons with disabilities and ensure that the violence prevention plan and its related programmes explicitly include persons with disabilities, particularly children with disabilities still in institutions, women with disabilities and lesbian, gay, bisexual, transgender and intersex persons with disabilities, providing support for victims and sanctioning perpetrators. The State party should strengthen measures to combat disability-related stigma and stereotypes and provide persons with disabilities with accessible information about all forms of violence and about the complaint mechanisms and redress available to them;**

(b) **Ensure that data collected on violence against persons with disabilities identifies all instances of gender-based violence against women and girls with disabilities, in the private and public spheres, and ensure also budget allocations and access to support services for women and girls with disabilities who are victims of gender-based violence;**

(c) **Ensure that all private and public penitentiary, psychiatric and residential care facilities are subject to independent monitoring, in line with article 16 (3) of the Convention, and ensure also the involvement of civil society organizations in independent monitoring mechanisms;**

(d) **Ensure that the prohibition of corporal punishment is adequately monitored and enforced in all settings, including in schools and in relation to children with disabilities, and that positive, non-violent and participatory forms of child-rearing and discipline are promoted through awareness-raising campaigns and training programmes, in accessible formats.**

#### **Protecting the integrity of the person (art. 17)**

34. The Committee observes with concern that women with disabilities under guardianship can be subjected to sterilization or abortion without their consent.

35. **The Committee recommends that the State party:**

(a) **Prohibit the forced sterilization and the termination of pregnancies of women with disabilities based on third-party requests, including from guardians or tutors, and raise awareness about the legal prohibition;**

(b) **Adopt protocols promoting respect for the sexual and reproductive rights of persons with disabilities, particularly women and girls with disabilities, and include in such protocols the duty to provide persons with disabilities with accessible information and services concerning their right to retain their fertility.**

#### **Liberty of movement and nationality (art. 18)**

36. The Committee notes with concern information on the lack of accessibility, reasonable accommodations and support measures for asylum seekers and refugees with disabilities at border crossings, in reception and accommodation facilities and within the needs-identification procedures for persons with disabilities.

37. **The Committee recommends that the State party make assessments of the current status of and ensure accessibility, reasonable accommodations and support measures for asylum seekers and refugees with disabilities at border crossings, in reception and accommodation facilities and within the needs-identification procedures for all persons with disabilities.**

#### **Living independently and being included in the community (art. 19)**

38. The Committee observes with concern:

(a) The lack of awareness in society and among public authorities of the right of persons with disabilities to live independently and be included in the community, the right to choose where and with whom to live and the right not to be obliged to live in a particular living arrangement;

(b) That institutionalization on the basis of disability persists in the form of alternative care homes and new small-scale “family type” or “special care villages” and that such forms of institutionalization affect particularly persons with intellectual disabilities, persons with psychosocial disabilities and persons with autism;

(c) The absence of a system to provide individualized support and personal assistance for living independently and in the community;

(d) The limited accessibility for persons with disabilities of mainstream services and facilities for the general population, including education and health.

39. **The Committee recalls its general comment No. 5 (2017) and recommends that the State party:**

(a) **Adopt a strategy that includes awareness-raising activities to promote understanding of the right to choose and self-determination of persons with disabilities concerning their living arrangements, the right not to be obliged to live in a particular living arrangement and the value of inclusion in, as opposed to segregation from, the community;**

(b) **Enact a moratorium on the institutionalization of persons with disabilities, revise its deinstitutionalization strategy, redirect the use of public funds, including the European regional development funds, to the development of individualized support for living independently and ensure that programmes based on congregated settings, such as “home-like institutions”, “family type houses” and “special care villages”, are amended so as to prioritize inclusion in the community;**

(c) **Develop a system for self-managed personal assistance that includes person-directed tools for supporting living independently in the community in accordance with an individual’s requirements and preferences;**

(d) **Set up a time frame and benchmarks for achieving the accessibility of mainstream services for the general population by persons with disabilities, on an equal basis with others.**

#### **Personal mobility (art. 20)**

40. The Committee is concerned about the lack of access for persons with disabilities and the lack of consideration of the individual needs of persons with disabilities for quality

mobility aids, devices and assistive technologies due to bureaucratic barriers, particularly for children with disabilities.

**41. The Committee recommends that the State party ensure access to quality mobility aids, devices and assistive technologies for all persons with disabilities by eliminating administrative barriers and addressing individual requirements, including age-related requirements.**

#### **Freedom of expression and opinion, and access to information (art. 21)**

42. The Committee observes with concern:

(a) Information about the lack of access to sign language interpretation and speech-to-text services for hard-of-hearing and deaf persons, particularly in education programmes, employment, health services and cultural activities, and in rural areas;

(b) The low number of sign language interpreters;

(c) The lack of measures to facilitate the use of Braille;

(d) The barriers faced by persons with vision impairments, deaf or hard-of-hearing persons and persons with intellectual disabilities in gaining access to public information and mass media, including television and public media services.

**43. The Committee recommends that the State party:**

(a) **Ensure access to sign language interpretation and speech-to-text services for deaf and hard-of-hearing persons in all areas of life;**

(b) **Strengthen measures, including through grants and other incentives, to increase the official training of sign language interpreters, including at the university level, and adopt measures to raise awareness about deaf culture and the Estonian sign language;**

(c) **Adopt a strategy to promote the teaching and use of Braille in society and allocate financial resources to facilitate access to the equipment necessary for producing information in Braille;**

(d) **Ensure the accessibility of all public information, including television and media services, for all persons with disabilities in accessible communication formats such as Braille, deaf-blind interpretation, sign language, Easy Read, plain language, audio description, captioning and subtitles by allocating adequate funding for its development, promotion and use;**

(e) **Take measures to transpose into the State party's legislation Directive 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.**

#### **Respect for home and the family (art. 23)**

44. The Committee notes with concern:

(a) The provisions in the Registered Partnership Act denying the right of persons with disabilities subject to guardianship to marry, on the assumption that persons with disabilities lack understanding about the legal consequences of marriage or registered partnership contracts, and the provisions in the Family Law Act requiring a guardian's consent for persons with disabilities to exercise parental responsibilities;

(b) The insufficient in-home and inclusive community services for biological and foster families of children with disabilities, in particular families of children with autism, and single-parent families;

(c) The provisions in the Social Welfare Act allowing for the provision of alternative care for children with disabilities, including institutional settings, on the basis of disability.

45. **The Committee recommends that the State party:**

(a) **Remove discriminatory provisions in the Registered Partnership Act and the Family Law Act and recognize the right of persons with disabilities to found a family and exercise parental responsibilities on an equal basis with others;**

(b) **Provide biological and foster families of children with disabilities and single-parent families of children with disabilities with the support required to exercise their rights with respect to family life;**

(c) **Set up a legal and policy framework to promote a safe family environment for children with disabilities, in line with the principle of the best interest of the child, prohibit the separation of children from their parents on the basis of disability and ensure that alternative care is only provided within the biological, extended, foster or adoptive family.**

#### **Education (art. 24)**

46. The Committee notes with concern:

(a) The slow progress towards achieving inclusive education, as recognized in the Basic and Upper-Secondary School Act, the prevalence of special schools and classes and the greater barriers to education faced by children requiring higher levels of support;

(b) That reasonable accommodation for meeting individual requirements and providing individualized support has not yet been made fully available throughout the education system;

(c) That there are not enough accessible learning materials, alternative communication and information methods or teachers fluent in sign language;

(d) The barriers faced by children with disabilities in gaining access to quality, inclusive education within a context of distance learning during the COVID-19 pandemic and the restrictions on school attendance imposed for children with “chronic diseases” and experiencing symptoms similar to COVID-19.

47. **Recalling its general comment No. 4 (2016) and target 4.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Develop a strategy for implementing quality, inclusive education with specific targets, timelines and a budget and share responsibilities between the national and municipal levels;**

(b) **Establish a policy framework that recognizes the right of persons with disabilities to seek individualized support as reasonable accommodation in education, when so required;**

(c) **Ensure that education is an area of life covered by anti-discrimination legislation and policies and that the denial of reasonable accommodation is included as a form of discrimination;**

(d) **Provide students with disabilities with assistive compensatory aids and learning materials in alternative and accessible formats, such as inclusive digital access, modes and means of communication, including Easy Read, communication aids and assistive and information technology, and make sure that there are enough teachers fluent in Estonian sign language;**

(e) **Take measures, including the provision of technical equipment and the adoption of regulations, to ensure that children with disabilities, especially those in rural areas and those facing economic hardship, receive the individualized support they need, within a quality, inclusive education system, during the COVID-19 pandemic and guarantee for children with chronic diseases equal access to school.**

**Health (art. 25)**

48. The Committee notes with concern:

(a) Information about barriers faced by persons with disabilities in gaining access to health-care services and equipment, including physical barriers faced by persons with vision impairments;

(b) That women with disabilities subject to guardianship face greater barriers in gaining access to sexual and reproductive health-related services and to expressing their free and informed consent concerning health treatments;

(c) Information about the lack of awareness of health-care service managers and medical staff on the rights of persons with disabilities, including persons with hearing impairments, and the lack of accessible communication with users of health services;

(d) Reports indicating that persons with disabilities requiring higher levels of support receive lower-quality health services;

(e) That persons with disabilities have faced obstacles in gaining access to health care throughout the COVID-19 pandemic;

(f) The lack of information about protocols for persons with disabilities to exercise and express their free and informed consent with respect to medical treatment.

49. **Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Strengthen action plans to ensure the accessibility and availability of health-care services and equipment for persons with disabilities;**

(b) **Provide women and girls with disabilities with access to sexual and reproductive health care and services and ensure supported decision-making for women with intellectual or psychosocial disabilities so that they can reaffirm their sexual and reproductive autonomy and self-determination;**

(c) **Develop training for health-care professionals on the rights of persons with disabilities, including their skills, support measures and information and communication means and methods;**

(d) **Allocate human, technical and financial resources for the development of quality health services and for health-related supervision for persons requiring higher levels of support;**

(e) **Provide all persons with disabilities with access to all the health-care services available for the general population during the COVID-19 pandemic, ensuring priority access to diagnostic, vaccination and recovery treatments;**

(f) **Ensure that persons with disabilities can gain access to medical services on the basis of their free and informed consent.**

**Habilitation and rehabilitation (art. 26)**

50. The Committee notes with concern:

(a) The barriers faced by persons with disabilities in gaining access to rehabilitation services, including in rural areas;

(b) The lack of information about measures taken to ensure the sustainability and continuity of rehabilitation services after the provision of support through the European Social Fund ends.

51. **The Committee recommends that the State party:**

(a) **Expand habilitation and rehabilitation systems and ensure that persons with disabilities, including children with disabilities in rural areas, have access to rehabilitation on the basis of their individual requirements;**

(b) **Ensure the sustainability and continuity of rehabilitation services after the provision of support through the European Social Fund ends by taking specific policy measures and allocating a specific budget.**

#### **Work and employment (art. 27)**

52. The Committee notes with concern:

(a) That measures taken to promote the employment of persons with disabilities are insufficient to ensure access to the open labour market by persons with disabilities living in rural areas, persons with intellectual disabilities, persons with hearing impairments and persons with psychosocial disabilities, and the prevalence of sheltered employment preventing persons with disabilities from entering inclusive work environments;

(b) The attitudinal barriers deterring employers from hiring persons with disabilities and the physical barriers in the work environment, in particular the reported lack of accessible transportation and accessible information, including for job seekers;

(c) That reasonable accommodation is not consistently recognized and applied in the public and private sectors;

(d) The lack of information about vocational and professional training for persons with disabilities and about effective transitions into the open labour market.

53. **The Committee recommends that the State party, in line with target 8.5 of the Sustainable Development Goals:**

(a) **Strengthen measures to ensure that persons with disabilities have access to work and employment in the open labour market and to inclusive work environments, including persons with disabilities taking part in deinstitutionalization processes, persons with disabilities living in rural areas, persons with intellectual disabilities, persons with hearing impairments and persons with psychosocial disabilities;**

(b) **Adopt a strategy to abolish sheltered employment. The State party should review the labour conditions of all persons with disabilities and ensure that persons with disabilities are not paid below the minimum wage;**

(c) **Adopt measures, alongside the work ability reform, to combat attitudinal barriers among employers and adopt an action plan to assess periodically accessibility in the workplace, including access to transportation, alternative means of information and communication, sign language and speech-to-text interpretation and pictograms for job seekers and employees. The State party should adopt policies and procedures that establish and support the development of infrastructure for the provision of personal assistance in the workplace;**

(d) **Ensure that the right to seek reasonable accommodation in the workplace is recognized for employees in the public and private sectors;**

(e) **Develop a comprehensive system of vocational and professional training for persons with disabilities and for their effective transition from vocational and tertiary education to work in the open labour market.**

#### **Adequate standard of living and social protection (art. 28)**

54. The Committee notes with concern the information about living conditions and insufficient social protection, particularly with respect to older persons with disabilities, the insufficient support for disability-related expenses for them and barriers to gaining access to services such as accessible public housing and transportation.

55. **Taking into account the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Mainstream the rights of persons with disabilities into the national strategy for poverty eradication, including by taking concrete, expeditious measures and by earmarking budgets to address situations of disadvantage and exclusion concerning older persons with disabilities, in particular older women with disabilities;**

(b) **Prioritize persons with disabilities in the socioeconomic response to the COVID-19 pandemic and ensure access to appropriate and affordable services and facilities for the general population, assistance, transportation and public housing programmes for persons with disabilities, particularly women with disabilities.**

#### **Participation in political and public life (art. 29)**

56. The Committee notes with concern:

(a) The discriminatory provisions of the Code of Civil Procedure denying the rights of persons with disabilities to vote and to be elected when they have been subjected to restricted legal capacity;

(b) The lack of accessibility to voting procedures, facilities and materials, as well as to information about elections, including public electoral debates, electoral programmes, online or printed election materials, all of which limits the effective political participation of persons with hearing impairments and persons with intellectual disabilities.

57. **The Committee recommends that the State party:**

(a) **Repeal all discriminatory provisions denying the rights of persons with disabilities to vote and to be elected;**

(b) **Guarantee that electoral and voting procedures, facilities and online or printed election materials are accessible in plain language and Easy Read, thereby facilitating their use by all persons with disabilities.**

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

58. The Committee is concerned about the lack of access for persons with disabilities to cultural materials, places for cultural performances and services. It is also concerned about the lack of access for persons with intellectual disabilities to recreational, leisure and sporting activities, in which they are impeded from participating on an equal basis with others.

59. **The Committee recommends that the State party ensure access to places for cultural performances, ensure the provision by museums of information in sign language and provide cultural materials in accessible formats. The State party should promote inclusive recreational, leisure and sporting activities for both adults and children with disabilities.**

## **B. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

60. The Committee notes with concern:

(a) The remaining gaps in collecting disaggregated data and statistics on persons with disabilities in all areas covered by the Convention, not only education and employment;

(b) The lack of systematic and comprehensive research about the living conditions of persons with disabilities and the need to identify the barriers faced by persons with disabilities in exercising their rights.

61. **The Committee recalls the Washington Group short set of questions on disability and the Development Assistance Committee of the Organisation for Economic Co-operation and Development policy marker on the inclusion and empowerment of persons with disabilities and recommends that the State party:**

(a) **Develop a system and procedures for collecting data on persons with disabilities disaggregated by age, sex, sexual orientation, gender identity, race, ethnicity, income, migration status, level of education, employment situation and place of residence. The system and procedures should ensure confidentiality and respect the privacy of persons with disabilities;**

(b) **Allocate funds to undertake periodic research on the rights of persons with disabilities with the aim of identifying barriers to their implementation. The State party should build the capacity of municipal authorities to conduct periodic research on barriers to the inclusion of persons with disabilities;**

(c) **Support independent and participatory research, both quantitative and qualitative, to inform the disability-related policies and measures taken for ensuring the rights of persons with disabilities.**

#### **International cooperation (art. 32)**

62. The Committee notes with concern:

(a) The lack of harmonization of the international investment programmes, including those for the European structural funds and the European Investment Fund, with the provisions of the Convention;

(b) That the opinions and views of organizations of persons with disabilities have not been considered in the scope of international multilateral cooperation programmes.

**63. The Committee recommends that international investment programmes, including those for the European structural funds and the European Investment Fund, be harmonized with the Convention and that organizations of persons with disabilities be effectively consulted and involved at all stages of the development and implementation of international cooperation plans, programmes and projects.**

#### **National implementation and monitoring (art. 33)**

64. The Committee notes with concern:

(a) That the current coordination mechanism within the government lacks the capacity to mainstream the Convention across all sectors and levels of government, not only the area of social affairs;

(b) The lack of information about the accessibility of the premises and about the work done by the Office of the Chancellor of Justice as the independent mechanism appointed to monitor the implementation of the Convention;

(c) The lack of information about formal mechanisms to ensure the participation of persons with disabilities and their representative organizations in monitoring the Convention, including by monitoring the situation of persons with disabilities still in institutions and during the COVID-19 pandemic.

**65. The Committee recommends that the State party:**

(a) **Strengthen the government mechanism for coordinating the implementation of the Convention, build the capacity of focal points to mainstream the rights of persons with disabilities across all sectors and levels of government and strengthen their mandates with respect to implementing the Convention;**

(b) **Ensure continuity in the allocation of funds for the functioning of the Office of the Chancellor of Justice, which has been appointed the independent mechanism for monitoring the implementation of the Convention, including by earmarking resources for the development of accessible information about its work and methodologies;**

(c) **Ensure that persons with disabilities and the whole range of their representative organizations are effectively involved in monitoring the implementation of the Convention, including during the COVID-19 pandemic.**

## **IV. Follow-up**

### **Dissemination of information**

66. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations falling under articles 12 and 19 of the Convention.

67. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

68. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

69. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

### **Next periodic report**

70. The Committee requests the State party to submit its combined second to fourth periodic reports by 30 June 2026 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.

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