Children and Young People



Vilen Künnapu. Villu Flies. Acrylic on plywood. 2024 (fragment of the work)

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

Since 2011, the Chancellor of Justice has also performed the functions of the independent Ombudsman for Children. The Ombudsman for Children ensures that all institutions and individuals making decisions concerning children act in the best interests of the child.

During the reporting year, the Chancellor paid particular attention to the use of artificial intelligence and data in different areas of life. The possible use of artificial intelligence is now also being discussed in child protection work. At this stage, AI is seen as one possible tool for helping to prevent serious crimes committed by minors.

The Child Protection Act already sets out a list of data that a child protection official may use in carrying out their duties. The list is extensive and includes information about a child’s health, offences, failure to fulfil the obligation to learn, and other matters. The Act also allows

a child protection official, for the purpose of assessing a child’s need for assistance or providing assistance to the child, to process the personal data of the child’s parent, a person raising the child, a family member of the child, and a person belonging to the child’s social network.

A child protection official may also share this information with other specialists, including the police, where their involvement is necessary to assess the child’s need for assistance or to provide assistance. Information may, however, be shared only to the extent necessary for achieving that purpose.

The Child Protection Act requires everyone to report a child in need of assistance. There is therefore a legal basis for ensuring that information needed to assist such a child reaches a child protection official.

If AI could take over some of the technical work currently performed by child protection officials and leave them more time to help children, its use should certainly be considered. At the same time, technical tasks must be clearly distinguished from substantive assessment and decision-making. The former may perhaps be entrusted to a machine; the latter may not.

Nor can the aggregation of information about a child stored in different databases be regarded as a merely technical operation. Before deciding to bring all such data together, careful consideration must be given to what data are collected, from which database, and for what reason. It must also be clear who may access the aggregated data and for what purposes they may be used.

AI must certainly not be used to create a consolidated register of children’s education, health and other data and then, on the basis of those data, classify children as problematic or non-problematic. The Constitution requires the state neither to know more about a person’s private life nor to interfere in it more than is strictly necessary. A child’s data must therefore not be disclosed to anyone unless it is clear that doing so genuinely helps the child, that the objective cannot be achieved in another way, and that the benefits outweigh the harm.

Children and Parental Care

The Chancellor is often approached for help by parents who live separately and have been unable to agree with the other parent on matters concerning the care or maintenance of their child or contact with the child. During the reporting year, there were even more such

enquiries than in previous years. The Chancellor does not resolve disputes between parents, but the Chancellor’s advisers provide explanations in such situations.

It would, of course, be best if parents who live separately could reach agreement on matters concerning their child and make a joint effort for the child’s well-being. Neither parent may harm the child through their conduct. This includes any action that damages the child’s relationship with the other parent. Reaching agreement is part of parental responsibility and, where necessary, parents can seek the assistance of an impartial intermediary, a family conciliator. Human relationships, however, cannot be repaired through state coercion.

If parents are unable to agree on the care of the child and contact with the child, the dispute is resolved by a court. A parent must submit their views, objections and applications to the court. The court hears the child and both parents, examines the evidence submitted and, where necessary, obtains evidence on its own initiative. The court’s task is to assess the evidence as a whole and make a decision as an impartial administrator of justice. Its assessment may not always coincide with the parents’ views. In making its decision, the court must take account of the particular circumstances and proceed from what is best for the child. The court may apply an appropriate measure to safeguard the child’s well-being and, where necessary, vary an earlier decision.

Only a court may make or vary a court decision. The fairness of judicial proceedings is safeguarded by Estonia’s three-tier court system. Once a court decision has become final and can no longer be appealed to a higher court, compliance with it is mandatory for everyone.

Issuing Children’s Identity Documents at Selver Stores

The Chancellor received a petition concerning the practice whereby a child’s identity document can be collected from a Selver store only by the parent who applied for the document. The other parent who has legal custody is unable to collect the child’s document from the store.

The Chancellor found that this administrative practice is contrary to the law.

Issuing identity documents is one of the state’s core functions. The conditions for issuing such documents are laid down by law. Even where the state has, under an administrative contract, partly transferred the function of issuing identity documents to a private-law entity (documents are issued by AS Selver), all statutory requirements must still be complied with

when the documents are handed over.

Under § 120(1) of the Family Law Act, a parent who has legal custody is the legal representative of the child. A legal representative’s right of representation may be restricted only in accordance with the law. The law does not impose any restrictions on the issue of documents depending on which parent applied for the child’s document. Both parents who have legal custody are therefore entitled to collect the child’s document, regardless of which of them submitted the application.

The Chancellor asked the authorities to ensure that either parent who has legal custody can collect the child’s identity document even where it is issued by a private-law entity, regardless of which parent submitted the application. The Chancellor agreed that Selver employees cannot be given full access to all the information in the Population Register merely in order to verify a parent’s right of representation. To ensure that the procedure runs smoothly, a Selver employee would only need a yes-or-no answer to the question of whether the parent collecting the document is entitled to receive it.

As implementing such a solution will take time, other arrangements must be used in the meantime. For example, PBGB officials could themselves verify the details of both parents who have legal custody and make the relevant information available to Selver employees. It must also be possible to change the place of issue of the child’s document without charging an additional state fee. Where the place of issue is changed, the document must be sent to the new location as quickly as possible. Parents applying for a document for their child should also be informed more clearly that, without any additional steps, a document can be collected from Selver only by the parent who submitted the application.

The PBGB responded to the Chancellor’s recommendation by stating that the other parent can collect their child’s document from Selver if they first submit a separate application to the PBGB. This allows the PBGB to verify the other parent’s right of representation.

Soon after the new arrangement was introduced, the Chancellor received a complaint that the solution was excessively bureaucratic. The Chancellor is continuing to deal with the issue.

Requiring a Child to Produce an Identity Card

A parent sought the Chancellor’s assistance after the Social Insurance Board had required their 16-year-old child to produce an identity card before the child could be granted social rehabilitation services and a disability allowance for a person of working age. The Social Insurance Board maintained that it could not process the applications until the child had a valid identity card.

The Chancellor found that the Social Insurance Board had acted incorrectly in requiring the child to produce an identity card. The Social Insurance Board has no right to require a child to have an identity card in order to grant social rehabilitation services. An identity document must be presented in order to grant a disability allowance for a person of working age, but that document does not necessarily have to be an identity card. Given the child’s age — at least 15 years — it would also have been sufficient to request a pupil card.

Child Protection Work

The Chancellor is often approached by parents who are dissatisfied with how child protection officials have dealt with problems in their family, while relations between the parents themselves are extremely strained. Unfortunately, a child protection official has relatively limited scope to intervene where the difficulties arise from conflict between the parents. Child protection officials can primarily advise parents on how to safeguard the child’s well-being and where to seek help in improving cooperation between them. If the parents are unable to reach agreement either between themselves or with the assistance of a state-funded family conciliator, the arrangements for contact with the child are determined by a court.

Parents who have taken their dispute to court often consider the opinion submitted to the court by a child protection official to be biased. In such cases, the Chancellor’s advisers explain that, in court proceedings concerning a child’s living arrangements, the child protection official must also submit a reasoned opinion. The official is expected to assess what solution would be best for the child. The parents, in turn, may submit their own views and evidence to the court concerning the child protection official’s actions and opinion. It is for the court to decide what weight to give the child protection official’s opinion. The law does not allow the Chancellor to assess a court decision.

A child protection official can advise and support parents and apply measures to protect a child in need of assistance. The official is entitled to decide what assistance should be offered to safeguard the child's well-being. Complaints about child protection work should first be addressed to the rural municipality mayor or city mayor, because rural municipalities and cities must ensure that child protection officials perform their duties competently, carefully, impartially and honestly, and comply with the law and their job descriptions. If the problem is not resolved, the Social Insurance Board may be contacted with a request to initiate administrative supervision.

Right of a Child Protection Official to Enter a Dwelling

One parent wanted to know whether a child protection official has the right to enter their home without permission.

The Chancellor explained that a person's dwelling or other premises in their possession may be entered only in circumstances provided by law, for example to protect public order, health, or the rights and freedoms of others. A child protection official must have a compelling reason and a legal basis for entering someone's home without permission. Such a reason may be the need to ascertain whether a child is in danger, since the Child Protection Act requires a child in danger to be assisted immediately and the situation endangering the child's life or health to be eliminated.

Documentation of Child Protection Work

Parents contacted the Chancellor because the rural municipality government had not deleted from the Social Services and Benefits Registry (STAR) data concerning a suspicion that their child had been abused. The data remained in the Registry even though the suspicion had not been confirmed.

The Chancellor explained to the parents that the rural municipality government had acted correctly in not deleting the STAR entries concerning the suspicion of abuse. The purpose of STAR is to document the social welfare assistance provided to people. In child protection work, this means that a child protection official must enter in STAR information concerning a child in need of assistance and the acts and procedural acts relating to the child's case. Information may also be entered in STAR on the basis of a person's statements. Data entered in STAR have informational and statistical significance.

STAR is essentially an electronic case file for child protection officials, containing information about the activities of the authority providing assistance and about the person in need of assistance. In child protection work, this is necessary so that it can later be established whether and how a child protection official responded to a report concerning a child’s need for assistance and on what basis the official considered the suspicion raised in the report to be substantiated or unfounded.

Data entered in STAR can be amended or deleted, but only where an error was made when the data were entered in the Registry. An error would arise, for example, if information concerning proceedings involving one person were mistakenly entered under another person. If a child protection official enters information in STAR concerning suspected abuse of a child and the suspicion is not confirmed upon investigation, this is not an error that would justify deleting the entry.

Retaining data in STAR is important to ensure that a child in need of assistance does not fail to receive necessary help because of insufficient information. In child protection work, an understanding of a child’s situation develops based on information obtained from different sources. A report that has been investigated and found to be unfounded may therefore still prove relevant in the future. An individual report may appear to be, or may indeed be, unfounded or insufficient, but information received later may give it new significance and help reveal a need for assistance that previously remained hidden.

It is particularly important to collect and retain information about suspected abuse. A child may not speak about what happened immediately, and the circumstances may become clear only years later. Information obtained at a later stage may also alter the understanding of earlier incidents and help reveal their true significance. Information that did not make it possible to identify a child’s need for assistance when it was first collected may therefore become important later. If earlier reports are deleted, it may no longer be possible to identify such connections and assess the child’s situation as a whole.

Although an entry concerning suspected abuse of a child cannot be deleted from STAR, the Registry must include information stating that the suspicion was investigated and found to be unfounded. In the case in question, the rural municipality government had added explicit entries to that effect. Those entries likewise cannot subsequently be deleted or amended.

Access to data in STAR is strictly restricted. Kindergartens, schools and family doctors do not have access to STAR data, let alone the employers of the child’s parents. The data can be accessed only by those child protection officials of local authorities and the Social Insurance Board who need them in order to perform their official duties. Officials must protect the data in STAR and ensure that they are not disclosed to third parties.

Speaking with a Child

One parent was dissatisfied with the way a child protection official had gathered information about the child’s situation and need for assistance. The parent asked the Chancellor to explain whether a child protection official may speak with a child at school without informing the parent in advance.

The Chancellor’s advisers explained to the parent that, when a child protection official becomes aware of a child in need of assistance, the official must immediately establish the child’s situation and must also hear the child. Once the child protection official begins collecting information to assess the child’s need for assistance, administrative proceedings commence. As a rule, the parent should be informed that the assessment of the child’s need for assistance has begun, or the assessment should begin by hearing the parent.

A parent may be left uninformed in advance about the intention to hear the child only in exceptional circumstances. This may be the case, for example, where the child’s well-being is at risk and immediate action is required, or where there is a suspicion that the parent is abusing the child and informing the parent before speaking with the child could hinder the establishment of the actual circumstances. If the child protection official considers that the parent did not need to be informed before the child was heard, the parent should nevertheless be informed after the conversation and told why they were not notified of it in advance.

A conversation with a child should take place in an environment that is familiar and safe for the child, which may also be the child’s school. School staff are required to cooperate with child protection officials.

Children and the Police

Several parents submitted complaints to the Chancellor about the actions of police officers. The Chancellor found no violations in the officers' conduct, but recommended that police officers continue to receive training so that they are able to find child-friendly solutions in tense situations.

One parent was dissatisfied with the actions of police officers because a police patrol had taken their minor child's electric scooter into storage. The police had established that the electric scooter the child was riding on a city street was more powerful than permitted and did not comply with traffic rules. Such an electric scooter may not be used in traffic.

The Chancellor explained that, in order to counter a threat and eliminate a disturbance, the police may take an electric scooter that does not meet the applicable requirements into storage. A child may ride on the street only an electric scooter that complies with the requirements for a personal light electric vehicle. If the scooter has a speed limiter, it must be one that cannot be switched on and off and that prevents the vehicle from travelling faster than 25 kilometres per hour. By disregarding traffic rules, children may endanger both themselves and others.

The Chancellor noted that, before allowing a child to use an electric scooter in traffic, a parent must check whether it complies with the requirements for a personal light electric vehicle and whether it may lawfully be used in traffic. If the police establish that a child's electric scooter does not comply with the requirements, they may take it into storage in the interests of the safety of the child and other road users.

Another parent asked the Chancellor in what circumstances police officers responding to a call may check whether children have consumed alcohol. The Chancellor explained that minors are prohibited from consuming alcoholic beverages and that the police may check a minor where there are grounds to suspect that they have consumed alcohol.

Checking for intoxication generally serves to identify violations, but in the case of minors it also helps to prevent dangerous situations. It helps to establish whether a child is in circumstances that may harm their development or health. This enables prompt intervention and the prevention of harm, as a child who has consumed alcohol may need assistance.

From the perspective of children’s rights, it is important that police officers always take children’s vulnerability into account when communicating with them and treat them politely and in a friendly manner. In every case, a police officer must consider whether their actions are proportionate — that is, suitable, necessary and measured — whether they respect the young person’s dignity, and which solution is in the best interests of the child.

The Chancellor was also approached by a parent whose child required emergency psychiatric care because of their mental health condition and was taken to hospital for treatment by the police and ambulance service. In taking the child to hospital, the police had to use force and special equipment.

Although no violation of the law was found in the actions of the police, the Chancellor asked the Police and Border Guard Board to provide officers with training aimed at reducing the need to apply direct coercion and use special equipment.

It is clear that using forceful restraint measures on a child in need of psychiatric care can be traumatic for the child. When making decisions affecting a child, police officers must take account of the child’s rights and vulnerability and proceed from what is in the child’s best interests. The use of restraint measures may instead intensify the child’s anxiety and aggression. It is therefore particularly important that police officers are trained to de-escalate conflicts and find child-friendly solutions in tense situations.

Kindergarten, School and Hobby Education

Support for Attendance at a Private Preschool

Every child aged three to seven must have access to a preschool place if their parent requests one. Once an application has been submitted, the local authority may decide whether to offer the family a place in a municipal or private preschool. However, if the local authority offers a place in a private preschool, the attendance fee charged to the family may not be higher than that charged in a municipal preschool.

The Chancellor confirmed that if a family has been offered a place in a municipal preschool, it cannot require the local authority to subsidise the child’s attendance at a private preschool. Where a local authority voluntarily supports private preschools, it has considerable discretion in deciding the conditions under which it provides support towards the attendance fee.

This remains the case even if the private preschool uses a different teaching methodology from that used in the municipal preschool, or if the child attends a private preschool because the local authority has failed to offer them a place in a municipal preschool — in the latter case, the local authority has breached the law. Early childhood education in preschools is provided on the basis of the national curriculum. This applies to both municipal and private preschools, although preschools may follow different pedagogical approaches within the framework of the national curriculum.

If a family decides to accept the place offered by the local authority in a municipal preschool, the child will have to adjust to a new environment and new peers. This is not, however, necessarily contrary to the child's interests.

When offering a family a place in a municipal preschool, the local authority must ensure that the preschool is sufficiently close to the family's home or can be conveniently reached by public transport. The situation becomes more complicated if children from the same family attend different preschools. It is, of course, most convenient for a family if the children attend the same preschool, but the law does not give parents the right to demand this. When offering a place, the local authority must take the parents' wishes into account and, where those wishes cannot be accommodated, offer a place in a preschool near the family's home.

Reduced Kindergarten Attendance Fee Depending on the Child's Age

To ensure that families can afford the fees charged for childcare and preschool places, the Riigikogu has set a maximum attendance fee. The upper limit is 20 per cent of the minimum wage per child per month. Rural municipalities and cities may differentiate the amount of the attendance fee.

The Chancellor noted that different treatment based on children's age resulting from the introduction of a fee reduction cannot be regarded as unconstitutional. The amount of the attendance fee and the granting of reductions are matters of policy for the local council.

A local authority may establish different attendance fees. It may also decide whether, and what kind of, benefits or fee reductions to provide to its residents. In both cases — whether differentiating attendance fees or voluntarily granting reductions — the principle of equal treatment must be observed.

Under the law, a preschool helps children aged three to seven develop the knowledge, skills and attitudes that create the prerequisites for acquiring basic education. No corresponding objective has been set for children under the age of three. If a local authority wishes, through a reduction in the attendance fee, to support preschool attendance by children aged three to eight so that they are better prepared for school, such support cannot be regarded as manifestly inappropriate. The resulting difference in treatment is therefore not arbitrary and is not prohibited by the Constitution.

Preschool Attendance Fees in Summer

A local authority may establish different preschool attendance fees for families depending on the number of children in the family, the family's socio-economic circumstances or other factors.

The Chancellor has found that the law does not give parents the right to demand a reduction in the attendance fee, nor does it require such a reduction to apply throughout the entire academic year. The law also does not prescribe the amount of the reduction or the period for which it must be granted.

Where a local authority voluntarily provides benefits or fee reductions to its residents, it may decide who is entitled to them and for how long. The same principle applies where a rural municipality council decides not to grant families a reduction in the attendance fee based on the number of children during the summer period.

A parent raising a child of up to seven years of age has the right to demand annual holiday at a suitable time. Employers must also take account of parents' rights when scheduling holidays. Parents can plan their annual holiday if the opening hours of preschool groups operating during the summer are announced sufficiently far in advance. They can then decide when they wish to take their holiday while also taking into account that they will have to pay a higher preschool attendance fee during the summer months.

Rest Time at Kindergarten

One issue about which parents contact the Chancellor is rest time at kindergarten. One parent asked the Chancellor for help because their child was not allowed to engage in a quiet activity instead of taking a nap. The kindergarten had told the child to lie in bed during the afternoon rest period.

The Chancellor’s advisers explained that, under the law currently in force, children must be able to choose whether to sleep or engage in another quiet activity during rest time at kindergarten.

The Chancellor has provided detailed explanations about rest time at kindergarten. Everyone has different sleep needs, and it is not possible to say in general terms whether, or how much, a particular child needs to sleep during the day. It is sensible for the kindergarten and the parents to agree on flexible arrangements for rest time that allow exceptions to be made in the child’s best interests. If a child does not need to sleep during the day, they should not be required to stay in bed. Instead, the kindergarten could offer the child a quiet activity, such as looking at a book or drawing. Naturally, the child should remain quiet so as not to disturb others. All children have the right to rest. At the same time, if a child is tired and wishes to sleep at kindergarten during the day, they should not be prevented from doing so.

School

Allocation of School Places

The law provides that every child must be given a place in their school of residence. It does not provide for allocating school places on any other basis. A child may attend another school if there are vacant places there.

As some local authorities allocate basic school places in such a way that admission to certain schools or classes is based not on the law but on conditions established by the school itself, the Chancellor asked the Minister of Education and Research for an explanation.

The Ministry of Education and Research explained that a child’s knowledge and skills may not be assessed when admitting them to basic school. Thus, according to the purpose of the law, all basic schools should be schools of residence.

The Ministry acknowledged that schools nevertheless organise entrance tests for admitting pupils, but said that this practice would be difficult to change quickly. The Ministry explained that it could inform rural municipalities and cities that the law does not allow pupils to be selected for basic school through entrance tests.

Availability of a Vacant School Place

The law gives parents freedom to choose a school for their child if the school they prefer has vacant places. A parent who contacted the Chancellor noted that the information system used by the local authority showed that a place was available, but the school refused to offer it to the family because it was being kept for a pupil assigned to a special class, so that the pupil could return to a mainstream class if necessary.

The Chancellor found that the school was entitled to keep the place for the child who had begun studying in a special class. Under the law, a pupil is generally assigned to a special class temporarily. Placement in a special class may therefore be a temporary measure, and the child and parent are entitled to expect that, once the measure is no longer necessary, the child can continue studying in the class to which they were originally assigned. Although a pupil could also move from a special class to a mainstream class by increasing the maximum class size, this may not always be possible.

Information in an information system about vacant places is indicative only. It does not give a parent the right to demand a particular place from a school. This does not, however, mean that a public authority may mislead people by providing incorrect information. The information must always be accurate. To obtain a school place for a child, the parent must submit an application to the school. The school grants the place if it approves the application.

Parent’s Obligation to Participate in the Child’s Developmental Conversation

Schools hold developmental conversations at least once every academic year to support a pupil’s development. Under the law, the pupil, the class teacher and the legal representative of a minor pupil participate in the developmental conversation.

The Chancellor found that the obligation to participate in a developmental conversation cannot be regarded as excessive interference with a parent’s right to raise and care for their child. Apart from the developmental conversation, the law does not provide for any other occasion on which the school, child and parents come together specifically to discuss the child’s school life, progress and development.

Since school occupies a large part of a child’s life and has a major impact on their future, parents should be aware of what is happening at school. A developmental conversation also enables a parent to better ensure that the child learns and develops, and to create the

necessary conditions for this. In addition, the conversation helps to identify the child's strengths and the areas in which they need to develop, allowing the school to adapt its activities accordingly.

Parents have the right to raise and care for their children, and the state may not prevent them from doing so or interfere with this right. Intervention is not, however, ruled out where the interests of the child require it. Parents have a constitutional duty to care for and raise their children. This duty primarily serves the interests of children by ensuring their right to receive care from their parents, even though fulfilling the duty may restrict the parents' fundamental rights.

Organisation of Social Transport

Social transport must be arranged for a child with a disability to travel to school and back home if, because of the disability, the child is unable to use public transport or the family's vehicle. The Chancellor found that a local authority must create the conditions necessary to ensure that a child with a disability has transport suited to the particular needs arising from their disability.

For a person who needs social transport every day, the service must be organised so that it can be used consistently. This requires anticipating the likely obstacles that may arise in providing the service and considering how they can be resolved. Smooth and uninterrupted provision of social transport is particularly important where a child with special needs is able to attend school only by using social transport arranged by the local authority.

The Chancellor concluded that the city had not acted lawfully because, for almost four months, it had failed to arrange an escort for the child. As a result, the child's attendance at school depended entirely on whether the child's mother was able to accompany them on the journey home from school. Although it was known that a passenger in the vehicle might behave unpredictably or dangerously, the city had no action plan for resolving such situations quickly. The city merely required the child whose behaviour had caused the dangerous situation to have an escort (support person) in future. Finding an escort takes time, but a child has both the right and the obligation to attend school, and that obligation cannot be put on hold.

Conditions for Home Education at a Parent’s Request

Whether home education is applied at a parent’s request is not decided by the parent. A pupil may be permitted to study at home by the head of school. In making this decision, the head of school must be satisfied that the pupil will be able to acquire an education in accordance with the requirements of the law, taking into account the national curriculum as well as the pupil’s abilities and need for support.

The possibility of home education is an education policy choice made by the Riigikogu, not a fundamental right. The Chancellor found that the Riigikogu has required the Minister of Education and Research to establish the conditions for home education. By laying down these conditions, the state seeks to prevent home education from being applied arbitrarily. Home education must not jeopardise the child’s right to education.

A pupil studying at home may also need additional support with their studies. They are therefore entitled to receive assistance from a support specialist at school free of charge. Before permitting a pupil to study at home, the school must consequently consider how support can be provided if needed. If the pupil is unable to study at home in a manner appropriate to their abilities, applying home education violates the child’s rights.

Sanctions

The purpose of imposing sanctions is not to punish a pupil but to help them respect the rights and needs of fellow pupils, teachers and other members of the school community, and to genuinely understand why agreed rules must be followed. It is the school’s task to guide and educate the pupil.

The Chancellor has explained that a pupil’s dignity must be respected when a sanction is imposed. The school must hear the pupil’s explanations and explain the reasons for choosing the particular sanction. When imposing sanctions, care should be taken to ensure that they do not end up causing harm to the young person. It is important that the pupil understands why the particular sanction was imposed. This makes it more likely that the pupil will comply with the school’s internal rules and respect others in future, and helps the school prevent situations that could endanger safety.

Since parents bear primary responsibility for safeguarding their child's rights and well-being, they too must understand what the child is considered to have done wrong and why the school considers the sanction justified. Consequently, if a parent asks for an explanation, the school must explain the circumstances and the reasons for choosing the sanction.

Dealing with a Parent's Application

If a school is informed that a child has been treated inappropriately at school or that other mistakes have been made, it must establish whether the report is well founded while respecting the rights of everyone involved. Information about the person who submitted the application may be disclosed only where there is a legal basis for doing so.

The Chancellor explained that if the circumstances described in an application need to be discussed at a meeting of the board of trustees, its members must be informed in a way that does not make it possible to identify the person who submitted the application. The situation is different where the parent has themselves submitted the application to the board of trustees.

Disclosing the name of a person who has reported a possible violation constitutes processing of personal data. Specific requirements apply to the processing of personal data: it must be lawful, purpose-specific and limited to what is necessary. Disclosing the reporter's name also undermines general trust and does not support the principle that people should feel able to report suspected mistreatment of children to a school without hesitation. The child may also suffer as a result of the parent's actions being made public.

If the report was well founded, a fair and lawful way must be found to resolve the problem and remedy any harm caused. If the report was unfounded, the parties involved must also be informed of this and consideration of the matter brought to an end. A person who reports suspected misconduct must not be 'punished' for having approached the school. The starting point should always be that a parent is protecting their child and wants what is best for them.

Procedure for Forming the Board of Trustees

Under the law, a school's board of trustees is formed in accordance with the procedure established by the owner of the school. Based on the law, the Chancellor explained that the Riigikogu has not given the head of school the power to establish the procedure for forming the board of trustees.

Under the procedure established by the rural municipality government, the head of school is required to carry out activities relating to elections — to initiate and organise them — but has neither the power nor the duty to establish more detailed rules for forming the board of trustees. Nor may the municipal council grant the head of school such a power. If it did, the procedure would be contrary to the law. The law does not provide for the power to establish any part of the procedure to be further delegated to the head of school.

As the head of school had specified the procedure for forming the board of trustees and its rules of procedure by directive, the Chancellor asked the rural municipality government to assess whether the school's actions complied with the procedure established by the municipality. Based on the results of its review, the rural municipality government may supplement the procedure for forming the board of trustees.

Rules of Procedure of the Board of Trustees

The rules of procedure of a board of trustees must be established by the owner of the school. The Chancellor found that keeping minutes of meetings forms part of the board's rules of procedure and that the owner of the school must therefore decide who is responsible for drawing up the minutes. The law does not require a secretary to be elected from among the members of the board of trustees to take the minutes of its meetings.

If a rural municipality council has decided that the secretary is to be elected from among the members of the board of trustees, this is a decision concerning work organisation. The Riigikogu has not required a separate position to be created to provide administrative support to the board of trustees in carrying out its functions.

A member of the board of trustees elected as secretary must agree to perform the secretary's duties and take the minutes of meetings. If a member feels that taking the minutes prevents them from participating properly in the discussion, the board may appoint someone else to take the minutes. If none of the members is willing to act as secretary, the rural municipality council may consider amending the rules of procedure.

Involving a Volunteer at School

A parent asked the Chancellor to explain the rules for involving volunteers who work with children at school and for ensuring children's safety.

The Chancellor’s advisers explained that where volunteer instructors are invited to a school, they too must comply with the rules governing work with children. A person who has been convicted of an offence specified in the Child Protection Act may not act as a volunteer instructor for children. A volunteer must also comply with the principles for the treatment of children laid down in the Child Protection Act and act in the best interests of the child.

Responsibility for checking a volunteer’s background lies with the person who involves the volunteer. That person must verify that the volunteer has not been convicted of an offence that prohibits them from working with children. The person’s criminal record must be checked both when the volunteer is first involved and subsequently, at least once every 12 months.

In addition, the school must assess whether the volunteer instructor is suitable for the tasks they are expected to perform. The school’s responsibility therefore does not end with checking the person’s criminal record. The school must ensure pupils’ mental and physical safety and protect their health while they are at school. This means that where the school involves a volunteer, it is also responsible for ensuring that the volunteer meets the requirements for working with children and does not endanger their safety or health.

Election of the President of the Student Council

A pupil contacted the Chancellor because they were dissatisfied with having been prevented from standing for election as president of the school’s student council. The pupil claimed that the president of the student council and the school management had decided to exclude them from the election. The main reason was that the pupil had distributed items bearing the logo of a political party at school — pens and sweets — and had put up election posters on the school premises without permission. The student council elections took place at the same time as the local government council elections.

The Chancellor found that excluding the pupil from the election for president of the student council was unlawful because the statutes of the student council in force at the time did not provide for such a possibility. If a pupil breaches the school’s internal rules or otherwise behaves inappropriately, the school may impose the sanctions provided for in the Basic Schools and Upper Secondary Schools Act: for example, it may prohibit the inappropriate activity, explain to the pupil why the conduct is unacceptable, or remove posters from the school building. A sanction may not, however, take the form of restricting the pupil’s right to stand as a candidate.

The Chancellor recommended that the head of school, in cooperation with the school community, including the student council, draw up clear rules on what is permitted and prohibited at school during local government council elections and student council elections, and adopt those rules before the next elections. The Chancellor also asked the head of school to make the rules easily accessible to everyone and explain them to the whole school community.

The Chancellor explained that the student body has the right to decide and independently organise matters of student life. The independence of the student body helps pupils develop confidence in decision-making, a sense of responsibility and leadership skills. The task of the school management is to create the conditions necessary for the student council to operate and to encourage pupils to participate in decisions concerning school life.

The election of student council members, the organisation of its work and the formulation of its views are matters for the pupils themselves. The head of school may not interfere with or influence the decisions of the student council. The head of school must, however, explain to pupils the legislation governing school life and ensure that it is complied with. Intervention by the school management is justified where the activities of the student council are contrary to the law or other legislation governing school life.

The Chancellor recommended that the student council consider publishing the minutes of its meetings so that all pupils at the school can keep informed about its activities. The Chancellor also recommended finding ways to involve pupils in stage I of basic school who, under the statutes, are not able to participate in the work of the student council. When organising student life, it is important that the needs and wishes of younger pupils are also taken into account.

Support for Hobby Education and Recreational Activities

Granting Support Depending on the Child’s Age

Under the Constitution, everyone is equal before the law. This means that people in similar circumstances may not be treated differently unless there is a reasonable and relevant justification for doing so.

The Chancellor concluded that the rural municipality had treated pupils participating in recreational activities differently without reasonable justification. The rural municipality council had granted hobby education support to children in the first grade who had reached the age of seven by 1 September. Children who turned seven during September, however, were excluded from the support.

The Convention on the Rights of the Child requires that, where the balancing of different interests results in a solution that does not best serve the interests of the child, convincing reasons must be given — including when adopting legislation — as to why the child's interests were outweighed by other considerations. In this case, there were no compelling reasons for doing so.

The Chancellor proposed that the rural municipality bring the regulation into conformity with the Constitution and also recommended considering payment of the support to the parents of children who had already been placed at a disadvantage, should they apply for it.

The rural municipality informed the Chancellor that the recreational activities support had been paid and that the regulation would be amended.

Fees for Hobby Education for Children and Young People

Everyone's fundamental right to education also includes the right to hobby education. Although a rural municipality must provide children living in the municipality with opportunities to pursue their interests, the law does not specify from whom, or to what extent, the municipality may charge a fee for participation in hobby activities.

In the Chancellor's assessment, a rural municipality may require both parents — or a single parent — to be residents of the municipality to qualify for a discount on tuition fees at a hobby school.

Tuition fees charged by municipal hobby schools are one source of funding for the operation of those schools.

The different treatment of families in granting the discount is justified because, where both parents are registered as residents of the municipality, more income tax is paid into the municipal budget from which hobby activities are funded. Part of the income tax paid by individuals accrues to local authority budgets, enabling local authorities to provide services to their residents, including opportunities for children to participate in hobby activities. Where

both parents in a family have registered as residents of the municipality, the family's connection with the municipality is stronger and the balance between obligations and benefits is better maintained.

For the purpose of granting a discount, the rural municipality may request documents — for example, concerning custody or maintenance — proving that a parent is raising the child and bearing the related expenses alone.

Support for a Sports Organisation

The Sports Act provides, among other things, that rural municipalities and cities must approve the conditions and procedure for supporting sports organisations. The procedure for granting support must be established by the city council. The Chancellor found that neither a committee of the city government nor any other body has the right to impose additional conditions for receiving the support.

The city government explained that, when determining the amount of sports support awarded for results achieved, its committee takes into account the amount allocated in the city budget for supporting sporting achievements and the number of achievements by sports organisations that meet the eligibility conditions.

The amount of support also depends on the place achieved in the competition, the level of the competition and the age category in which the athlete competed. It is also taken into account whether the result was achieved at European or world level. Better results attract a higher amount of support.

The city council had not provided for such distinctions. The Chancellor explained to the city that the council's audit committee could assess how the regulation was being implemented. If the council considers it appropriate to continue awarding sports support according to the principles applied so far, it must lay down the additional conditions in the regulation. A local authority council has the right to decide the conditions for granting support, but those conditions must apply equally to everyone.

Safety in Sport

During the reporting year, the Chancellor also received applications concerning children's participation in sport. In several cases, parents contacted the Chancellor because they were dissatisfied with the actions of a sports club or coach.

To support their all-round development, children should be able to take part in a sport suited to their needs and abilities. The Chancellor reiterated her earlier position that a child must be able to change sports club or coach if that is what the child genuinely wants. Disagreements between sports clubs over the conditions for children moving from one club to another must not prevent children from training or competing.

Several parents were dissatisfied with the way a coach had treated children during training. The Chancellor cannot resolve conflicts between a family and a coach. The Chancellor's advisers have therefore explained how parents can protect their child's rights in such situations.

There is no justification for bullying or emotional abuse, and neither is acceptable under any circumstances. Where a conflict has arisen between a family and a coach, agreed rules of conduct may help to resolve it. For example, many sports clubs have adopted rules concerning sports ethics, coaches' professional conduct and reporting abuse, for instance in their internal rules. Many sports federations have also adopted codes of conduct for sports personnel aimed at preventing abuse and dealing with reported incidents.

It is sensible to try to resolve conflicts within the sports club or through the relevant sports federation. If this is unsuccessful, the Estonian Anti-Doping and Sports Ethics Foundation may be involved as a neutral party to help safeguard a safe sporting environment. The Foundation works to promote a safe sporting environment and ethical sport. Abuse and breaches of sports ethics can be reported to the Foundation through Spordivalvur. Possible criminal offences are investigated by the police.

Breaches of agreed rules of conduct and sports ethics must always be investigated and addressed. Only in this way can children be provided with a safe and positive sporting experience. Naturally, the same principle applies where conflicts arise between children themselves.

Inspection Visits to Institutions for Children

Alternative Care

In 2024–2025, the Chancellor carried out several inspection visits to substitute and family homes across Estonia. The Chancellor made recommendations to the institutions concerning, among other things, children's living conditions, taking account of children's views and background, opportunities for hobby activities, support for young people with behavioural difficulties, and preparation for independent life.

During the reporting year, the Chancellor asked substitute and family homes for feedback on how her recommendations had been implemented. In most cases, the institutions had followed the recommendations. For example, children had been provided with the necessary desks, lamps, curtains and photo albums; the principles for paying pocket money had been revised; network cooperation had been strengthened to provide better support for young people with behavioural difficulties; children with special needs were supervised without restricting their freedom of movement; and the Chancellor's recommendations had been explained to the children.

The Estonian Association of Child and Youth Welfare Institutions invited the Chancellor's advisers to its meeting to present the recommendations arising from inspection visits to all institutions. The managers considered that unannounced inspection visits had helped them reflect on how their work arrangements function in unexpected situations. They also discussed how to explain to children the changes that the Chancellor had recommended that substitute or family homes make in their work. Each substitute and family home decides for itself how best to do this in a way suited to the children living there. It is important to take account of the children's age and level of development, to discuss necessary changes openly, and certainly not to blame anyone.

Some institutions nevertheless had to be reminded that the Chancellor expected a response on how the recommendations had been followed. In one substitute home, compliance with the recommendations was checked through a follow-up inspection visit. At Tartu Kristlik Noortekodu, it became clear that although several recommendations had been followed or were due to be implemented, some problems still required further attention. The most important of these concerned ensuring children's safety by making sure that, both day and night, they are cared for by people with the training required by law. The law does not permit

children to be left on their own. At every place where the service is provided, children must at all times receive sufficient support, guidance and supervision.

A family in a substitute home must have at least one educator present around the clock and, where necessary, an assistant who meets the same statutory requirements (§ 45^{8}(1) of the Social Welfare Act). The working conditions of educators and assistants are governed by the Employment Contracts Act (see the explanatory memorandum to the Bill amending the Social Welfare Act and other associated Acts). A family home must have at least one family parent, who must have an assistant for at least 42 days a year (§ 45^{7}(2) and § 45^{14}(3) 9) of the Social Welfare Act). A family parent contract is entered into with the family parent under the conditions laid down in § 45^{14} of the Social Welfare Act. The requirement to involve an assistant has been established so that the family parent who has primary responsibility for raising the children can get sufficient rest and, while working, devote adequate attention to caring for them.

The law establishes qualification requirements for family parents and educators: they must have the personal qualities necessary for raising children, experience of working with children, at least secondary education, and the required in-service training (§ 45^{13}(1) of the Social Welfare Act). The same stringent requirements apply to assistants as to family parents and educators (§ 45^{8}(2); see also the explanatory memorandum to the Bill).

The purpose of the law is to ensure that children are cared for at all times by a staff member who meets the qualification requirements. This helps to ensure that children receive the care and attention they need. An employee without the required training must not be the child's primary caregiver or bear primary responsibility for the child. Through its work arrangements — including educators' work schedules and family parent contracts — the institution must ensure that a qualified staff member is always present in the family.

Children with Imprisoned Parents

The Chancellor commended the open prison units of Tallinn Prison, Tartu Prison and Viru Prison for giving prisoners opportunities to spend time with their children, for example in a park, cinema, museum or swimming pool. Naturally, this is possible subject to conditions determined by the prison. It gives children an opportunity to spend enjoyable and meaningful time with their parent and thereby strengthens the bond between them.

The Chancellor also commended the open prisons for taking account of whether there are children in the family when checking a prisoner who is on home leave. Officers seek to carry out such checks discreetly and, where possible, also take account of matters such as children's sleeping times. When checking families with children, prison officers have sometimes worn plain clothes. This gives greater consideration to children's rights and well-being and is also consistent with the Council of Europe Committee of Ministers' recommendation concerning children with imprisoned parents (CM/Rec(2018)5, paragraph 28).

During home leave on weekdays, families often have relatively little time to spend together because children spend much of the day at kindergarten or school. The Chancellor therefore recommended that, where possible, open prisons arrange home leave so that families are actually able to spend time together, for example by allowing more such visits at weekends.

The Chancellor also commended the open prisons for providing visiting rooms with more comfortable furniture, board games, drawing materials and toys. Child-friendly rooms make visits more comfortable for children, help strengthen family ties and ultimately support prisoners' reintegration into society. When designing visiting rooms, the Chancellor recommended also making use of the Ministry of Social Affairs' 2025 guide, *Designing Child-Focused Spaces for Providing Support Services in Everyday Environments*. The guide provides practical recommendations on how to create spaces for children that are safe and accessible as well as furnished in a child-friendly way, so that children can feel that they are cared for.

Prevention and Promotion

The Chancellor's task as Ombudsman for Children involves raising awareness of the rights of children and ensuring that children can actively participate in the life of society. The Ombudsman for Children initiates analyses and studies concerning children's rights and, on that basis, makes recommendations for improving the situation. The Ombudsman for Children represents the interests of children in the law-making process and organises training events and seminars on children's rights.

Meetings of the Ombudsman for Children with children and young people have traditionally played an important role in promoting children's rights. Children are frequent visitors to the Office of the Chancellor of Justice. During the reporting period, the Chancellor and her advisers met with children and young people from Kaarli School and its partner school in

Germany, and visited a joint lesson for school-leavers in Kose. The Chancellor also hosted pupils from Tallinn School No. 21, Tallinn Järveotsa Gymnasium, Tallinn Secondary School of Science, Kadriorg German Gymnasium, Kristiine Gymnasium, Pelgulinna State Gymnasium, Vabaduse School and Tallinn Old Town Adult Gymnasium, as well as representatives of the Home Daughters.

Three meetings were held with the young advisers to the Ombudsman for Children. One meeting focused on toxic social media. The young advisers described encountering misogynistic remarks both on social media and at school, such as “You’re a woman, you shouldn’t have an opinion”, “A woman’s place is in the kitchen” and “Go and wash the dishes”. In their view, people making such remarks are usually looking for a reaction and trying to provoke others with inappropriate jokes rather than expressing genuinely radical views. In the young people’s experience, ignoring such remarks can help: those seeking to provoke others tend to lose interest when they receive no reaction. The young people had also noticed that hostile messages are sometimes conveyed in disguised ways on social media to avoid their removal as inappropriate content.

At another meeting, the young advisers discussed the results of a survey organised by the Chancellor on young people’s recreational activities. The Chancellor invited pupils in grades 6–12 to answer questions about what they do after school, what they would like to do, and what prevents them from doing what they would like. The questions were prompted by this year’s Estonian Human Development Report, which recommends providing young people with more opportunities for leisure activities on school days. Hobby education improves educational outcomes and reduces risk behaviour among young people. Pursuing a hobby is also a good alternative to spending time in front of a screen.

The results of the survey can be summed up in the words of one young person: “Young people would like to be more active and creative in their free time than their daily routine allows.” The main obstacles to pursuing a preferred hobby are a heavy study workload and the resulting fatigue; in rural areas, transport problems and the lack of a suitable hobby group are also important factors.

Young people would like to spend less time in front of screens than they actually do. If they had more time and energy after completing their school-related obligations, they would prefer spending time outdoors, being with friends or pursuing a hobby to screen-based activities.

We are grateful to all 3,232 pupils across Estonia who responded to the survey, and to their parents and teachers who encouraged them to participate. Special thanks go to the young advisers to the Ombudsman for Children, the children's rights ambassadors of the Estonian Union for Child Welfare and their mentors, who kindly agreed to present the survey results for each county in videos.

At the end of June, the young advisers also took part in a discussion where they shared their experiences of participating in decisions concerning children and young people at school, in their communities and at local and national level. Other participants included the children's rights ambassadors of the Estonian Union for Child Welfare, members of youth councils and representatives of student councils. Young people came together from different parts of Estonia: Tallinn, Tartu, Harju County, Lääne County, Hiiu County, Saare County, Pärnu County, Järva County, Viljandi County, Valga County and Võru County.

It was encouraging to hear how much participation has enriched young people's lives. Some local authorities in Estonia listen to and take account of young people's views, for example when planning public space. There are also schools where pupils are involved in agreeing, for instance, how many tests may be held in a week and how far in advance pupils must be informed of them. At the same time, the discussion raised the question of what could be done to help young people feel that their participation has a greater impact. Examples were also given of cases where youth involvement had unfortunately been merely tokenistic.

The experiences of young people were collected at the request of the Council of Europe. Almost 15 years ago, European ministers adopted a recommendation calling for stronger participation by children and young people. It is now time to assess how countries have fulfilled that commitment. An overview of young people's experiences across Europe will be completed by summer 2027.

On 1 June, Children's Day, Andres Aru, Head of the Children's and Youth Rights Department of the Office of the Chancellor of Justice, appeared on the television programme *Terevisioon* to discuss what young people do after school and which hobbies and activities they would like to pursue.

Information Materials, Training and Discussions

The Chancellor's advisers regularly provide training to professionals who work with children. During the reporting year, training was provided to child protection officials, police officers and people working with children in several institutions for children.

A Chancellor's adviser participated in a working group established to develop a model for analysing child protection cases that had resulted in serious consequences.

The Chancellor's advisers congratulated the Tallinn Centre for Children at Risk on its 25th anniversary; discussed the results of the Chancellor's inspection visits with managers of substitute and family homes; participated in the advisory board of the Estonian Safer Internet Centre project; met with representatives of the AI Leap Foundation to discuss the protection of children's data; took part in a panel discussion at the launch of the children's picture dictionary *I May Have a Disability*; and introduced teachers to methods for involving children at Mondo's summer school.

The Head of the Children's and Youth Rights Department of the Office of the Chancellor of Justice gave a presentation entitled "Children's Rights in the Digital World" at the conference "The Effects of Social Media on Children" held at the Riigikogu. He also participated in the panel discussion "How to Resolve Conflicts Between Parents over Custody Issues?" at the Estonian Lawyers' Union anniversary conference "New Challenges in Family Law and Juvenile Offence Proceedings". At the Tartu Model United Nations conference, he gave university and upper secondary school students a presentation on children's rights in the digital world, and he participated as an expert in the human rights course examination for youth work students at the University of Tartu Narva College.

The Chancellor and the Head of the Children's and Youth Rights Department hosted the county coordinators of the Youth Guarantee Support System, who work with young people not in education, employment or training (NEET). Through the support system, they help young people find the strength and confidence to continue their studies, enter employment and cope better in life. The Chancellor recognised and thanked youth well-being specialists and youth workers, whose work has a significant long-term impact.

From Children's Rights Day to Human Rights Day, the Office of the Chancellor of Justice hosted the drawing exhibition *My Dream Toy*. The drawings were made by children aged three to seven from Perepesa (Family Nest) centres in Viljandi, Türi, Põltsamaa, Elva, Tartu

and central Tallinn. Among other things, the UN Convention on the Rights of the Child states that every child has the right to play and leisure. The exhibition illustrated the importance of play in a child's life. For a child's development, it is important to ask about their views and dreams and give them an opportunity to express their thoughts and wishes in an age-appropriate way.

The Chancellor welcomed the study on young people's autonomy completed by the Foresight Centre in March 2026. It is hoped that the study will assist members of the Riigikogu in future when decisions need to be made about statutory age limits affecting young people. The Chancellor has previously asked the Riigikogu to review the age limits laid down in legislation as a whole and analyse how the various age limits fit together.

The study found that the development of young people's decision-making capacity and autonomy depends not only on their cognitive maturity but also on the environment and support system in which decisions are made. When deciding on statutory age limits and restrictions, consideration must be given to how conditions can be created that help young people make informed decisions that support their future while gradually developing their decision-making skills.

Children's Rights Programme at the Black Nights Film Festival

The Children's Rights Programme at Just Film, the children's and youth film festival of the Black Nights Film Festival, was held for the 15th time. The programme was once again produced through cooperation between several organisations — the Chancellor of Justice, the Ministry of Justice and Digital Affairs, the Social Insurance Board and the Estonian Union for Child Welfare — and, as has become customary, children and young people were also invited to help select the films. Once again, several thousand filmgoers of all ages took part in the Children's Rights Programme.

International Cooperation

International cooperation is also important in promoting children's rights. Meetings and discussions with colleagues from other countries provide opportunities both to learn from others and to share knowledge.

Andres Aru, Head of the Children's and Youth Rights Department, spoke at the ISPCAN (International Society for the Prevention of Child Abuse and Neglect) congress in Vilnius about protecting children's rights in sport and recent developments in safety in sport in Estonia.

On 28–29 January, Andres Aru also participated in a meeting of the Bureau of the European Network of Ombudspersons for Children (ENOC) and in a meeting with the European Union Agency for Fundamental Rights (FRA) to discuss the FRA report *Towards Integrated Child Protection Systems – Challenges, Promising Practices and Ways Forward*.

On 5–6 February, the Head of Department attended the roundtable "Joining Forces: Strengthening Cooperation for Children's Rights in Europe", hosted by European Parliament Vice-President Ewa Kopacz. At the roundtable, ENOC's positions on children's right to physical health and the recommendations of ENYA (European Network of Young Advisors) on the same subject were presented to the Vice-President of the European Parliament.

In September, the Office of the Chancellor of Justice congratulated the Finnish Ombudsman for Children, Elina Pekkarinen, and her team on the institution's 20th anniversary. The Finnish and Estonian ombudsmen for children cooperate closely, including through the ENOC Bureau. Andres Aru spoke at the anniversary seminar in Jyväskylä about developments in children's rights in Estonia.

On 28 November 2025, a meeting was held in Tallinn as part of the "One Roof" initiative of the pan-European network Children of Prisoners Europe (COPE). Professionals from several fields came together to discuss how to better support children when their parent is in prison. The aim of the meeting was to strengthen cooperation between institutions and identify ways of better safeguarding the rights and well-being of children with imprisoned parents.

The meeting was hosted by the Ministry of Justice and Digital Affairs and was prepared and facilitated with the assistance of Andres Aru, Head of the Children's and Youth Rights Department of the Office of the Chancellor of Justice, and Ksenia Žurakovskaja-Aru, Senior Adviser in the Inspection Visits Department. They have participated in the work of the COPE network as experts since 2023.