Equal Treatment



Tarrvi Laamann. 8. Acrylic and print on canvas. 2018 (fragment of the work)

During the reporting year, a total of 72 petitions concerning equal treatment and possible discrimination were submitted to the Chancellor of Justice.

Approximately half of these petitions (39) concerned the general fundamental right to equality, i.e. the obligation arising from § 12(1) of the Constitution to apply laws equally to all persons. For example, the Chancellor was asked whether the length of annual leave prescribed by law may depend on an employee's qualifications, or whether the amount of a pension may depend on the field in which a person has worked or operating grants on the field of activity. In some cases, the Chancellor found that legislation was contrary to the Constitution or laws, but in most cases no conflict was identified.

The remaining petitions (33) concerned possible unequal treatment or discrimination by a representative of public authority or a person in private law. Eight people considered that they had been discriminated against on grounds of disability or health status, six on grounds of ethnicity, and three on grounds of age. Other alleged grounds of discrimination included

language, sexual orientation, colour, sex and religious belief.

In most cases, the Chancellor confined her response to providing explanations, although intervention was necessary in some cases. The petitions concerned, for example, the poor treatment of foreigners during detention, the widespread introduction of self-service checkouts in shops, which makes shopping more difficult for elderly people and people with disabilities, as well as cases where people accompanied by a guide dog were not allowed to enter a cinema auditorium.

Fewer than one tenth of all petitions submitted to the Chancellor were in a foreign language. Most of these were submitted in English or Russian, although there were also a small number of petitions in Ukrainian and Arabic. The number of petitions submitted in other languages has generally decreased, while the number of petitions translated into Estonian with the help of artificial intelligence has increased.

People with different linguistic and other backgrounds generally turn to the Chancellor with the same kinds of concerns as people in Estonia more broadly: a shortage of kindergarten places, a child with special needs being left without support, difficult relationships at school, insufficient social benefits, problems relating to building permits and spatial planning proceedings, and so on. Questions of unequal treatment were relatively few compared with other concerns. Even fewer petitions concerned incitement to hatred. There were five such petitions. They concerned alleged incitement to hatred on grounds of nationality or race during a school lesson, on social media, in a poem and at a demonstration.

Several studies completed in 2025 also addressed some of these issues. For example, a study by the Estonian Institute of Human Rights showed that although most people consider human rights to be respected in Estonia, perceptions of this depend to a considerable extent on a person’s place of residence, ethnicity, linguistic environment and social background.

In a public opinion monitoring survey commissioned by the Government Office and conducted in September 2025, 58 per cent of respondents said that the spread of hate speech caused them very great or rather great concern, and that this concern had increased over the course of the year in which the survey was conducted.

The “National Report Card on Government Measures to Counter Antisemitism and Foster Jewish Life – Estonia” shows that Estonia has a generally strong legal framework for addressing such problems and takes a preventive approach to protecting human rights and minorities. At the same time, the report notes that antisemitic expressions have become more frequent over the past two years, particularly online.

Civil and political rights

Acquisition of citizenship

The Chancellor of Justice received a complaint that, under the Citizenship Act, biological and adopted children are treated differently when acquiring citizenship.

The Chancellor found that there were no grounds for considering the situation described to be contrary to the Constitution.

The Constitution provides that every child with at least one parent who is an Estonian citizen has the right to Estonian citizenship by birth. The Citizenship Act specifies that Estonian citizenship is acquired by birth by a child at least one of whose parents is an Estonian citizen at the time of the child’s birth. If a child has not acquired Estonian citizenship by birth, the child may acquire Estonian citizenship by naturalisation. In that case, the child acquires citizenship once a decision to that effect has been made, and not retroactively.

An adopted child acquires the citizenship of the adoptive parent with retroactive effect. At the written application of an adoptive parent who is an Estonian citizen, the Police and Border Guard Board decides that a minor alien child is deemed to have acquired Estonian citizenship by birth if the adoptive parent was an Estonian citizen at the time of the child’s birth. If the adoptive parent was not an Estonian citizen at the time of the child’s birth, the child is deemed to have acquired Estonian citizenship as of the date on which Estonian citizenship was granted to the adoptive parent.

Special provisions concerning adopted children have been established because of the need to protect adoption secrecy. The aim of the Riigikogu was to ensure that the child’s legal status would not differ from that of the adoptive parent. Consequently, there is a reasonable justification for the difference in treatment.

Equality of votes of municipal council members

In the Chancellor of Justice's assessment, some provisions of the rules of procedure of Saarde Rural Municipality Council were not in conformity with the law (see "§ 17(7) of the rules of procedure of Saarde Rural Municipality Council").

The rules of procedure of Saarde Rural Municipality Council contained, among other things, the following provision: "If the votes in favour and against are equal, a further debate shall be held, followed by a repeat vote. If the repeat vote also produces no result, consideration of the draft shall be suspended and, where possible, continued at the next session of the municipal council. If the repeat vote produces no result and, due to time limits or for another good reason, the draft cannot be considered at the next municipal council session, the result of the vote shall be determined by the vote cast by the chairman of the municipal council."

The Chancellor found that this provision of the rules of procedure was contrary to the principle of equal exercise of the mandate of a municipal council member (§ 12(1) of the Constitution), § 45(5) of the Local Government Organisation Act and the principle of legal clarity (§ 10 and § 13(2) of the Constitution).

Section 12(1) of the Constitution establishes the general right to equality, whose sphere of protection extends to all spheres of life and to every person (Supreme Court judgment of 1 October 2007, 3-4-1-14-07, para. 13). This also gives rise to the requirement that members of a local government council must have equal opportunities to exercise their mandate and an equal right to participate in the work of the council (cf. Supreme Court judgments of 2 May 2005, 3-4-1-3-05, paras 14, 16 and 17; 22 June 2023, 5-23-31/18, para. 27; and 2 November 2023, 5-23-37/6, para. 53).

The principle of equal treatment of municipal council members is not absolute. If the vote of the chairman of the municipal council is to carry greater weight than the vote of another municipal council member, this must be provided for by law (the principle of importance – the first sentence of § 3(1) of the Constitution). The Local Government Organisation Act does not give the vote of the chairman of the municipal council greater weight than the votes of other municipal council members. Nor, therefore, may the municipal council itself do so. Although a local government council, as a constitutional body (§ 156 of the Constitution), has the right of self-organisation, it must exercise that right lawfully.

If a vote or repeat vote results in an equal number of votes in favour and against, it is incorrect to treat the situation as if the vote had produced no result. In such a case, the decision has not been adopted.

On 16 April, Saarde Rural Municipality Council amended the contested provisions of its rules of procedure, bringing them into conformity with the law.

Pensions and social benefits

Mandatory funded pension of a person with reduced work ability

The state has established a social tax incentive for employers who employ a person with reduced work ability. Under this arrangement, the state pays social tax on behalf of the employer on the employee's remuneration up to the amount of the minimum wage. A person who contacted the Chancellor of Justice was dissatisfied that the state directed the entire pension insurance share of social tax (20 per cent) to the first pension pillar, without making a contribution to the second pension pillar. The person considered that this resulted in unequal treatment of people with reduced work ability, since the social tax paid by the state on their behalf did not increase their mandatory funded pension, i.e. their second-pillar pension, but only their state old-age pension, i.e. their first-pillar pension.

An adviser to the Chancellor discussed the matter with officials of the Ministry of Finance, and the Ministry was prepared to propose an amendment to the Social Tax Act. On 3 December 2025, the Riigikogu adopted the Act on Amendments to the Social Welfare Act and Other Acts, thereby ensuring equal treatment of employees with reduced work ability with regard to the accrual of pension entitlements. The amendment to the Social Tax Act entered into force on 1 January 2026.

Impact of changing the lower age limit of working age on benefits for disabled children

The Riigikogu amended the Social Benefits for Disabled Persons Act so that disabled children who have reached the age of 16 are no longer considered persons of working age. A parent contacted the Chancellor wishing the amendments to enter into force earlier and to apply to their child as well.

The amendments to the Work Ability Allowance Act will enter into force on 1 February 2027. The amendments provide that 16–18-year-olds who have acquired the right to receive work ability allowance before that date will continue to receive it.

Assessment of the work ability of a child subject to compulsory education does not mean that the child must take up employment to receive work ability allowance. The law imposes no such obligation. By paying work ability allowance to young people who turn 16 before 1 February 2027, the state supports their ability to cope. There are therefore no grounds for considering § 27(12) and (13) of the Work Ability Allowance Act, which enter into force on 1 February 2027, to be unconstitutional.

Amendments to the Social Benefits for Disabled Persons Act will also enter into force on 1 February 2027. Under these amendments, payment of the disabled child allowance will continue to children who turn 16 on or after 1 February 2027. Young people who turn 16 before that date will be paid the disability allowance for a person of working age, which is considerably lower than the disabled child allowance. If a child turning 16 may also be entitled to work ability allowance, which is significantly higher than the disabled child allowance, their income will not be lower as a result of receiving the disability allowance for a person of working age. On the contrary, recipients of work ability allowance and the disability allowance for a person of working age are in a better position than young people who, from 1 February 2027, will receive only the disabled child allowance from the state.

The amendments entering into force on 1 February may also result in a situation where the state pays a young person under the age of 18 the disability allowance for a person of working age but not work ability allowance. However, such situations are unlikely to be widespread, and the Chancellor therefore found that it would be reasonable to assess the matter if and when such a situation arises.

Benefits paid voluntarily by local authorities

The Chancellor has received many questions about the constitutionality of voluntary benefits and concessions provided by cities and rural municipalities. Questions have arisen concerning reductions in kindergarten fees, support for hobby activities, school-start allowances, school-leaving allowances and other benefits, the conditions for which local residents have considered unfair. The main question is why some people receive a benefit while others do not.

The Chancellor addressed this issue in a circular sent to all cities and rural municipalities. She found that cities and rural municipalities have greater freedom of choice where the benefit is not one that a person is entitled to claim from a local authority on the basis of a statutory obligation imposed on it. The same applies where a benefit is not intended for people in need. Nevertheless, cities and rural municipalities must also observe the principle of equal treatment when paying benefits voluntarily. Consequently, a local authority must have a reasonable and relevant justification for deciding to pay a benefit to some people while excluding others. The more closely the reason reflects real-life circumstances, the easier it is for local residents to understand the purpose of the difference in treatment.

Before establishing the conditions for payment of a benefit, a local authority must consider exceptional circumstances; otherwise, the result may prove unfair. For example, if a benefit is paid only to a child who has lived in the city or rural municipality for a certain period, this may place an orphan who has recently moved in with relatives at an unjustified disadvantage, since the child inevitably cannot satisfy that condition. Situations involving children with disabilities or children growing up in blended families also merit careful consideration.

Flexible conditions for payment of benefits may help prevent such problems. The authority establishing a benefit may not always be able to foresee every possible exceptional case. Where discretion is granted, the municipal council should also define the purpose and limits of that discretion.

In several cases, the Chancellor has asked cities and rural municipalities to justify differences in the treatment of people. It is positive that cities and rural municipalities have engaged with these concerns and have often amended their regulations when it has become clear that there was no relevant justification for the difference in treatment.

Pension supplement paid to Tallinn residents

The Chancellor submitted an opinion to the Supreme Court (see also the supplementary opinion) in constitutional review case No 5-25-67, in which the Court had to decide whether it was constitutional for the City of Tallinn not to pay the pension supplement to people receiving an old-age pension under the Superannuated Pensions Act, while paying it to recipients of an old-age pension granted under the State Pension Insurance Act.

Unlike the Chancellor, the Supreme Court found that § 12(1) clause 1 of Tallinn City Council Regulation No 26 of 7 October 2021, “Conditions and Procedure for Payment of Social Benefits”, did not violate the complainant’s right to equal treatment. However, the Court agreed with the Chancellor that further disputes could be avoided if the City of Tallinn clarified the aims and conditions of the pension supplement. The reasons for treating people differently should be clear and unambiguous to those concerned.

Other benefits

Support for young farmers

The Chancellor of Justice was asked whether the criteria for assessing applications for investment support intended for young agricultural entrepreneurs starting out are compatible with the principle of equal treatment. Under these criteria, an applicant is awarded five additional points in the assessment of the application if they have acquired an operating agricultural enterprise.

Awarding additional points to those who take over their parents’ or grandparents’ farm, or to young people who are able to purchase an agricultural enterprise, may seem unfair to those who would like to start farming but do not yet have a farm. Nevertheless, granting such an advantage is not unconstitutional.

Five points are awarded if a young agricultural entrepreneur has already taken over a farm. An application may receive a maximum of 40 points, with professional training and the business plan carrying the greatest weight. Both the Constitution and European Union law permit generational renewal in agriculture to be supported in this way.

Support for an apartment association

The Chancellor was asked to assess whether § 6(2) clause 1 of the Tallinn City Council Regulation “Procedure for Granting Support to an Apartment Association” is compatible with the Constitution. The provision stipulates that, in order for an apartment association to apply for support, at least 80 per cent of the apartment ownerships in the apartment building must belong to natural persons.

Several apartment owners have legitimately raised the question of unequal treatment, as they have been excluded from significant support for reasons beyond their control – for example, because a neighbouring apartment has been acquired by a legal person.

A restriction of the fundamental right to equality is contrary to the Constitution if there is no reasonable and relevant justification for the difference in treatment. The contested provision may give rise to doubts about unequal treatment of apartment associations, but the restriction also pursues weighty and legitimate aims: primarily to support improvements in residents' living conditions and to avoid granting prohibited State aid to undertakings.

The Chancellor found that the 80 per cent threshold could not be considered contrary to the Constitution.

Equal treatment in education and hobby activities

Difference in childcare and kindergarten fees

The Chancellor was asked whether a situation in which parents of children under the age of three in Saue Rural Municipality have to pay twice the kindergarten fee paid by parents of children over the age of three is compatible with the law and the principle of equal treatment.

By regulation, Saue Rural Municipality Council has established childcare and kindergarten fees at the level permitted by law: the fee amounts to 20 per cent of the monthly minimum wage. At the same time, the Council has decided to grant various fee reductions to residents of Saue Rural Municipality. Among other things, a reduction is available for children aged three to eight whose parents are both residents of Saue Rural Municipality as at 1 January.

The Chancellor found that although the difference in treatment on the basis of a child's age resulting from the fee reduction may cause dissatisfaction among families in Saue Rural Municipality, such differential treatment cannot be considered unconstitutional. The purpose of the fee reduction is to support kindergarten attendance by children aged three to eight so that they are better prepared for starting school. This objective is not manifestly irrelevant. Consequently, the difference in treatment is neither arbitrary nor prohibited under the Constitution. The level of the fee and the reductions granted were a political choice made by

the Municipal Council.

Ensuring safety at school

A teacher asked the Chancellor for advice on how to deal with a young person who submits antisemitic homework assignments. The Ministry of Education and Research was asked to respond and provided a very thorough explanation.

The Ministry explained that a school is not a space for unrestricted expression but a learning environment in which all students and teachers have the right to feel safe and where the school is required to ensure their safety. A teacher is entitled to require an assignment to be redone so that it meets the objectives of the subject. A teacher may also stop a student from reading an assignment aloud to the class if doing so endangers the psychological sense of security of fellow students.

Conditions for participation in a children’s camp

The Chancellor was alerted to an invitation to a children’s camp which stated that children with special educational needs would not be admitted. An adviser to the Chancellor contacted the camp organiser, who acknowledged the mistake, removed the exclusionary condition and confirmed that children with special needs were welcome to attend the camp.

The possibility for children with substantial support needs to participate in a camp should be discussed and agreed between the child’s parent and the camp organiser. The parent can inform the organisers in advance whether and what kind of assistance their child may need at the camp. This helps ensure that all the child’s needs are taken into account and that the child feels comfortable and safe at the camp.

Equal treatment in the social, cultural and employment spheres

Care service for a person diagnosed with HIV

A person whose contract for the general care service was terminated by a care home after it became known that the person had been diagnosed with HIV asked the Chancellor of Justice for assistance. The local authority quickly arranged a place for the person in another care

home, so the person was not left without assistance.

The Chancellor intends to continue paying attention to this issue.

Entering a cinema auditorium with an assistance dog

The Chancellor received a complaint that, under the internal rules of a cinema chain, a cinema visitor was not permitted to enter the auditorium with an assistance dog. The dog had to be left in a separate room. An adviser to the Chancellor explained to the service provider why an assistance dog must always remain close to a person with special needs: its role is to provide continuous medical monitoring or ensure the person’s safety.

Following the Chancellor’s letter, the cinema amended its internal rules. They now provide that, in exceptional cases, an assistance dog may also be taken into the auditorium if a separate place can be found for it.

People who need an assistance dog because of their disability should be able to take the dog with them wherever they need it. Discrimination on grounds of disability is incompatible with both the Constitution and the Convention on the Rights of Persons with Disabilities. The same principle is also laid down in the Charter of Fundamental Rights of the European Union.

The Convention on the Rights of Persons with Disabilities clearly provides that persons with disabilities must have access, on an equal basis with others, to facilities and services open or provided to the public (Article 9). Persons with disabilities must also have access, among other things, to performances, museums, libraries and tourism services.

Conciliation procedure in cases of discrimination

In certain cases, the Chancellor offered people who complained of discrimination the opportunity to participate in a conciliation procedure, but the complainants did not wish to do so.

One person considered that women were discriminated against on an employment platform because women were shown different job offers from men. The person gave as an example that women were unable to apply for jobs involving heavy lifting, for which higher pay was offered.

Another person complained that, when applying for a job at a school, they had not been considered suitable for the position because in their previous job they had frequently had to be absent due to parenting and the performance of family obligations.

The case had previously been considered by the Gender Equality and Equal Treatment Commissioner. Based on the evidence collected in the proceedings, the Commissioner found that the person had been discriminated against on grounds of parenting and the performance of family obligations.