



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Estonia
<b>Title:</b>	Social Welfare Development Plan
<b>Date:</b>	4 October 2016
<b>Expert:</b>	Vadim Poleshchuk and Anu Laas
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Adoption of a new policy document
<b>Ground of discrimination:</b>	all grounds
<b>Source:</b>	<i>Riigi Teataja</i> III, 05.07.2016, 18
<b>Field:</b>	All
<b>Applicable law:</b>	Equal Treatment Act, <sup>1</sup> Gender Equality Act <sup>2</sup>

### Content

#### **Policy development:**

On 30 June 2016 the Estonian Government approved the Social Welfare Development Plan for 2016–2023. The Ministry of Social Affairs had a leading position in the decision and preparation of this Plan for employment, social protection, inclusion and equal opportunities. The preparation process, including numerous meetings, has taken two years.

The plan is to facilitate, through common policy measures, fight against poverty, social inequality and unemployment. Among the objectives of the document is to support the independent coping of people in the community and society (Objective no. 3) and to promote equal rights, obligations, opportunities and responsibilities of men and women in all spheres of public life (Objective no. 4). The Implementation Plan 2016-2020 was accompanied and adopted by the Government.

As for grounds other than sex, the development plan highlighted some problems in the area of equality and non-discrimination, namely widespread negative stereotypes and negative attitudes, especially towards ethnic, racial, religious, cultural minority groups, and LGBTI; insufficient system of rights protection, especially due to low level of awareness; limited opportunities for minority representation; low level of awareness and lack of relevant data for public institutions; limited accessibility (for disabled people), etc.

According to the plan, the basic relevant political instruments are awareness-raising initiatives and improved institutional capacity of public bodies in order to guarantee equal treatment and accessibility, also through improved data collection and building new competences. The document supports the idea of legislative changes to unify the scope of application of the prohibition to discriminate on the grounds of ethnic origin, race, and colour, as well as religion or other beliefs, age, disability or sexual orientation.

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<sup>1</sup> Estonia, Equal Treatment Act (*Võrdse kohtlemise seadus*), 11 December 2008, RT I 2008, 56, 315.

<sup>2</sup> Estonia, Gender Equality Act (*Soolise võrdõiguslikkuse seadus*), 7 April 2004, RT I 2004, 27, 181.

According to the action plan, initiatives aimed at awareness-raising and strengthening rights protection will be funded from the operational budget of the Ministry of Social Affairs, not the development plan. However, special additional allowances will be allocated for other purposes, e.g. accessibility related initiatives.

Unfortunately, the Plan is said to be a gender equality strategy document, but it contains only fields of responsibility of the Ministry of Social Affairs and does not deal with gender equality promotion in all areas of life (for example, education).

According to the Government's position, the Plan contains a gender equality strategy. However, gender equality bodies (the Gender Equality and Equal Treatment Commissioner and Gender Equality Council) have opposed the idea from the Ministry of Social Affairs that this Welfare Development Plan is a satisfactory document for a gender equality strategy.

In 2015, the draft Plan was criticized by the Gender Equality and Equal Treatment Commissioner, because gender equality was seen in a narrow context and as a part of social welfare only. The Gender Equality Council had several recommendations to the draft Plan and has pointed out the need for a separate gender equality strategy.<sup>3</sup> The Council members have stated that it is impossible to fulfil obligations put to the Council by the law (GEA) due to the missing gender equality strategy.<sup>4</sup> The Ministry of Social Affairs stated in the recommendation and proposal table 'Has been acknowledged'.

The elaboration of the development plan (the draft was initially titled "Social Protection, Inclusion and Equal Opportunities Development Plan 2016-2023") started in July 2014. There were organised seminars, workgroups and discussions with relevant stakeholders, including representatives of local governments, service providers, leading human rights organisations, etc. The plan was also debated in the Parliament on 31 May 2016.

### **Key points of analysis:**

In Estonia this action plan can be regarded *inter alia* as an anti-discrimination action plan within the scope of Directives 2000/43 and 2000/78. Importantly, this political document recognises certain problem in the area of equality and non-discrimination and provides for guidelines and concrete measures to improve the situation on the grassroots level.

### **Internet link source:**

Approval of the Social Welfare Development Plan for 2016–2023 and Action Plan thereto for 2016–2020 („Heaolu arengukava 2016–2023” ja selle rakendusplaani aastateks 2016–2020 heakskiitmine), 30 June 2016, Riigi Teataja III, 05.07.2016, 18, at: <https://www.riigiteataja.ee/akt/305072016018> (in Estonian).

Social Welfare Development Plan for 2016–2023 (Heaolu arengukava 2016–2023), at: [https://valitsus.ee/sites/default/files/content-editors/arengukavad/heaolu\\_arengukava\\_2016-2023.pdf](https://valitsus.ee/sites/default/files/content-editors/arengukavad/heaolu_arengukava_2016-2023.pdf) (in Estonian).

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<sup>3</sup> <http://www.vordoigusvolinik.ee/voliniku-too/ettepanekuid-ja-kommentaare/>, in Estonian, accessed 26 August 2016.

<sup>4</sup> Heaolu arengukava: ettepanekutega arvestamise tabel seisuga 18.02.2016 (List of Recommendations to the Welfare Development Plan of 18 February 2016), available in Estonian, <http://eelnou.d.valitsus.ee>. Could be found using a key word 'heaolu'. The Gender Equality Council had twenty comments and recommendations for 18 February 2016. The Gender Equality Council consists of 22 members, and was established in October 2013. The Council duties are stipulated in Article 24 of the Gender Equality Act (GEA); the Council is functioning as an advisory body to the Government. Its responsibilities are advising the Government in matters related to strategies for the promotion of gender equality, approving general objectives of gender equality policy and presenting opinions to the Government concerning the compliance of national programs with the obligation of gender mainstreaming.

Action Plan of Social Welfare Development Plan for 2016–2023 (Heaolu arengukava 2016-2023 RAKENDUSPLAAN aastateks 2016-2020), at:  
[http://www.sm.ee/sites/default/files/content-editors/eesmargid\\_ja\\_tegevused/Sotsiaalse\\_turvalisuse\\_kaasatuse\\_ja\\_vordsete\\_voimaluste\\_arengukava\\_2016\\_2023/rakendusplaan\\_0.xls](http://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/Sotsiaalse_turvalisuse_kaasatuse_ja_vordsete_voimaluste_arengukava_2016_2023/rakendusplaan_0.xls) (In Estonian).

Proposals and recommendations of the Gender Equality and Equal Treatment Commissioner of 2014, 2015 and 2016 available in Estonian at:  
<http://www.vordoigusvolinik.ee/wp-content/uploads/2016/01/vordoigusvoliniku-kommentaariid-heaolu-arengukava-27.01.2016.pdf>; [http://www.vordoigusvolinik.ee/wp-content/uploads/2016/01/Ettepanekute-edastamine-heaolu-arengukavasse\\_5.11.15.pdf](http://www.vordoigusvolinik.ee/wp-content/uploads/2016/01/Ettepanekute-edastamine-heaolu-arengukavasse_5.11.15.pdf) ;  
[http://www.vordoigusvolinik.ee/wp-content/uploads/2015/01/Voliniku-seisukoht-sotsiaalse-turvalisuse-kaasatuse-ja-vordsete-voimaluste-arengukava-kohta-16\\_06\\_2014.pdf](http://www.vordoigusvolinik.ee/wp-content/uploads/2015/01/Voliniku-seisukoht-sotsiaalse-turvalisuse-kaasatuse-ja-vordsete-voimaluste-arengukava-kohta-16_06_2014.pdf).