

*Permanent Mission of Estonia
Geneva*

No. 10-6/480

The Permanent Mission of the Republic of Estonia to the United Nations and Other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in response to the Latter's letter from 18 May 2012, has the honour to forward the reply of the Government of Estonia to the questionnaire on the rights of persons with disabilities.

The Permanent Mission of Estonia to the United Nations and Other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 31 July 2012



Enclosure: 13 pages

*Office of the High Commissioner for Human Rights
GENEVA*

1. There are two different systems in Estonia – disability and incapacity for work. The person of working age can be only disabled or only incapable for work or both at the same time. The determination of the degree of disability is different from the determination of incapacity for work. Incapacity for work is not a relevant condition for the person to be entitled to the disability allowance for a person of working age, neither is there any interdependence of pensions of incapacity to work and social benefits for disabled.

The Social Benefits for Disabled Persons Act distinguishes profound, severe and moderate degree of disability. Disability benefit is available only after determining the degree of disability. A person of 16 years of age until attaining the retirement age (person of working age) - the degree of disability is established proceeding from restrictions on participation in daily activity and social life:

- 1) profound disability - a person whose daily activity or participation in social life is wholly restricted;
- 2) severe disability - a person whose daily activity or participation in social life is restricted;
- 3) moderate disability - a person who has difficulties in his or her daily activity or participation in social life.

The additional expenses caused by a disability means expenses on medicinal products, transport, maintenance of medical devices, self-care and household, use of the means of communication, clothing and footwear not financed from the health insurance and other state budget funds to be made at least once a month in order to reduce restrictions caused by the disability.

Permanent incapacity for work is:

- total (100%) if a person has a serious functional impairment caused by an illness or injury due to which he or she is not able to work in order to support himself or herself;
- partial (10-90%) if a person is able to work in order to support himself or herself but due to a functional impairment caused by an illness or injury is not able to perform work suitable for him or her in the amount corresponding to the general national standard for working time.

Incapacity for work pension is paid in cases of 40-100% of incapacity for work.

According to the Labour Market Services and Benefits Act subsection 12 (3, 4) suitable work for an unemployed person is deemed to be employment which is not contraindicated due to health reasons.

Subsection 2 (2) of the Equal Treatment Act provides an express prohibition of discrimination of persons on the grounds of disability. Pursuant to the Act, discrimination of persons on the grounds of disability is prohibited in relation to conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, including promotion and entry into employment contracts or contracts for the provision of services, appointment or election to office, establishment of working conditions, giving instructions, remuneration, termination of employment contracts or contracts for the provision of services, or release from office.

The protection of disabled persons is based on paragraph 10¹ of the Occupational Health and Safety Act pursuant to which the employer shall adapt the work, work equipment and workplace of the disabled person according to the physical and mental abilities of the disabled person. Adaptation means the rendering of the construction works, premises, workplace or work equipment accessible to and fit for use by a disabled person. This requirement also applies to public routes and non-work rooms used by disabled workers. The working environment council of an undertaking specified in paragraph 18 of the Act helps create the suitable working conditions and organization of work for disabled workers.

Protection of the employee is also ensured in the Employment Contracts Act (ECA). Before cancellation of an employment contract, the employer shall offer another job to the employee if possible (subsection 88 (2) of the ECA). Although reasons for cancellation of an employment relationship for reasons arising from the employee may vary, the obligation to offer another job is above all applied upon decrease in the capacity for work of an employee, i.e. when an employee fails to perform work duties for a long time due to insufficient work skills or their state of health or when the employment relationship cannot be continued due to unsuitability or inadaptability of the employee (subsections 88 (1) and (2) of the ECA). The purpose of the obligation to offer another job is to avoid cancellation of the employment relationship and allowing the employee to continue working, thereby ensuring his or her income. As the realization of the right of protection of the employee against cancellation is clearly expressed in the obligation to offer another job, the obligation shall be interpreted in the wider sense. Cancellation is not permitted if the employer has work to offer that the employee is able to perform. The offer cannot therefore only be limited to the professional work of the employee. The employer shall offer jobs in any and all of its undertakings, not just the undertaking where the employee is working. In addition, the employer shall also offer jobs to the employee in case of which the employer would have to organize in-service training, adapt the workplace or change the working conditions if this allows the employee to continue the employment relationship. However, the obligation is imposed on the employer only if the changes do not cause disproportionately high expenses for the employer and offering another job is reasonable, taking all circumstances into account.

In addition to the Occupational Health and Safety Act and the Employment Contracts Act that offer legal protection for disabled persons and impose the obligation of adapting the workplace for the employer, the services and measures provided for disabled persons are also regulated by the Labour Market Services and Benefits Act and Employment Programme 2012-2013. The provision of national labour market services and the payment of labour market benefits in Estonia are organized by the Estonian Unemployment Insurance Fund through its regional departments which are located in every county.

The labour market services that are suitable for a client are selected in accordance with their individual needs. To offer the best and most suitable assistance possible, an Individual Action Plan (Labour Market Services and Benefits Act paragraph 10) is presented to everyone who registers in Estonian Unemployment Insurance Fund as being unemployed. This plan outlines the activities necessary to give the best chance of finding new employment. The plan also lists the labour market services that are offered to person.

Provision of the Employment Programme 2012-2013 (the Regulation is established on the basis of subsection 4 (1) of the Labour Market Services and Benefits Act) and Labour Market Services and Benefits Act there are all together 20 labour market services in Estonia.

According to the Labour Market Services and Benefits Act chapter 3 the classes of labour market services for disabled persons are (among other services):

- **Adaptation of work premises and equipment** is a service designed for unemployed people with disabilities in which an employer's premises, working area or equipment are rendered accessible to people with disabilities so that they are able to use them in their work.
- The '**special aids equipment**' service provides equipment to people with disabilities without which they would otherwise be unable to do their job. This does not include equipment required for the completion of tasks unrelated to the person's disability or equipment what the person requires in order to be able to cope in everyday life. The technical aids provided as part of the service can be used for a period of up to three years.
- **Communication support at interviews** is a service provided to unemployed people with disabilities who need help communicating with a potential employer due to their disability.
- The '**working with a support person**' service is provided to unemployed people with disabilities who need assistance and supervision while working due to the nature of their disability. The service is designed to increase the ability of the person to work independently and is therefore provided in decreasing amounts over time: up to 8 hours a day during the first month; up to 4 hours a day during the second month; and up to 2 hours a day during the third and fourth months, but not more than 700 hours per year. The Unemployment Insurance Fund pays employers a fee for the work of a support person.

According to Employment Programme 2012-2013 (paragraph 7 (1) 6)) it is possible to provide adaptation of premises and equipment and special aids and equipment services for an employee or public servant who is disabled or suffering from a long-lasting health disorder that is an impediment to working.

According to the Employment Programme 2012-2013 (paragraph 17 (3)) the Estonian Unemployment Fund may compensate up to 25 per cent of the cost of labour market training to the employer by prior mutual agreement with the employer for the provision of labour market training to an employee who has not coped with the performance of his or her duties for a long time due to his or her health status and to whom the employer offers different work after the completion of retraining or in-service training.

2. Pursuant to the Equal Treatment Act, discrimination of persons on the grounds of disability is expressly prohibited in relation to conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, including promotion and entry into employment contracts or contracts for the provision of services, appointment or election to office, establishment of working conditions, giving instructions, remuneration, termination of employment contracts or contracts for the provision of services, or release from office.

3. There are no special measures to increase employment opportunities for persons with disabilities belonging to particularly vulnerable groups. All disabled persons regardless of their age or type of disability have the same measures.

For increasing the employability of disabled people is a European Social Fund (ESF) measure 1.3.3 „Active labour market measures supporting welfare measures”. Total funding of the measure is € 10 761 956 (including ESF € 9 147 663).

The general objective of the measure is to prevent unemployment and inactivity and bring the inactive to employment through social welfare services which support employment.

Implementation:

1. Grant of assistance based on programme (according to 2007-2013 Structural Assistance Act paragraph 20). Total funding € 5 143 753,99 (including ESF € 4 372 190,89)
2. Open calls. Total funding € 5 618 202,36 (including ESF € 4 775 472,01)

There are 2 programs in the measure – welfare measures supporting employability 2007-2009 and welfare measures supporting employability 2010-2013.

Specific objectives for the programmes are:

- ✓ Improving the supply of welfare measures supporting employability and measures lessening the care burden;
- ✓ Increasing the employment rate of people with special needs and people with a care burden;
- ✓ Increasing the social integration of people with disabilities or special needs.

Programs deal mainly with:

1. Supporting the restructuring of the rehabilitation system for disabled persons for better employability;
2. Development of national counselling services designed to promote employability for disabled people and people with a care burden;
3. Development of local services promoting employability and reducing care burden;
4. Development of an integrated care and nursing care system for reducing the care burden.

Specific objectives set forth in the decree for open calls is to increase the supply of a qualified labour force and prevent unemployment and inactivity through the offering of welfare measures supporting diminishing of unemployment.

For the open calls:

- A more individual approach will be implemented when providing welfare services in order to prevent unemployment and inactivity;
- supporting welfare services are provided and developed in order to reduce obstacles that keep people from entering the labour market;

- the accessibility and quality of welfare services is improved in order to enable employment of unemployed and inactive persons; and
- in order to support risk groups on the labour market, welfare services that specifically meet their needs and support them in entering the employment market and working are developed and implemented on a trial basis, granting attention to developing partnership, networking and international cooperation.

The state covers part of the cost of the social tax paid on employees of companies, non-profit organizations, foundations and sole proprietors (hereafter referred to as the employer) who receive a pension for incapacity for work on the basis of the State Pension Insurance Act. People are entitled to receive such a pension when the degree of the incapacity for work is determined to be at least 40%. However, the state does not pay social tax for people who have been registered as incapable of working but who do not have a sufficient history of employment to obtain a pension for incapacity for work. Such people receive a national pension.

The state pays social tax starting from 278,02 €, which is the monthly base rate for the payment of social tax in 2012.

In order for the state to pay the social tax on an employee, the employer must submit monthly applications to their local Pension Board indicating the following details of employees receiving a pension for incapacity for work:

- first name and surname;
- personal identification code;
- date of commencement/termination of working relationship;
- the amount of social tax to be paid by the state.

Applications must be submitted by the 2nd of the month following the month of calculation of the salary.

On the basis of the Holidays Act, those receiving pensions for incapacity for work have the right to 35 days of holidays per year instead of the ordinary 28 days of annual holidays. The extra days are taxed from state budget resources, and therefore do not lead to any additional direct costs for employers.

4. Medical rehabilitation provided on the basis of the Health Insurance Act, and social rehabilitation provided on the basis of the Social Welfare Act. Welfare measures include projects that are directed to persons with disabilities, e.g. provision of rehabilitation programs supporting employment and evaluation of capacity for work and development of ability to work.

Employment Programme 2012-2013 division 2 provides additional labour market services. According to the paragraph 12 individual engagement in employment is a service for supporting the employment of a person proceeding from the person's special needs in the format of instruction and other support activities. The purpose of individual engagement in employment is to assist in the employment of a person for whom finding employment is difficult due to long-term unemployment, special social needs, care obligation, disability or long-lasting health disorder, or any other special impediments.

In the provision of individual engagement in employment, the Estonian Unemployment Fund may compensate the additional expenses relating to participation in the labour market service

and commencement of employment to the person, especially the expense of care service and any other expense caused by the person's special need.

In addition to the aforementioned, Employment Programme further enacts provision of labour market services under more favourable conditions (division 3).

Labour market training (Employment Programme 2012-2013 paragraph 17) may be provided on the basis of a training card (training expenses of up to 2,500 Euros for a person). On the basis of a training card, the person selects the labour market training that corresponds to the training need agreed for the person in the individual action plan from the training provided by the trainers entered in the list of qualified trainers of the Estonian Unemployment Fund.

The Estonian Unemployment Insurance Fund may compensate up to 25% per cent of the cost of labour market training to the employer by prior mutual agreement with the employer for the provision of labour market training to an employee who has not coped with the performance of his or her duties for long time due to his or her health status and to whom the employer offers different work after the completion of retraining or in-service training.

5. Estonian Unemployment Insurance Fund provides financial backing in accordance to the Labour Market Services and Benefits Act to unemployed persons who form new enterprises, through a business start-up subsidy. The maximum amount of the subsidy depends on the available budget and on the needs of your new business. In 2011, the maximum is set to 4474 EUR. The amount granted depends on the eligible needs, as they are expressed in the business plan.

In order to receive a business start-up subsidy, person must be at least 18 years old, and be able to demonstrate some experience in running a business. That experience can be shown by referring to past activities or education, or by completing a specific business training. As the subsidy is meant to create employment, one must be unemployed in order to qualify.

The subsidy is granted in order to develop an economic activity with the purpose to obtain a sufficient income. The legal form under which the activity is developed does not matter. In most cases, activities are developed either as a self-employed person, or by setting up a company with limited liability.

In addition, the Employment Programme 2012-2013 provides business support. This means compensating the training expenses related to the company's area of activity and the expenses of individual counselling to a person who has received a business start-up subsidy, and counselling the person in a mentor club. The purpose of business support is to support the implementation and sustainability of a person's business plan. Business support is provided to a person within two years of receipt of the business start-up subsidy.

The Estonian Unemployment Fund may compensate the following by agreement with a person in order to provide business support:

- 1) training expenses of up to 959 euros;
- 2) individual counselling expenses of up to 150 euros.

Furthermore, there is an institution Enterprise Estonia that was established by the State in 2000 to promote business and regional development in Estonia. Enterprise Estonia is one of the largest institutions within the national support system for entrepreneurship, providing

financial assistance, advisory, cooperation opportunities and training for entrepreneurs, research establishments, public and third sector.

Enterprise Estonia operates in the following areas:

- Increased sustainability and accelerated growth of startup companies;
- Improved export and product development capability of Estonian companies;
- Greater impact of foreign direct investments on the Estonian economy;
- Increased tourism export and the development of domestic tourism;
- Promotion of regional development and civil society.

Enterprise Estonia is offering different support possibilities and solutions to help a starting entrepreneur kick-start their business. In supporting starting businesses, the following objectives are considered: more starting entrepreneurs, a better survival rate for businesses and a larger number of fast-growing companies.

The emphasis in activities geared towards starting entrepreneurs is placed on increasing awareness and encouraging the potential entrepreneurs. Information and awareness are also at the forefront with already functioning entrepreneurs, who often possess extensive skills and knowledge in their field of activity but lack knowledge regarding entrepreneurship. Enterprise Estonia offers comprehensive information on starting businesses, from information on the web to personal counselling under the mentoring programme. In addition, starting companies can apply for direct funding. Additional information on the solutions and funding possibilities of Enterprise Estonia can be found on their webpage (www.eas.ee).

6. The protection of disabled persons is based on paragraph 10¹ of the Occupational Health and Safety Act pursuant to which the employer shall adapt the work, work equipment and workplace of the disabled person according to the physical and mental abilities of the disabled person. Adaptation means the rendering of the construction works, premises, workplace or work equipment accessible to and fit for use by a disabled person. This requirement also applies to public routes and non-work rooms used by disabled workers. The working environment council of an undertaking specified in paragraph 18 of the Act helps create the suitable working conditions and organization of work for disabled workers.

According to the Labour Market Services And Benefits Act paragraph 9 (1) adaptation of premises and equipment is one of the labour market services (among other services) for people with disabilities.

According to the paragraph 20 of the Act, adaptation of premises and equipment means the rendering of an employer's construction works, facilities, workstations or equipment accessible to and fit for use by a disabled person. The Estonian Unemployment Insurance Fund shall enter into a contract under public law with the employer whose premises and equipment are to be adjusted. After a disabled person commences employment or service with an employer, the Estonian Unemployment Insurance Fund shall compensate the employer for

50 to 100 per cent of the cost of the adjustment based on the reasonableness of the expenses for eliminating disability-related hindrances.

Employment Programme 2012-2013 division 3 provides provision of labour market services under more favourable conditions and under the paragraph 20 Estonian Unemployment Insurance Fund may compensate 50 per cent of the cost of adaptation of work premises and equipment to an employer whose employee who is disabled or suffers from a long-lasting health disorder requires adaptation of working premises and equipment, on the basis of the reasonability of the cost of elimination of the impediment caused by the disability.

7. According to the Constitution of the Republic of Estonia, everyone is equal before the law (Article 12) and people with disabilities have the same rights and fundamental freedoms as everybody else in Estonia. There are no obstacles in Estonian legislation for persons with disabilities to participate in public or political life, to join a political party and NGOs and associations. The state ensures that the voting procedures, necessary means and materials are appropriate, accessible, easy to understand and to use in order to enable realization of the right to vote to all the voters.

The overall employment rate of people with disabilities (the extended target group of people aged 15-64 years) in 2009 was 64,8 % and in 2011- 64,8 % (compared with 61,1 % in 2002).

Under the Equal Treatment Act (entered into force 1 January 2009), discrimination of persons on grounds of disability is prohibited upon (Article 2 (2)):

- establishment of conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, as well as upon promotion;
- entry into employment contracts or contract for the provision of services, appointment or election to office, establishment of working conditions, giving instructions, remuneration, termination or cancellation of employment contracts or contracts for the provision of services, release from office;
- access to vocational guidance, vocational training, advanced vocational training and retraining, practical work experience;
- membership in an organization of employees or employers, including a professional organization and grant of benefits by such organizations.

According to the same Act (Article 7), a person suspected of discrimination is required to provide a written explanation concerning his or her activities within fifteen working days after receipt of a written request to the person who believes that he or she has been discriminated against on grounds of disability or other relevant grounds.

However, the named Act (Article 11) stipulates that grant of preferences to persons with disabilities, including creating a work environment suitable for persons with special needs linked to disabilities, does not constitute discrimination. Employers shall take appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer.

The Equal Treatment Act (Article 23) describes that discrimination disputes shall be resolved by a court or a labour dispute committee. Discrimination disputes shall be resolved by the Chancellor of Justice by way of conciliation procedure.

If the rights of a person are violated due to discrimination, he or she may demand from the person who violates the rights that discrimination be discontinued and compensation be paid for the damage caused to him or her by the violation on the bases of and pursuant to the procedure provided by law. A person whose rights are violated due to discrimination may demand that, in addition to the abovementioned provision, a reasonable amount of monetary remuneration be paid to the persons as compensation for non-patrimonial damage caused by the violation.

The Labour Market Services and Benefits Act stipulates in Articles 20 and 21 that adaptation of premises and equipment means the rendering of an employer's construction works, facilities, workstations or equipment accessible to and fit for use by a disabled person. The Estonian Unemployment Insurance Fund shall enter into a contract under public law with the employer whose premises and equipment are to be adjusted. The contract under public law shall specify the object of adjustment, the time of completion of the adjustment, the time of employment of the unemployed disabled person and the cost of the adjustment. After a disabled person commences employment or service with an employer, the Estonian Unemployment Insurance Fund shall compensate the employer for 50 to 100 per cent of the cost of the adjustment based on the reasonableness of the expenses for eliminating disability-related hindrances.

The Estonian Unemployment Insurance Fund shall enter into a contract under public law with a disabled person or the employer of the disabled person on special aids and equipment of the disabled person. A technical device necessary for work is a technical aid without which, due to a person's disability, the person is unable to perform his or her duties. The named contract under public law shall be concluded for a period of three years. If the disabled person is employed or in service at the time the contract under public law expires, the contract may be extended for up to three years.

Working with a support person is a labour market service provided to disabled unemployed persons who, due their disability, need help and direction while working. In order to provide the service of working with a support person to disabled unemployed persons, the Estonian Unemployment Insurance Fund shall enter into a appropriate contract under public law with the support person or the employer who ensures the provision of the service of working with a support person to a disabled unemployed person (Article 23)

Under the Occupational health and safety Act (Article 10¹), an employer shall create suitable working and rest conditions for disabled workers. The work, work equipment and workplace of a disabled worker shall be adapted to his or her physical and mental abilities. Adaption means the making of the buildings, workrooms, workplaces or work equipment of the employer accessible and usable for disabled persons. This requirement also applies to commonly used routes and rest rooms and/or accommodation areas used by disabled workers.

The Employment contracts Act of 2009 (Article 57) governs that the annual holidays of an employee receiving incapacity pension or national pension based on incapacity for work are 35 calendar days (otherwise generally 28 days), unless the employee and the employer have agreed on a longer period of annual holidays or unless otherwise provided by law.

8. Persons of at least 16 years of age up to pensionable age who are declared permanently incapacitated for work with the 40 to 100 per cent loss of the capacity for work, and who have earned a necessary pension qualifying period in Estonia by the commencement date of establishment of permanent incapacity for work, have the right to receive pension for incapacity for work.

If the reason for the permanent incapacity for work is a work injury or occupational disease, pension for incapacity for work shall be granted with no requirement for length of service.

For the persons declared permanently incapacitated for work, pension for incapacity for work shall be granted for the entire period of incapacity for work but not for longer than until attaining pensionable age.

The state pays social benefits to disabled persons according to The Social Benefits for Disabled Persons Act. The aim of granting social benefits to disabled persons is to support the ability of disabled persons to cope independently, social integration and equal opportunities through partial compensation for the additional expenses caused by the disability.

The determination of the degree of disability is different from the determination of incapacity for work. Incapacity for work is not a relevant condition for the person to be entitled to the disability allowance for a person of working age, neither is there any interdependence of pensions of incapacity to work and social benefits for disabled. If the person of working-age is both disabled and incapable for work, he/she has right to receive benefits for disabled persons and pension for incapacity for work.

As a result of a reform of the system of the benefits for disabled persons in Estonia, beginning from 1.10.2008 the degree of severity of disability is determined on different grounds depending on the person's age. Before 1.10.2008 the benefit amount for the persons of working-age depended on the degree of disability. At present, the amount and receiving of the benefit is very individual, depending on the additional costs which arise from specific needs (medicinal products, transport, medical devices, special need for clothing and footwear, need for the compensation of increased household expenses, means of communication) of the person and therefore the amount of the allowance is not tied to the degree of disability. It's perceived that persons who are more active have also more additional costs in result of what they have possibility to get benefit in larger amount. At the same time, the benefits for children and for a person of retirement age are paid depending on the degree of disability.

In order to motivate disabled persons to participate in the labour market, a new type of benefit – employment allowance – was introduced in 2008. Employment allowance is paid to a disabled working person of 16 years of age or older who has work-related additional costs due to the disability (expenses for transport, larger need for assistance or technical aid etc.).

In addition, disabled persons have also the right to apply for education allowance and in-service training allowance. Education allowance shall be paid monthly (except in July and August) to a non-working disabled student who attends upper secondary school in classes 10 to 12 or who attends a vocational school or institution or an institution of higher education, and who has additional expenses in relation to his or her studies as a result of the disability. In-service training allowance shall be paid for vocational training and formal education acquired by a working disabled person within the adult education system.

The State covers part of the cost of the social tax paid on employees of companies, non-profit organizations, foundations and sole proprietors (hereafter referred to as the employer) who receive a pension for incapacity for work on the basis of the State Pension Insurance Act. People are entitled to receive such a pension when the degree of incapacity for work is determined to be at least 40%. However, the state does not pay social tax for people who have been registered as incapable of working but who do not have a sufficient history of employment to obtain a pension for incapacity for work. Such people receive a national pension.

The state pays social tax starting from 278,02 €, which is the monthly base rate for the payment of social tax in 2012.

In order for the state to pay the social tax on an employee, the employer must submit monthly applications to their local Pension Board indicating these details of employees receiving a pension for incapacity for work:

- first name and surname;
- personal identification code;
- date of commencement/termination of working relationship;
- the amount of social tax to be paid by the state.

Applications must be submitted by the 2nd of the month following the month of calculation of the salary.

9. According to Trade Union Act (2000), there are no respective obstacles to join trade unions in Estonia. The institution of gender equality and equal treatment Commissioner has been established under the Equal Treatment Act. The competence of the Commissioner covers monitoring of compliance with the requirements of law, counselling and assisting persons upon filing of complaints regarding discrimination, providing opinions concerning alleged cases of discrimination on the basis of the applications filed by persons or on his/her initiative on the basis of the information obtained, taking measures to promote equal treatment. So far, there are no cases of violation of trade union rights on the ground of a person's disability.

10. The representatives of organizations of people with disabilities are included in elaboration of legislation and policies in Estonia, e.g. the Estonian Chamber of Disabled People (established in 1993, 46 affiliates) as an umbrella organization of different organizations of disabled people has frequently given its opinions and suggestions. Collaboration between government and civil society organizations is strong. The Estonian Chamber of Disabled People is training specialists around Estonia on the UN Convention on the Rights of Persons with Disabilities (UNCRPD), coordinates campaigns to raise public awareness about disabled people etc. The representative of the Chamber is a long-time member of the European Economic and Social Committee.

The economic crisis in the recent years has had a negative impact on the budgeting possibilities for anti-discrimination activities in general. Nevertheless, regardless of some recession, there have been no cuts in public service and benefits for disabled people. For example, in 2010 Estonian Government financed NGOs whose activities were related to persons with disabilities through the Gambling Tax Council in the amount of 1 032 437 euros.

11. The main statistical information about employed persons (including employment status of disabled persons) is collected by the Estonian Labour Force Survey. The Estonian Labour Force Survey is conducted by Statistics Estonia.

According to the Statistics Estonia there were 2,9 thousand disabled persons aged 20–64, who were employed in the public sector in 2011 (please see table 1 below). In addition, there are also available information about employment by economic activities and by occupations (table 2 and 3). Due to the sample size and the small size of the target group, the requested information is not currently published by the smaller groups (by the type of disability, etc).

The employment information on disabled persons is available from the Statistics Estonia website: http://pub.stat.ee/px-web.2001/I_Databas/Social_Life/05Health/02Disabled_persons/04Employment_of_disabled/04Employment_of_disabled.asp

Table 1. 20–64-years old employed persons by disability and type of employer

Disabled employed persons, thousands	2008	2009	2010	2011
Public and private sector	10,4	9,5	8,6	9,1
Public sector	3,9	3,3	3	2,9
Private sector	6,5	6,2	5,6	6,2

Source: Statistics Estonia

Table 2. Employed 20–64-years old persons by disability and economic activity (EMTAK 2008¹)

Disabled employed persons, thousands	2008	2009	2010	2011
Economic activities total	10,4	9,5	8,6	9,1
Agriculture, forestry and fishing	0,7	..	..	..
Manufacturing	2,6	2,3	1,6	2,2
Construction	..	..	..	..
Wholesale and retail trade	1,4	1,3	1,6	1,8
Financial-, real estate, professional and administrative activities	..	..	..	..
Other service activities	4,1	3,4	3,4	3,6

¹ The Estonian Classification of Economic Activities
 .. Data not available.

Source: Statistics Estonia

Table 3. 20–64-years old employed persons by disability and occupation¹

Disabled employed persons, thousands	2008	2009	2010	2011
Total	10,4	9,5	8,6	9,1
Legislators, senior officials and managers	..	..	..	..
Professionals	1,1	..	1,6	1,9
Technicians and associate professionals	1	1,2	..	..
Clerks	..	..	..	..

Service workers and shop and market sales workers	1,5	2,2	1,9	..
Skilled agricultural and fishery workers	..	..	..	..
Craft and related trade workers	1,3	1,4	..	1,5
Plant and machine operators and assemblers	1,4	..	..	0,9
Elementary occupations	2,5	1,9	1,5	1,5
Armed forces	..	..	..	..

¹ Data of 2008-2010 revised by ISCO 2008.

.. Data not available.

Source: Statistics Estonia

12. Estonia is taking part of an international program called F2F - Action for Employment for the people with disabilities (ESF project). This project is targeting professionals working on the field of employment for persons with disabilities in Finland, Estonia, Sweden and Denmark. The aim of the project is to share and exchange expertise, knowledge and information among the participants and thus to disseminate the best practices. The project will focus on facilitating processes that lead to better employment results with persons with disabilities, into the open labour market. The goal is to disseminate knowledge and practices, so the main deliverables of the project are national and multinational workshops. The first larger scale seminar will be arranged in December 2012 in Helsinki and a guidebook on best practices will be published spring 2013 with an introduction of participants and their courses of action.

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TÉLÉSCOPE - FACSIMILE TRANSMISSION

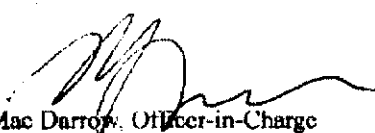
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OBJET/SUBJECT: Human Rights of Persons with Disabilities – Human Rights Council resolution 19/11

See attachment

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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Subject: Human Rights of Persons with Disabilities – Human Rights Council resolution 19/11

The Office of the United Nations High Commissioner for Human Rights presents its compliments to all Permanent and Observer Missions to the United Nations Office in Geneva and has the honour to refer to Human Rights Council resolution 19/11 concerning the rights of persons with disabilities.

In that resolution, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights “to prepare a study on the work and employment of persons with disabilities, in consultation with States and other relevant stakeholders, including the International Labour Organization, regional organizations, the Special Rapporteur on Disabilities of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions”. The Council also requested that the study “be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the twenty-second session of the Human Rights Council” (paragraph 14).

The Office of the High Commissioner would be grateful to receive any relevant information for the preparation of this study. In particular, views and information would be welcome in relation to the following questions:

1. Detailed information on the measures adopted by your country to ensure that persons with disabilities have equal opportunities for productive and gainful employment in the open labour market (articles 4 (1) (a) and 27 (1)).
2. Detailed information on the measures adopted to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities in the field of employment, as well as to eliminate discrimination on the basis of disability by private employers and enterprises (articles 4 (1) (b), (d) and (e), and 27 (1) (a)).
3. Information on the affirmative action programmes, incentives and other measures, if any, that your country has developed to promote employment opportunities for persons with disabilities in the public and private sectors (articles 5 (4) and 27 (1) (e), (g) and (h)). Has your country adopted any measure to increase employment opportunities for persons with disabilities belonging to particularly vulnerable groups (for example young persons with disabilities, women with disabilities, persons with intellectual/psycho-social disabilities, etc.)?
4. Information on measures your country has introduced to enable persons with disabilities to access general technical and vocational guidance programmes, placement services and vocational and continuing training (article 27 (1) (d)). Please also indicate the steps taken to promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities (articles 26 and 27 (1) (k)).

5. Detailed information on the measures your country has adopted to promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business (article 27 (1) (f)).
6. Information on the measures adopted by your country to ensure that reasonable accommodation is provided to persons with disabilities in order to facilitate access to or continuance of employment (articles 5 (3) and 27 (1) (i)).
7. Information on measures your country has to protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances (article 27(1) (b)).
8. Detailed information on the poverty reduction measures, social security and income-maintenance schemes that your country has developed to provide adequate income support to persons with disabilities who, owing to disability or disability-related factors, have lost or received a reduction in their income from employment (including self-employment) or have been denied employment opportunities (article 28 (2) (b) and (e)).
9. Information on efforts that your country has undertaken to ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others (article 27(1) (c)).
10. Information on the measures adopted by your country to closely consult with and actively involve persons with disabilities and their representative organisations in the development, implementation and monitoring of legislation and policies to promote and protect access to employment opportunities for persons with disabilities (articles 4 (3) and 33 (3)).
11. Recent statistical data on the number of persons with disabilities employed in the public sector, disaggregated on the basis of age, sex and type of disability (article 31).
12. Is your country involved in international cooperation programmes related to the promotion of work and employment opportunities for persons with disabilities? Please describe the ways the programmes are inclusive of and accessible to persons with disabilities (article 32).

It would be appreciated if any information could be sent to the Office of the United Nations High Commissioner for Human Rights (mail address: United Nations Office at Geneva, CH 1211 Geneva 10; fax: (+ 41 22) 928 90 10; e-mail: registry@ohchr.org) by Tuesday, 31 July 2012, with a copy to disability@ohchr.org. The information provided will be made available on the OHCHR website.

The Office of the United Nations High Commissioner for Human Rights avails itself of this opportunity to renew the assurances of its highest consideration to all Permanent and Observers Missions to the United Nations Office in Geneva.

