
ESTONIA

Republic of Estonia

Population: 1.3 million (265,000 under 18)
Government armed forces: 4,100
Compulsory recruitment age: 18 (but see text)
Voluntary recruitment age: 18 (but see text)
Voting age: 18
Optional Protocol: signed 24 September 2003
Other treaties ratified (see glossary):
CRC, GC AP I and II, ICC, ILO 138, ILO 182

Seventeen-year-olds could be liable for call-up but active combat duties were reserved for those aged 18 and over.
Under-18s could volunteer for the National Defence League which provided weapons training.

Context

In May 2004 Estonia amended its Child Protection Act.¹ As amended, the Act recognized as a child anyone under 18 years of age, and required the government to provide and protect the internationally recognized rights and freedoms of the child (Article 1). The Act banned the manufacture or sale of toys that imitated objects used to destroy people, and prohibited the making or broadcast of films, audio and video material for children that promoted cruelty and violence (Article 48). The Act recognized a child whose health or life was in danger as being in need of immediate assistance (Article 32).

Estonia joined NATO in 2004.

Government

National recruitment legislation and practice

Estonia amended its Defence Force Services Act, most recently in 2007.² The revised law required all male Estonian citizens to be “liable” for service in the Defence Forces from the age of 16 to 60, during which time they were liable to be registered and conscripted, or to serve in the reserve (Article 3). Boys eligible for the draft had to register at the age of 16, until call-up or release from mandatory military service (Article 7). Between the ages of 18 and 27 they were liable to conscription (Article 46). In practice, any boy aged 17 on 15 September was liable to call-up the following year, even if he had not reached the age of 18. Periods of service were variable and depended on the date of call-up, ranging from 8–11 months.³

The Defence Force Service Act set up two agencies to administer recruitment, aided by a

medical commission. A new Defence Resources Agency registered boys eligible for the draft (Article 46) and considered written applications for alternative service. These could be made on religious or moral grounds, and applicants could appeal against the agency’s decisions to a Defence Forces Service Commission (Article 47) and then to an Administrative Court. The Defence Forces Service Commission might “exceptionally” grant appeals, but the circumstances were not specified (Article 41). Alternative service was for 12–18 months (Article 74), to be carried out in the rescue, emergency or social care services of the Interior Ministry or Ministry of Social Affairs.⁴

Armed forces reserves included former conscripts but were mostly made up of members of the voluntary paramilitary National Defence League, open to boys and girls, administered by the Ministry of Internal Affairs. Its 9,980 members in 2005 included 3,788 girls in the Home Daughters section, and 4,019 boys in the Young Eagles section.⁵ League members were trained in the use of weapons, and in giving assistance to internal security, border control and rescue services.

Under the Defence Force Services Act, as amended, 18-year-old reservists could be mobilized in active conflict (Article 139). Previously, 16-year-old reservists had been eligible.

Volunteers aged 18 and over could sign contracts for military service (Article 79). The introduction of a non-conscript army was increasingly discussed after Estonia joined the European Union in May 2004.

There was no specific legislation criminalizing the recruitment or use of under-18s by armed groups, but in March 2007 there were plans to amend the law in this respect.⁶

Developments

At a February 2007 ministerial meeting in Paris, Estonia and 58 other states endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The documents reaffirmed international standards and operational principles for protecting and assisting child soldiers and followed a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

International standards

Estonia ratified the ILO Minimum Age Convention 138 in March 2007. It said it intended to take steps to ratify the Optional Protocol in 2007.⁷

1 Child Protection Act, RT I 2004, 27, 180, May 2004.

- 2 Defence Force Services Act, 14 March 2000.
- 3 Estonian Institute for Human Rights, *Overview of the Human Rights Situation in Estonia in 2005*, www.eihr.ee.
- 4 Communication to Child Soldiers Coalition from Estonian embassy, London, March 2007.
- 5 Estonian Institute for Human Rights, above note 3.
- 6 Communication from Estonian embassy, above note 4.
- 7 Ibid.