

Development of children's rights in Estonia

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The Chancellor of Justice

- The institution was established in the 1938 Constitution and re-established in accordance with the principle of continuity in the constitution approved by a referendum in 1992.
- The Chancellor of Justice is appointed by the Riigikogu on the proposal of the President for a term of 7 years.
- Since 30 March 2015 the Chancellor of Justice is Prof. Dr. Ülle Madise.



Mandate of the Chancellor of Justice

- Constitutional review (1992)
- Waiving of immunity of high-level officials (1993)
- General Ombudsman (1999)
- Disciplinary proceedings against judges (2002)
- Settler of discrimination disputes (2004)
- National preventive mechanism (2007)
- **Ombudsman for Children (2011)**
- Supervision over secret surveillance activities (2015)
- 2019 - NHRI and CRPD monitoring mechanism



Ombudsman for Children

- The position of the Ombudsman for Children in Estonia was created on 19 March 2011 when the Chancellor of Justice was given the mandate to protect and promote children`s rights.
- Amendment to the [Chancellor of Justice Act](#) with a reference to art 4 of the CRC.
- Children`s Rights Department which employs 5 persons.



Ombudsman for Children

- Individual complaints related to children's rights
- Monitoring visits to institutions for children
- Constitutional review
- Own initiative projects



Child Rights in Estonia 1905-1940

- 1905–1906: First child-focused societies
- 1919: Child Protection Association founded
- 1925: Welfare Act passed
- 1927: 1st Child Welfare Day
- 1935–1938: National campaigns for child well-being
- Wide network of kindergartens, shelters & care homes
- Focus on family-based care and child nutrition
- Strong collaboration between state and civic organizations



Child Rights in Estonia 1940- 1991

- Governed by Soviet legal frameworks and ideology.
- Social problems were often denied or ignored. They were seen as issues that only existed in capitalist societies.
- There was no special child protection or social work legislation. Ministry of Education overseeing the sector.
- Emphasis on education and basic welfare, with limited personal freedoms.
- Child protection inspectors and police got involved when problems came up.
- Focus on institutions and institutional care. Dividing children by age into different orphanages.



Rebuilding Estonian child protection system

- 1988: Estonian Union for Child Welfare (ELL) re-established; called for independent child protection.
- 1989: Administrative reform enabled municipal development and establishment of social worker positions.
- **20-th of August 1991 Estonia restored its independence**
- 1991: Estonia joined UN Convention on the Rights of the Child; awareness remained limited.
- 1992: Adoption of Estonia's first Child Protection Act; Referring the CRC, too declarative.
- 1995: Adoption of Social Welfare Act. Legal bases for modern social work. Matti Mikkola was one of the authors of the draft.



Rebuilding Estonian child protection system

- Decline in birth rates
- Emergence of non-traditional family structures
- Inequalities in the society and crime rates grew
- Transformation from the paternalistic Soviet state system of child protection to a liberal system based on children's rights and well-being.
- The main responsibility for providing support rests with local governments.
- Child protection remained largely reactive
- Deinstitutionalization and reform of alternative care.



Rebuilding Estonian child protection system

- **2004: Estonia joined the EU**
- 2009: Child helpline was introduced
- 2010: New family law
- 2016: A modernized Child Protection Act (A central institution established for supervising local child protection work and making recommendations at the municipal level.)
- 2018: Juvenile Justice reform.



Umbudsman for Children in Estonian child protection system

- **2011: Ombudsman for Children started** and evolved alongside the development of the society. Since 2012 full member of ENOC.
- First steps: Awareness-raising of the CRC, ombudsman for children, children`s rights.
- Poverty, corporal punishment, bullying in schools, reporting a child in need, monitoring of the rights of the child and child well-being.
- Alternative care, family law, child-friendly processes (health-care, juvenile justice etc.)
- Data protection, child participation.
- Safe sports, children`s rights in the digital world, children of prisoners.
- Present and future challenges: children`s rights in war, pandemia, climate change, migration, radicalization, AI etc.



Thank you!

