

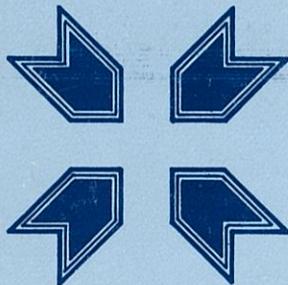
RAHVASTIKU-UURINGUD  
POPULATION STUDIES

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SOCIAL AND POPULATION-RELATED POLICY  
IN ESTONIA 1991-1994

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EESTI KÕRGKOOULIDEVAHELINE  
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Käesolev kogumik on autorikaitse objekt. Paljundusõiguse valdaja eelneva kirjaliku nõusolekuta on keelatud seda väljaannet või selle mistahes osa reprodutseerida, avaldada või jätta avaldamiseks infovõrgus, ümber kirjutada mistahes viisil või vahendiga elektrooniliselt, mehhaniliselt, fotokopeerimise, salvestamise või muul teel.

The present paper relies on the materials collected and supplemented for the UN Questionnaire on Population-Related Policies, 1992, which was carried out in different countries by local governmental authorities. Taking into account the experience, changes in the present situation of population and social policy of Estonia and scattered information between different governmental organizations, the Estonian Interuniversity Population Research Centre considered it necessary to systemize the information and make it accessible in the country.

Relying on the information gathered in the course of the UN Questionnaire, the present paper concentrates on changes in the marital and family, childcare, family planning and abortion, taxation and housing policies. All these spheres are examined from the viewpoint of the demographic development of the Estonian population.

In the collection and preparation of the materials participated besides the author also Andres Vikat and Kristi Koppelmaa, author is also grateful to the consultations of Kalev Katus, Allan Puur, Luule Sakkeus and Inge Suit. The paper has been prepared under support of the Estonian Science Foundation, grant No 910.

## I. INTRODUCTION

Social and population policy has been shaped differently in different countries due to the divergency in traditions, norms and values. However, later or sooner, in a democratic society the understanding comes that in order to achieve the main aims before the developing society, the more the society has to take into consideration people's activities and their needs. To take into consideration the needs, first of all the knowledge about them is needed. Thus, social and population policy needs to be built upon the information about the demographic development of the population and behaviour of its different groups. The principle is also true for Estonia, which is in the phase of building up the relevant policy.

To obtain the information about the social and population policies in different countries, UN periodically has collected it via a special inquiry for governments. The information collected through the questionnaires is forming a database, which is the basis for international organizations and scientific institutions on the implementation of policies in the sphere of population in different countries. After regaining independence in 1992, Estonia also had to answer the UN Questionnaire on Population-Related Policies. To fulfill the questionnaires the Secretariat of UNFPA turned through the Ministry of Foreign Affairs of Estonia to the Estonian Demographic Association, on which basis the relevant working group was formed to collect and prepare the materials. The gathered information based on the legislation of Estonia and interpretation of them by the governmental authorities. As far as in the previous years the information about Estonia was delivered by the governmental authorities of the former USSR, the information delivered in 1992 was the first opportunity for the country to deliver Estonian-centered information to the international organizations.

Taking into consideration, that during the last 50 years Estonia has practically lacked its own population policy, also taking into account the recent regaining of independence and the situation formed during the transition period, where the social and population policy of the state and the relevant laws had not yet been formed and the restructuring of the governmental institutions, characteristic to the transition period, was taking place, Estonia, differently from other countries, delivered the information in 1993 additionally. This information remains as the basis for UN about Estonia until the next inquiry.

The information gathered through the questionnaires from different countries formed the basis for preparations to the International Population and Development Conference in Cairo, September 1994. Before Cairo conference, 5 regional conferences took place, among them the European Population Conference (Geneva, March 1993), which developed the main trends for social and population policies for Europe and other parts of the world.

Taking into consideration the experience, the pace of development of social and population policy in nowadays Estonia and scattered information about it between different governmental structures, Estonian Interuniversity Population Research Centre considered it worthwhile to systemize the gathered information and make it

accessible in Estonia. Relying on the information gathered in the course of the UN Questionnaire, the present paper concentrates on changes in the marital and family, childcare, family planning and abortion, taxation and housing policies. All these spheres are examined from the viewpoint of the demographic development of the Estonian population. It mostly concentrates on the aspects of the relevant policies seen from the international viewpoint. Taking into account the changing nature of the subject, EKDK has put it as its aim to continue collecting the information, thus the presented data in the paper involve also information about 1994.

## 2. DEMOGRAPHIC BACKGROUND

In order to understand the adequacy of the population policy, one has to present the overview about the situation, in which it is implemented. Demographic development of the population is subject to certain regularities, according to which ones the changes in fertility, mortality, nuptiality, dissolution and other processes take place. All nations go through the demographic transition and the decisive changes related to the formation of the modern type of reproduction. However, the timing of the process has been noticeably different. The stage of the demographic development, which in the end is determined by the timing of the transition process, is one of the main determinant for the framework of the population and social policy. As the cornerstone of the population theory this methodological viewpoint has to lay as the basis for solving the concrete questions of population policy.

The beginning of the demographic transition in Estonia could be traced back to the middle of the 19th century. By the 1850s the decrease of the crude fertility and mortality rates had already started, continuously decreasing afterwards. By the fertility trend, the latter being the main indicator of timing for demographic processes, Estonia resembles very much North and West European countries' trends. Fertility decline has been studied in the context of European study of Princeton Project. According to the study, Estonia shows closest overall fertility with countries like Sweden, Switzerland and Norway, being ahead of others to a lesser or more extent. As a leading nation in fertility transition, France is the only European country having both overall and marital fertility lower compared to Estonia in the 1880s. Without any doubt Estonia stays among countries with early fertility transition. One of the first nations in the world Estonian population reached the underreplacement fertility in the 1920s. In general, Estonia was a forerunner in mortality transition to a lesser extent compared to introduction of parity-related family planning. However, Estonia was in leading position in mortality decline among East European countries. Estonian mortality exceeded some of the European countries, particularly because of relatively high infant mortality. Mortality and fertility made practically a simultaneous decline, i.e the demographic transition in Estonia had proceeded by so called French type, and, as a result, the population increase in Estonia was many times lower compared to neighbouring countries. Only in some special years the growth rate reached up to 10 per thousand [Katus 1989].

The development of the Estonian population has been greatly affected by its geopolitical location. Most of all it is reflected in the steep changes in the composition

of the population. Estonia is distinguished among European countries by 26 percent of foreign-born in total population (1989 census) and 62 percent among the non-Estonians [Katus, Sakkeus 1993]. Immigrants of Estonia are characterized by a huge hinterland- departure regions, which among others results in a great social heterogeneity. Due to this factor the ethnic and lingual environment has greatly changed. If by 1945 Estonians formed 97.3 per cent of the total population, then during the post-war years representatives of more than 100 ethnicities have immigrated into Estonia, forming up to 40 per cent of the total population (1989) [Katus, Sakkeus 1993].

Massive immigration during the post-war period has had its impact to the relatively high growth rate for population of Estonia. However, it has been also a period with fertility under the replacement level. Natural decrease was characterisitic to Estonians already in 1970s. Total population of Estonia has experienced natural decrease since 1991 [Statistical...1993]. Due to the steep fertility decrease, relatively low life expectancy and aged population Estonia is by now among the countries with the highest population decrease in the world.

Historically, Estonia belongs to the European marriage type [Hajnal 1965]. During the postwar period the European marriage pattern was replaced by the tendency towards higher marriage rates and earlier family formation. Mean age at first marriage declined until the end of the 1970s stabilizing after that around 23 years for females [Recent...1992] . On the background of the general social transition, the recent years have witnessed an extensive decline in the annual numbers of marriages.

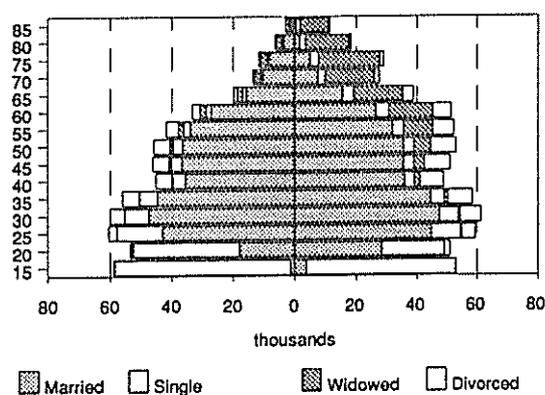
Among permanent population of Estonia, the matrimonial behaviour is similar to the Scandinavian pattern. Cohabitation has shown an increase since the 1960s, accounting for 60 percent of first unions initiated among younger cohorts [Recent...1992]. The frequency of divorces had been steadily growing. From life course perspective, this leads to a growing diversity of household structures.

Fertility in Estonia reached its peak in 1988 when the period total fertility rate equalled to 2.26 [Recent...1992]. It was the highest level recorded in Estonia at least for the last 80 years. Next year the moderate decrease was begun and the sharp decline followed in the 1990s: TFR has dropped from 2.21 in 1989 to 1.4 in 1993 [Recent...1992]. It is not clear to what extent the recent fertility decline reflects a new pattern of reproductive behaviour, or whether it might be regarded as a period effect. Regardless its origin, the fertility decline has already caused a serious discontinuity in the population age structure .

The major problem in Estonia is the extremely high level of abortions, which exceeds the number of live births. Due to the limited availability of modern contraceptives, abortion has been a primary means of fertility control. Insufficient attention has been focused to the consequences of abortion on the reproductive health and viability of infants.

In terms of non-marital fertility Estonia has followed the Scandinavian pattern. Four fifths of first births are concieved out-of-wedlock, half of them also being born out-of-wedlock. The rate for non-marital births is also high for second and third births.

Figure 1 POPULATION BY AGE, SEX  
AND MARITAL STATUS  
Estonia 1989



Changes in living arrangements are reflected as in changes of family roles as well as in the possibility to combine family- and work-life. Government has the possibility by introducing parental leaves, part-time organization of work, enlarging the network of pre-school institutions and supporting longer parental leaves without preserving the working place to have the impact on population policy. Frequently the policy which enables different choices for parents is chosen.

During the population development changes in the life course of a family take place and the changing interrelationships have to get their reflection in the relevant marital or family-related laws. If on the governmental level only legally contracted marriages are accepted, it means that the divergency of existing different forms of conjugal unions and their rights are neglected by the society. Even mass media, especially during political campaigns pays most of its attention towards the traditional forms of unions. Seldomly anybody raises the question about the support for all other forms of unions.

As a result of the early timing of demographic transition, the process of population ageing started relatively early in Estonia. Mass immigration during the postwar period retarded the process of population aging in general. In the 1970-1980s the proportion of elderly remained stable in Estonia. In 1991 the proportion of population over 60 years of age was 17 percent [Recent...1992].

The recent decline of fertility and changes in net migration have contributed to the acceleration of population ageing. During previous decades, inadequate attention was paid to adapting the socio-cultural environment to meet the needs of the aged and disabled. As a consequence, Estonia has to make substantial investment to provide the minimum of requirements in housing, services, medical care, transportation etc. Unlike the experience of most European countries these investments must be made in a short period of time and under economic crises.

The essential feature of Estonia as a country in transition is the disbalance between demographic and economic development. On the whole, Estonia as a CT is demographically developed, ie the fertility and mortality transition have been completed years ago. Inter-generational relations have principally changed alongside with the growing individualism as the result of the demographic transition. Ageing is also far developed. Old people including disabled are forming a considerable proportion of the population in these countries. Developed cause-specific structure of morbidity and mortality of population prerequisites the considerable social funding.

Social and population needs and programs are competing for resources with the need to build an infrastructure for economic development (highways, communications, banking, rebuilding and modernizing the economic structure). As Estonia is

characterized among other countries of transition by the greatest dissynchrony of population and economic development, the introduction of social and population policy is more complicated.

Formation of a family policy in the restricted economic conditions is always generating contradictions. Being a country with low fertility and aging population, it is not easy for Estonia to balance the needs and interests of different population groups. In the restricted conditions the most relevant for decisions of social policy is the accessibility and adequacy of information. If the possibilities are narrowing, the need to tighten the social support system might arise. If the decisions are made on the basis of relevant information, the restricted sources might be directed to this part of the population, granting whose needs at the minimum level is the most important from the viewpoint of the perspectives and the continuation of the development of a society. Although the need for relevant information and the disorganization of data has been acknowledged on the level of the society, the data reorganization reform has not yet succeeded in Estonia owing to the resistance of different former structures. It is essential to underline that for social and population policy the first task is to invest into data collection and reorganization, and only with the relevant and reliable data at hand to invest into different programmes.

### 3. FAMILY AND FERTILITY IN ESTONIAN LEGISLATION

As a result of social, cultural and demographic development of society a primary functioning of living arrangements of population is formed. Selection between different lifestyles, changes in family structures and demographic situation are significant starting points for family policy formation. Reaction of the national family policy to changes in family formation must proceed in the context of demographic changes taken place in society. Concerning the building up of social services, there is a ground to state that social arrangement affects the fertility indirectly and vice versa, the absence of a carefully planned family policy is expressed in decrease of fertility. It has to be taken into the consideration that the demographic situation has vital importance both on family and on population policy. Consequently, the formation of family policy is a part of developing integral population policy.

Authors of the papers on marriage and family have considered the institution of marriage as extremely significant from legal, sociological and also from demographic aspect, regarding as important the connectedness of the concept of family, arising from marriage, and of various aspects of the structure of the society, including social and economic ones.

The Multilingual Demographic Dictionary (1993) determines family as members of a household who are related by marriage, birth or adoption or resulting from these events and are regulated by laws or customs. Both registered and unregistered families can be characterized according to the family type as families with or without children or families with a single parent. For legislators it is not less important, in addition to aforementioned definition, to know the number of newly married, large families, families with elderly and disabled and families of elderly.

The relations concerning mutual obligations of spouses, responsibility for raising children, financial interests of families, allowances for dependents are established by the law. In addition to the relations existing in the family, the relations with systems outside of the family but directly connected with the family, e.g. relations with tax, housing and education policy, health and social care are also regulated by legislation.

Everything connected with marriage and family, depending on the attitude and attention of the state, is in a higher or lower degree acknowledgement of the changes taken place in a society and thus reflected in legislation.

### 3.1. Marriage and family

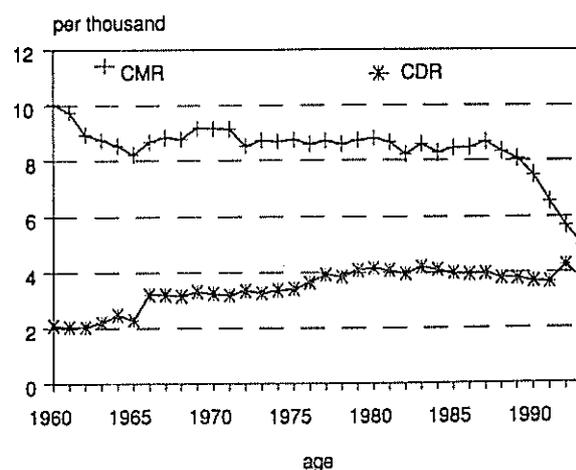
Until 1995, marital and family relations were regulated by the Marriage and Family Code of the Estonian SSR, which was supplemented in the course of years. The purpose of this law was very concrete according to the soviet ideology: "Soviet legislation must actively help to clear the family relations completely of material considerations, must help to liquidate the remains of woman's inequality in everyday life and help to create a communist family, where the needs of deepest emotional life shall be satisfied" (redaction of the edict from 1985).

The Code established the procedures and conditions of contracting the marriage, regulated the personal and property relations between spouses, parents and children and other members of the family, also the relations arising in connection with adoption, guardianship and custody, also the procedures and conditions of dissolution of the marriage and the procedures of registering vital events.

The new Law on Family concerning marriage and family entered into force on January 1, 1995. Evaluation of the law, prepared in the course of several years, was carried through by experts from Germany. The Law on Family is based to a great degree on the Marriage and Family Code, a number of supplements and amendments are introduced. Contraction and dissolution of marriage, personal and property rights and obligations of the members of the family, adoption, guardianship and custody, compiling the registration records are established by the Law on Family. Apart from former the new law foresees marriage contract regulating material relations between spouses, and also regulates also the artificially conceived children. The alterations also concern adoption, alimony and divorce.

Only legally registered marriage is regulated by the law. The Law on Family establishes, that a marriage is contracted between a man and a woman, whereas only a marriage registered in the Civil Registration Office has a legal significance, a

Figure 2 CRUDE MARRIAGE AND DIVORCE RATES Estonia 1960-1993



wedding in a church is not sufficient. Marriage between persons of the same gender is not permitted.

### 3.1.1. Family formation

#### *Age at marriage*

On the basis of the Marriage and Family Code the marriageable age began both for men and for women with attaining the age of 18 years, local authorities were allowed, in exceptional cases, to shorten this term for two years.

According to the Law on Family a person is marriageable, if he or she has attained 18 years, but minimal age for marrying was established as 15 years instead of 16 years before and the conditions for marrying at minimal age were liberalized: a parents' or guardian's written permission is sufficient, a permission of representative of authorities is not required.

#### *Government measures to assist newly married couples*

A new family, beginning its life (both with children and as yet without children) is getting no advantages in the form of low interest loans, housing advantages in the form of cheaper flats, tax benefits or other allowances.

### 3.1.2. Union dissolution

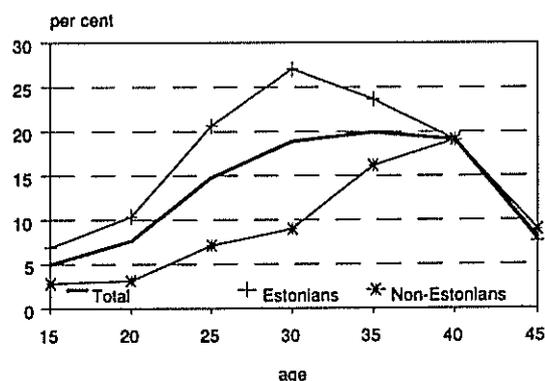
The rights and obligations of spouses arise only from marriages registered in National Civil Registration Offices, thus only the dissolution of juridically contracted marriages is legally regulated.

#### *Divorce by decision of the Court*

According to the Marriage and Family Code the divorce took place in a Court if there were children under age in the family, in case of disputes about property or disputes about paying maintenance to a disabled spouse in need of help.

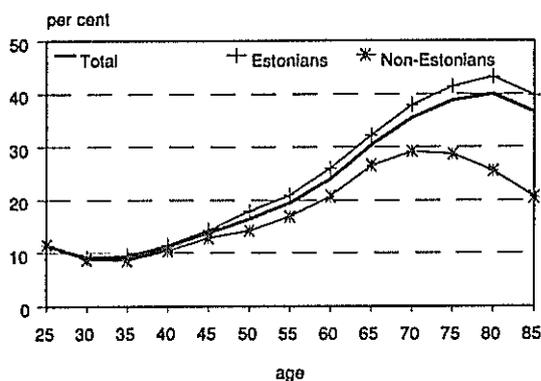
The juridical divorce granted by decision of the Court had to be registered officially in Civil Registration Office. Viewing from the aspect of data arrangement it meant that if one divorcee had no necessity to register the divorce, the state did not get the actual review about the persons connected with the dissolution of marriage.

Figure 3 PERCENTAGE OF FIRST MARRIAGES WITH COMMON CHILDREN BY AGE AND ETHNICITY Estonia 1989



According to the new Law on Family persons whose marriage is divorced by decision of the Court, are not required to register the divorce in the Civil Registration Office. If there are no disputes between the parties, the divorce will be registered in the Civil Registration Office even if there are children under age. In civil registration divorces are counted directly on the basis of court's decision.

Figure 4 PERCENTAGE OF LIVING ALONE BY AGE AND ETHNICITY Estonia 1989



#### *Divorce by decision of an administrative body*

Divorce by agreement of the parties will be registered in the Civil Registration Office.

If the spouses have no disagreement about children, dividing common property or maintenance, the divorce act will be registered and certificate of divorce will be given out by the Civil Registration Office in accordance with the Law on Family.

#### *Family violence*

On data of the Tallinn City Court, violence as a ground for divorce is not reflected in any law, although the court of law takes it into consideration in divorce cases. If this ground is brought out, criminal procedure with a separate suit is initiated and it is not resolved in civil procedure as in case of ordinary divorce (children, alimony, dividing the property).

Family violence is a theme that has up to now found not much public treatment, it is considered a family problem (and above all a problem between spouses), the parties concerned are not interested in revealing their troubles to strangers. Physical, psychical and sexual violence towards spouses, children or other members of the family is revealed only in connexion with very serious consequences in lethal cases or in cases the police is approached.

#### *Types of administrative fees related to divorce*

Rates of administrative fees are established by the Government of the Republic. Formerly the judge determined the fee in every separate process for each suit, but since 1992 fixed rates are established by the Law on State Fees.

The fee for registering the divorce in the Civil Registration Office has risen from 25 kroons in 1992 to 100 kroons by 1994. In cases of divorce by decision of the Court the couple paid the administrative fee on the suit in a court of law, in addition the

party who came first to register the divorce in the Civil Registration Office. Since 1995, according to the Law on Family, the divorces in a court of law need not to be registered again in the Civil Registration Office.

The rate of the administrative fee on one suit of dividing the property in connexion with divorce depends on the cost of the suit, as a minimum 10 per cent of the cost of the suit. The rate of the administrative fee in cases of alimony depended on the average earnings of the payer (percentage of the total income of the year).

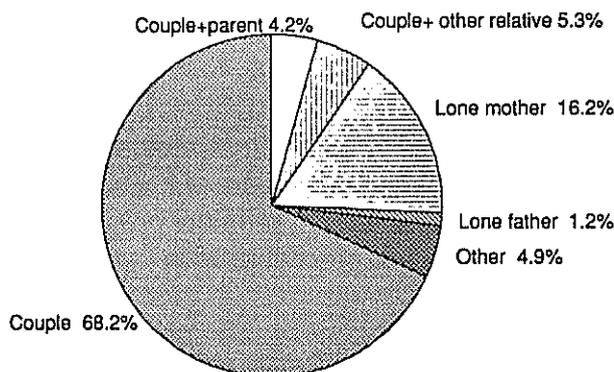
### *Spousal support*

The Marriage and Family Code as well as the Law on Family established the obligations of spouses after divorce. Disabled spouse who needs material support, also a woman pregnant or on child care leave could apply to the Court for means of subsistence. The amount of the means to be exacted for maintenance of the spouse are determined as monthly payments, depending on the economic and family situation of both parties, the payer and the receiver, the concrete amount is adjudicated in each case by a Court.

The maintenance (alimony) can be demanded only if an officially registered marriage is divorced. There is no maintaining obligation after a separation of cohabiting partners.

There is no national system of allowances for the cases the alimony adjudicated by the Court is not attainable. The size of alimony depends on the income and economic situation of both parties, the payer and the receiver, the concrete amount is adjudicated in each case by a Court.

Figure 5 DISTRIBUTION OF FAMILIES BY FAMILY TYPES Estonia 1989



### *Alimony obligations of parents*

According to the Marriage and Family Code child maintenance (alimony) can be demanded, bringing a case before a Court, the amounts are adjudicated by the Court. Child receives alimony until reaching the age of 18 years, studying does not lengthen the duration of receiving the alimony. The age of the child is not taken into account while adjudicating alimony. The amounts of alimony are calculated from all the taxable income, including wages from work by contracts. The income tax on the alimony is established by the Law on Income Tax. The receiver of alimony is taxed, not the payer. There is no national system of compensations for the cases the alimony adjudicated in favour of a child is on some grounds not attainable.

The rates of alimony adjudicated in favour of children under age from their parents, in accordance with the Marriage and Family Code, were: for one child 1/4, for two children 1/3, for three or more children one half of the parent's salary.

The Court can reduce the amounts and minimal rates of alimony, if the parent obligated to pay alimony has other children under age, who with paying the alimony will be in materially worse situation than the children who are receiving alimony, also in cases when the parent obligated to pay alimony is invalid of the I or II group, or if the children are working and are paid a sufficient salary, or on other impressive reasons.

In cases when the parent obligated to pay alimony has a changing and irregular income, also in cases when exacting the alimony in parts of the parent's income is impossible or difficult, the alimony can be adjudicated, on application of the person demanding the maintenance of children, as regular monthly payments, whereas the amounts are determined depending on the supposed income of the parent.

In case children are going to stay with both of the parents, the amounts of alimony will be determined from one parent in favour of the other, who is in a worse material situation, in fixed amounts, depending on the economic and family situation of the parents and the alimony will be called in monthly.

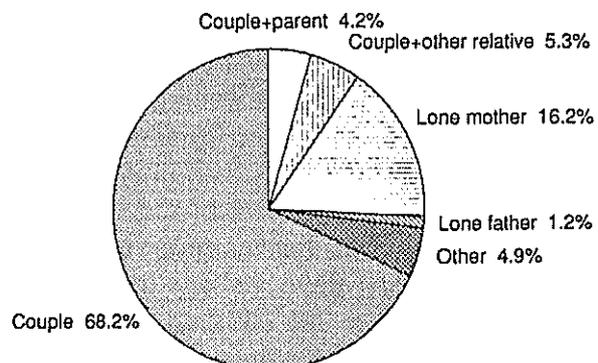
Parents paying alimony in favour of children under age, can be obligated to pay for additional expenses due to emergency situations (severe illness of the child, injury etc.), taking into consideration the economic and family situation of the parents.

Thus the payment of alimony depended on the income of the non-custodial parent, on the income of the child, on the number of children supported by non-custodial parent. In adjudication the alimony the income of the custodial parent, was not taken into consideration, only minimal amount was fixed (1/6 of minimum wage).

According to the Law on Family the alimony is adjudicated not as a part of salary, but as a monthly allowance, taking into consideration the economic situation of both parents, but as before the age of the child is not taken into consideration. The minimum rate of alimony was increased, which is now 1/4 of the minimum salary established by the Government of the Republic. The minimum salary in December 1991 was 200 roubles, in 1992 - 300 kroons, 1995 - 450 kroons. If the income of the non-custodial parent is not sufficient to secure the alimony minimum for the child, then the Court will determine the amount of allowance according to the real income. There is no government programme to supply benefits to the custodial parent in this case.

There are no interstate legislative agreements concerning alimony as yet, the management of this business is not regulated. The parent who does not want to pay needs only to leave Estonia to become inaccessible for claiming

Figure 6 DISTRIBUTION OF CHILDREN BY FAMILY TYPE Estonia 1989



alimony. An order in force since 1984 established an allowance for the cases when the payer of alimony was declared wanted as avoiding to pay alimony. It was paid until 1992, when child benefit was established.

## 3.2. Maternity

### 3.2.1. Pregnancy and delivery related medical services

Prenatal examinations by medical professionals, prenatal laboratory and other medical tests, pregnancy related hospitalization and delivery related hospitalization are for a woman free in state system, the expenses are covered by the sick-fund.

#### *Mandatory and voluntary health insurance*

The Health Insurance Law in force since 1991 established the organization of mandatory and voluntary health insurance. According to the Insurance Law (in force since 1992), the voluntary insurance contracts can be concluded only by insurance agencies. Social security organizations deal with mandatory insurance. Consequently there were two different provisions in two different laws. This contradiction was liquidated in 1994. The same provision of the Law on Amendment of the Health Insurance Law (in force from April 1994) speaks only about the arrangement of the mandatory health insurance. All persons who themselves have paid the social tax or for whom the social tax has been paid into the state health insurance budget are regarded to be enfolded by mandatory health insurance.

It was established that the inhabitants of the Republic of Estonia have the right to the voluntary health insurance on the basis of the Insurance Law. Voluntary insurance contracts are concluded by insurance agencies. A voluntary health insurance policy for a year costs in insurance agencies for a permanent resident of Estonia more than 1000 kroons in 1994, for a person with a chronic disease far more. For a person who is, for some reasons, not certified unemployed or the status of unemployment has for him or her terminated, it is clearly not real to buy the insurance policy at such a price.

#### *Insurance of the unemployed*

Unemployed persons who are not certified unemployed are now in the worst circumstances - secured is only emergency aid, in other cases he/she has to pay. The actual number of persons not insured is not known, the information in this field is quite incidental. The procedures for rendering medical services to uninsured persons are not established by the legislation up to now.

The Law on Amendment of the Health Insurance Law brought out amendments for several categories, for whom the covering of treatment costs depended directly on the circumstance, if there was any member of the family who had paid the social tax; no regulations were for children and for everything connected with child-birth. This problem has found a favourable solution - for pregnant women, whether insured or

not, the costs of health insurance are covered from the state health insurance budget. The issuing to women sick-fund cards, which are valid until the child has attained three years, depends directly on registration of the pregnancy. Precondition for obtaining the insurance is that the woman is a permanent resident of Estonia, in other cases one has to pay.

### *Insurance of foreign citizens*

Up to 1994 there are no interstate social security agreements with a wide range of influence. Exceptions are connected with emergency aid. According to the information from Central Sick-Fund, agreements on emergency aid are concluded with Sweden, Latvia, Lithuania, Russian Federation. Agreement with Finland is in preparation. At the same time, the range of emergency aid cannot be defined unambiguously, it depends on the diagnosis, circumstances and doctor. For instance an uninsured pregnant woman finds herself in a hospital for preservation of the pregnancy: consulting the doctors of the sick-fund and of different hospitals, it appears that it is safer for an uninsured person not to get into a hospital, if the purse is not sufficiently full. At the same time, a timely child-birth is not a case of first aid, but it is clear that a woman in confinement cannot be left without aid. The financial situation of the hospitals and sick-funds forces in each concrete case to proceed from concrete needs and possibilities.

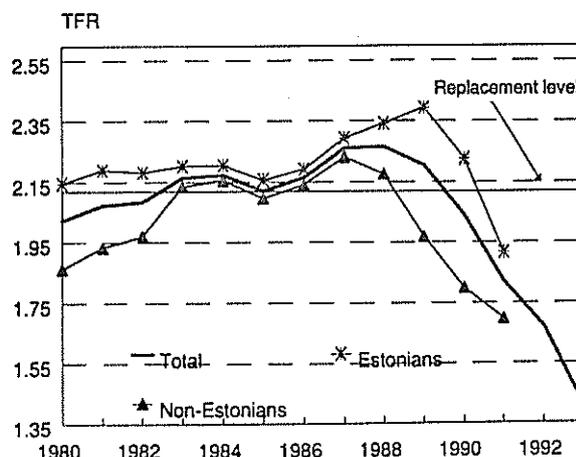
### 3.2.2. Birth grant

The birth grant is a national kind of allowance, receiving the birth grant does not depend on the registration of pregnancy and on necessary examinations connected with it.

The order of the Council of Ministers of the Soviet Union from 1970 established a birth grant for a mother who was working or who was a full-time student, in the amount of 50 roubles in the event of the birth of first child and 100 roubles in the event of the birth of second and third child. If the mother was not working or studying for full time, the birth grant in the amount of 30 roubles in the event of the birth of each child was paid out at the place of work of the father. That way the amount and receiving of the birth grant was directly connected with the existence of a place of work or study.

By the order of the Government of the Republic of Estonia from 1990 the amount of birth grant was established as 200 roubles. The receiving of the birth grant does not any more depend on the existence of a place of work. By the Law on Child Benefits of the

Figure 7 TOTAL FERTILITY RATE  
Estonia 1980-1993



Republic of Estonia from 1992 the amount of birth grant was established as 900 EEK, the triple minimum wage.

In 1994 the amount of birth grant is, as before, 900 kroons. The basis of the birth grant is the rate of child benefit, which is established annually by the State Assembly in accordance with the Law on State Budget. In 1994 the rate of child benefit was 90 kroons monthly, all permanent residents receive in the event of the birth of each child the birth grant in the amount of twelve rates of child benefit. The single grant is paid in the event of the birth of each child if it has been applied before the child reached the age of six months. The adoptive parent is paid the birth grant if the child was adopted before it reached the age of one year. The condition is that the birth grant has not been paid to this child before.

To receive the birth grant the birth of the child had to be registered in Civil Registration Office according to the place of residence of the parents or the place of birth of the child. The respective certificate for receiving the grant is issued on all registered births. The certificate was submitted to the place of work or study of the mother or of another member of the family (if the mother was not working or studying). If there was no place of work and no other member of the family, then the grant was paid out by the Social Assistance Board. In 1993 it was covered by social security funds, since 1994 earmarked funds are allocated to the social security from the state budget.

Since 1995 on the basis of the Law on Family the birth of a child is registered in the Civil Registration Office according to the place of residence of the parents. The application for the grant is submitted to the Pension Board according to the place of residence of the mother or the father of the child. In applying for the birth grant the certificate of the Civil Registration Office on the birth of the child and the passport of the applicant are submitted.

### 3.2.3. Maternity leave

The care for the health of mother and child connected with pregnancy and delivery has a significant place in the legislation of Estonia. If, in the beginning of the Soviet period the woman could be away from the work for only two months after the confinement, then in 1995 the term of the paid child care leave is until the child reaches the age of three years, receiving the allowance does not depend on the existence of the place of work. As the pregnancy and child-birth compensations and child care leave allowance are covered from different sources, these allowances are regulated by different laws, although essentially they both belong to the maternity leave.

#### *Pregnancy and child-birth leave*

According to the order of the Council of Ministers of the USSR from 1970, the duration of the pregnancy and child-birth leave of a working woman was established as 112 calendar days (56 days before and 56 after delivery; on delivery of multiples or in case of complications 70 calendar days).

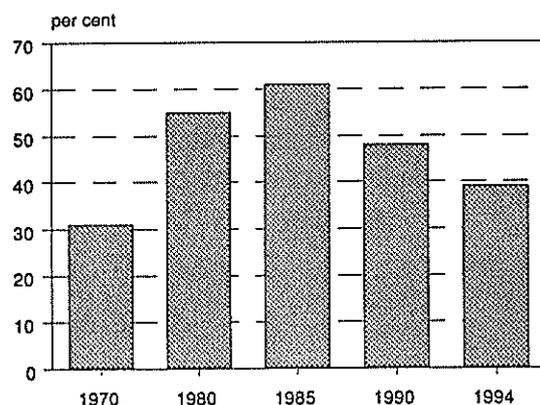
In October 1990 the duration of the pregnancy leave before delivery was established as 70 calendar days. The compensations on the basis of a medical certificate of disability connected with pregnancy and child-birth are paid to a working woman like on the basis of an ordinary sick list - by the employer. In the cases of pregnancy and child-birth the compensation is paid in the amount of 100% of the rate of the compensation, the rate of the compensation is calculated on the basis of the average wage of the two last months. It does not contain the medical expenses. The unemployed pregnant women were not paid the unemployment benefits from the beginning of the pregnancy leave, they were sent to social assistance boards. The stand-point of the National Employment Board was, that from the moment the woman is on the pregnancy leave, she is temporarily disabled and as the National Employment Board is handling only the able to work and looking for working-able population, she cannot be paid the unemployment benefit.

The Law on Social Security enforced in 1995 establishes benefits for unemployed pregnant women: the unemployment benefit is paid for the duration of the 70 days that are left until the delivery.

### *Child care leave*

The order of the Council of Ministers of the Soviet Union from 1984 contained, for the first time, the provision, according to which the mother of a child had the possibility to stay on a paid child care leave until the child reached the age of one year, the length of service was not interrupted. The condition for appropriating the allowance was, that the mother was a full-time student or the length of her service was at least one year. The amount of the allowance was established as 35 roubles.

Figure 8 PRE-SCHOOL CHILDREN ATTENDING CHILD-CARE ESTABLISHMENTS Estonia 1970-1994



On the basis of the order from 1990 the partly paid child care leave was prolonged until the child reached the age of three years and the rate of the allowance was increased to 70 roubles. The state social security allowance was paid until the child reached the age of one year, an unpaid leave could be used until the child reached the age of one and a half years, whereas the duration of the child care leave was added to the length of service. The state allowance was paid also when the mother was a part-time worker or worker at home.

On the basis of the Law on Child Benefits from 1992, one nonworking parent or guardian has the possibility to use a paid child care leave until the child reaches the age of three years. The mother is paid the allowance, regardless of the existence of the place of work, the amount of the allowance is 0,5 of the minimum wage monthly until the child reaches the age of one and a half years and 0,3 of the minimum wage monthly until the child reaches the age of three years.

### 3.3.1. Types of allowances

Children and family allowances are not brought out separately in Estonian legislation, they are closely interrelated. Many legislative acts establish, on a national level, many different allowances for families with children:

Law on Child Benefits - birth grant, child benefit, maintenance allowance, school grant, single parent's benefit, benefit for children in custody or guardianship, grant for start in life, benefit for children of a parent in regular service;

Law on Working Time and Leave - benefits for working parents;

Law on Leave - establishing child care leave, supplementary children's leave;

Law on State Allowance - survivor's pension, disabled children's pensions.

The allocation of the child benefits is not based on the economic situation of the family, the allowances are in effect for all children equally. The orders given out in 1993 establish, in addition to the above-mentioned, the procedures for allocation of subsistence allowance and housing allowance for sustaining families in worse circumstances. Both orders came into force in 1994.

On the basis of Soviet legislation only mothers with numerous children and single mothers had originally the right to receive child benefits. Mothers with three or more children were regarded as mothers with numerous children. Mothers whose children's birth certificate had no entry concerning the father or the entry was made according to mother's words, were regarded as single mothers.

According to the laws single mothers were paid a benefit until the child reached the age of 16 years. Paying the benefit continued when the mother married. Single mother had priority in admission of the child to pre-school institutions, it was possible to give the child temporarily into full maintenance of the state. Mothers of numerous children were paid monthly benefit for the fourth and sequent children beginning from the age of two years until it reached the age of five years. Parents with four or more children paid 50% less for the maintenance of children in nursery schools and day-care centres irrespective of their salary.

The order of the Council of Ministers of the Soviet Union from 1974 establishes children's benefit for low-income families depending on the income of the family (income per member of the family up to 50 roubles monthly) - 12 roubles monthly per child until the child reaches the age of eight years.

It must be said that the legislation of Soviet Union favoured the status of single mothers and mothers with numerous children, irrespective of the social background and real situation of the benefit recipient. Advantages were established in paying children's benefits, obtaining vacancies in children's nursing and day-care institutions and paying for it, also priorities in obtaining living quarters. At the same time a single mother with a child was not competitive in obtaining housing.

Since 1970 the amount of children's benefit depended on the number of children, payments began from the fourth child and the benefit was paid until the child reached the age of five years. Since 1974 the benefit was paid to each child until it reached the

age of eight years on the condition that the monthly income of the family did not exceed 50 roubles per member of the family. Consequently, the benefits depended on the income and on the number of children.

The order of the Council of Ministers of the Estonian SSR from 1986 established, that widows with children whose children do not receive the survivor's pension, are paid the state benefit established for single mothers.

The order of the Republic of Estonia from 1990 on social protection and sustenance of the families with children established a number of amendments to improve the material situation of families with children. According to this order families were paid 50 roubles monthly (if the monthly income of the family did not exceed 140 roubles) per child in ages from one and a half to six years who did not attend children's institutions. Allowance to low-income families (income per member of family less than 50 roubles) was now paid until the child reached the age of twelve years instead of until eight years as before.

In 1992 the Law on Child Benefits was established, according to which the amount of allowance was made dependent on the minimum wage. The child benefit was paid beginning from the birth until reaching the age of fifteen years, in case of studying until reaching the age of eighteen years in the amount of 0,3 of the minimum wage monthly (90 kroons). The child partly on state maintenance was paid 50% of the benefit.

Nonworking parent raising a disabled child in the age from three to sixteen years was paid a benefit in the amount of 0,3 of the minimum wage monthly.

Benefit for children of parents in regular service - in addition to the child benefit 0,3 of the minimum wage was added monthly for the duration of the service.

A guardian's benefit - until the child in ward reaches the age of sixteen years (full-time students - until reaching the age of eighteen years or until graduating) 0,2 of the minimum wage monthly.

Benefit for a single mother was established as 0,2 of the minimum wage monthly (60 kroons) until the child reaches the age of sixteen years (full-time students - until reaching the age of eighteen years or until graduating the day-school).

Grant to an orphanage child for start in life was established in the amount of ten minimum wages.

One working parent of a disabled child is entitled to get one additional day off per month, the day's wage is paid from the funds of social tax on the basis of the average wage of the employee.

The basis for paying benefits by the Law on Child Benefits adopted in 1994 is the rate of child benefit, which is established every year by the State Assemble according to the Law on State Budget. In October, 1994 it amounts to 90 kroons monthly. The rate of child benefit depends on the rise of the cost of living and is corrected when the consumer price index rises more than 10% in a half-year.

The child benefit is paid from the birth of the child until reaching the age of sixteen years, in case of studying until reaching the age of nineteen years or until the end of the school year, if the nineteenth year is reached before, irrespective of the form of study (day- or night-school, correspondence school).

Supplementary benefit is paid to a second child in the amount of 35 kroons monthly and to each sequent child in the amount of 85 kroons monthly.

New kind of benefit is a school grant in the amount of one rate of child benefit (90 kroons). The school grant is paid once a year in the beginning of the school year.

Several kinds of benefits were increased in addition to the singly paid birth grant and the maintenance allowance paid during the period of child care leave on the basis of the Law on Child Benefits from 1994:

- the maintenance allowance for one nonworking parent of a handicapped child from the age of one and a half years until the age of eighteen years was increased from 90 kroons to 180 kroons (two rates of child benefits);

- benefit for a child in ward was increased to 180 kroons monthly (two rates of child benefit) and it is paid on the same conditions as the child benefit is paid (in case of studying until the child reaches the age of 19 years);

- for a disabled parent who is raising a child alone the single parent's benefit was increased to 135 kroons (1,5 rates of child benefit). This benefit is not paid after marrying.

Benefit for a single parent. This kind of benefit is paid until the child reaches the age of sixteen years (in case of studying in a day-school until the child reaches the age of nineteen years) to a mother who is raising a child alone, if the entry concerning father in the birth certificate is made according to the mother's words, in the amount of 0,6 of the rate of the child benefit. The benefit is not paid after the mother marries. In case of death or illness of the mother the benefit for a single parent is paid to the guardian.

A parent who is raising a child alone in case the other parent is declared wanted by the police in accordance with the law benefit in the amount of 0,6 of the rate of the child benefit is paid.

Benefit for a child in the custody or guardianship is paid until the child reaches the age of sixteen years, in case of studying in day-school until reaching the age of nineteen years and the amount of the benefit is two rates of the child benefit.

Grant for start in life for an orphanage child is allocated to an orphan or a child without parental care who has lived in an orphanage or a special school for transgressors at least three last years. The amount of the grant is 3000 kroons. In case of living in an orphanage or a special school for transgressors less than three years, the grant for start in life is reduced for one rate of child benefit per month that is short of three years.

Benefits for children of parents in regular service are paid to children of parents in the regular service in the Defence Forces of the Republic of Estonia.

The order of the Government of the Republic of Estonia from July 1994 established an allowance for families with four or more children, according to the law the families with four or more children with mothers (fathers) on child care leave with up to three-year children or nonworking mothers (fathers) who rear the children at home are paid maintenance allowance 90 kroons monthly on each 1,5-3 -years old child, in addition to the benefits paid according to the Law on Child Benefits. Families with four or more children where nonworking mothers (fathers) rear at home 3-16 - years old children or up to 19 - years old children who study at basic schools, gymnasiums or vocational schools, receive, according to the order of the government, 180 kroons monthly per family until the youngest child completes the first form.

Following compensations are established for low-income families:

*Subsistence allowance.* The Government of the Republic enforced an order in September, 1993 "On establishing the poverty line and social protection of poor households", according to it the families (or individuals) with a low income who are permanent residents of the Republic of Estonia are paid an allowance in case their monthly income is on grounds independent of himself/herself below the poverty line. Index OECD, used in Western Europe, worked out by Eurostat is used for estimating the poverty line, on its basis is calculated the total poverty line of the family. The fixed poverty line is multiplied by total consumption coefficient. The fixed poverty line (subsistence line) was estimated at 310 kroons per person in 1994.

*Housing allowance.* The order was enacted on January 1, 1994. The conditions of paying the allowance are described below.

The above-mentioned allowances are paid to permanent residents of Estonia. In accordance with the order from May 20, 1994, foreigners sojourning lawfully in Estonia on the basis of a temporary residence permission are paid allowances according to interstate agreements. Up to 1994 no interstate agreement is ratified. Agreement with Russia is postponed indefinitely. Agreements with Finland, Lithuania, Latvia, Germany are in preparation. A foreigner who has moved into Estonia before July 1, 1990 and sojourning in Estonia on the basis of permanent registration of ESSR can apply for a temporary residence permission and also for a permanent residence permission. The National Citizenship and Immigration Board enters the foreigner into the register of applicants for the permanent residence permission and issues together with the temporary residence permission a certificate about it. The foreigner, who has the respective certificate issued by the National Citizenship and Immigration Board, is paid child benefits during the term of validity of the temporary residence permission like a permanent resident of Estonia.

### 3.4. Housing policy from the viewpoint of family

National housing policy and respective legislation were developed in the years of independence of the Republic of Estonia 1918 - 1940 like the policy enacted in Western Europe at the same time. The demand and supply of dwellings were balanced in the middle of the thirties

After incorporation into the Soviet Union the housing fund was expropriated, the housing policy was closely interrelated with territorial policy of the Soviet Union. A great percentage of housing fund was destroyed, immigration into Estonia sharpened the housing problems significantly. An active dwelling construction began in accordance with the new building regulations. In the years 1961-1965 13,5 dwellings were built per 1000 inhabitants. The law gave immigrants priorities in allocation of the dwellings. As an example, a young specialist sent to work from another town, was given a room or a place in a hostel. Living in a hostel was an advantage for admitting into a housing order. Real possibilities to acquire dwelling depended to a high degree on the organization where the applicant was employed.

By the order of the Central Committee of the ECP and Council of Ministers of the Estonian SSR as of 1981 established, that young couples in need of dwelling who marry for the first time being younger than 30 years, are given a room and young married couples in the event of the birth of the first child during the first three years of the marriage - an one-room flat. The law provided also, that young families had the right to enter the dwelling construction cooperatives in the first order and lower the rate of the first payment. The privileges extended to the so-called mothers - heroines, families with numerous children and single mothers and families in the event of multiple births.

According to the law (confirmed by the Minister of Finance of the USSR in 1982), young families with children could receive state loans without interest to improve their living conditions or start a household. An enterprise or collective farm could give the loan to one of the spouses under 30 years. The amount of the loan was 1500 roubles with the term of redemption up to 8 years.

The above-mentioned privileges did not extend to the couples in consensual union, priorities in admitting into a housing order were only for officially married couples. The amount of square metres per inhabitant, calculated on the basis of the permanent registration (for the first priority less than 3m<sup>2</sup> per inhabitant was foreseen) had the decisive importance, but it did not guarantee obtaining dwelling. Couples in consensual union had no possibility to get admitted into the housing order. At the same time the so-called nomenclature had no problems obtaining dwelling irrespective of the square metres.

The Housing Code of the Estonian SSR from 1983 established several housing benefits for families. Housing rent and public utilities benefits could be received by some categories of country workers, for instance teachers, persons working in the realm of culture etc. Housing rent benefits that depended on the income of the family were not provided.

In accordance with the law of the Soviet Union on Housing Rent Rates from 1928 the rent was on an average 5% of the family income in 1989, covering less than 30% of the housing expenses.

By the beginning of 1992 65% of the dwelling fund was in the possession of the state, housing economy was subsidized by the state, housing rent was low as before. From March 1992 subsidizing the costs of exploitation of the houses was ended, from January 1993 subsidizing the costs of capital repairs of the houses was ended as well.

In connexion with the starting of the housing rent reform in March 1992 subsidies for poorer groups of population became necessary. The housing allowances were established for families with a low income to compensate for a part of housing rent and public utilities. In accordance with order (March, 1992) a partial compensation could be applied for, if expenses on rent and utilities exceeded 25% of the family income.

The Law on Privatization of State and Municipal Flats was adopted in April 1992. The privatization is enacted by means of shares of the people's capital issued on the basis of the length of employment; for money or securities issued for compensation of the unlawfully expropriated property.

Since April 1992 the housing policy is regulated by the Law on Housing and allowances - by several orders of the Government of the Republic. The object of the Law on Housing is to regulate relations that arise while giving flats into permanent inhabiting and use. State housing allowances are paid by the social assistance sphere. Development and realization of housing programs is delegated to the authority of the local governments. Possibility to apply for state housing in extreme situations (for instance orphans, houses liable to fall down) is established, but real possibilities for assistance are minimal.

Establishing the bases of housing rent is vested with the Government of the Republic of Estonia in accordance with the Law on Housing. The order No 254 of the Government from August 1993 establishes methodical bases for calculating the rent on lodging. According to the order the right to establish the maximum rent for all forms of ownership was delegated to the local government.

In January 1994 a national system of paying housing allowance was started (order of the Government of the Republic from October, 1993: On Establishing Housing Allowances), in accordance with the order the housing allowance provides the partial compensation of housing and utility expenses for families with low income. The allowance is awarded on the condition that the person has a permanent registration in Estonia. It is not substantial whether the person is a tenant or an owner. The awarding of the compensation is irrespective of the kind of ownership - if it is in public or municipal property, a housing cooperative or private property. Important is the size of the dwelling as the allowance is awarded only in the limits of the normative floor space. The normative floor space was established at 18 m<sup>2</sup> of the total floor space per household member plus 15 m<sup>2</sup> per household. The allowance is awarded to a family or an individual, whose normative housing and utility expenses exceed 30% of the total monthly income of the family (or the individual). All kinds of incomes taxable on the basis of the Income Tax Law are regarded as income, besides that also

pensions and unemployment benefits are taken into consideration. According to the Law on Housing spouses, their children and parents are regarded as members of the owner's (tenant's) family. In awarding housing allowance other permanent residents may also be regarded as members of the family if they live with the owner (tenant) and have a common household. The precondition for housing allowance is that all adult household members must either study or work, be pensioners, disabled, on child care leave or officially unemployed and the arrears for housing rent do not exceed the last 4 months.

In 1994 the banks do not give loans for improvement of dwelling conditions. The order of the Government stated the need to start a loan for young families, but it has been postponed on the grounds of absence of the loan funds. A discussion has arisen about how the young family must be defined. The Housing Fund was formed by the Ministry of Economics and the sum allocated to it from the state budget (15 000 000 kroons) is projected as a 15-20 year loan for young families for dwelling construction (amount of a loan 50 000 - 500 000 kroons). It is planned to start this program as of July 1, 1995.

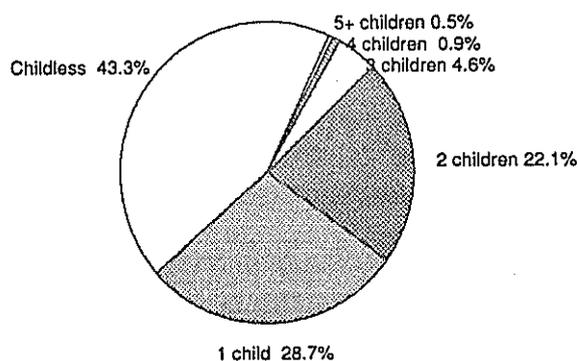
Housing and utility compensations are awarded according to the income of the family. Rent rates do not take into consideration the different categories: newly married, families with a single parent, families with children. A family in consensual union is left completely out of attention.

### 3.5. Tax policy from the viewpoint of the family

#### 3.5.2. Income tax

Income tax is paid by workers on concrete income. In the times of the Estonian SSR the law on Income Tax of the Population (adopted by the Presidium of Supreme Council of the USSR in 1943) was in force with amendments on the basis of the law from 1983. All citizens of the USSR, who derived income on the territory of the USSR or from abroad, had to pay the income tax. The tax-exempt minimum was 70 roubles from main occupation. The income tax rate depended on the income: the lowest rate was 25 copecks from 71 roubles and the highest 100 roubles and more, the rate of income tax was then 8 roubles and 20 copecks + 13% of the sum that exceeded 100 roubles.

Figure 10 DISTRIBUTION OF FAMILIES BY NUMBER OF CHILDREN Estonia 1989



Tax benefits were awarded to workers and employees, in whose maintenance were 4 or more persons, the tax rate was reduced by 30% at the main occupation (a certificate on persons in maintenance was submitted once a year). Tax exemptions

were established for workers of collective farms who derived income from the collective farm which members they were. Benefits were established also for servicemen.

In 1991 two laws were enforced - Personal Income Tax Law and - Enterprises' Income Tax Law, according to these laws the income tax had to be paid by:

- individuals who had a permanent place of residence in the Republic of Estonia (persons who worked abroad, paid the income tax in the Republic of Estonia, if the interstate agreements did not establish otherwise).
- individuals whose permanent place of residence was not in the Republic of Estonia, but working in the Republic of Estonia they had to pay the income tax if the interstate agreements did not establish otherwise. In addition to this they had to have lived in Estonia for 183 days.

The rate of the personal income tax depended on the income:

- up to 4800 roubles - 16%
- 4801 - 12000 roubles - 768 roubles  
+ 24% of the sum over 4800 roubles
- 12001 roubles and more - 2496 roubles  
+ 33% of the sum over 12000 roubles

State allowances and pensions are exempt from the income tax. Direct tax benefits for families were not provided by this law, but some indirect benefits can be found: income tax was not paid on sums paid in accordance with the law for housing and utilities. This advantage (country teachers, persons working in the realm of culture etc.) was in force during the transition period from the legislation of the ESSR to that in force by 1994. The income tax is not paid by the payer of alimony, but the receiver has to pay income tax on the received sums.

An indirect benefit for spouses living together is also the possibility of filing a joint tax return (this does not extend to other members of the family living together with them): spouses who have lived together during the taxation period are allowed to pay the income tax on the basis of a joint tax return, the taxable income is divided equally between the spouses. If the taxpayer adds a certificate that he/she has spent a sum directly on education (tuition fee), this sum will be tax-exempt.

The local government, into whose budget the tax accrues has the right, on the basis of this article, to establish tax benefits or exemptions for some taxpayers or groups of taxpayers. This right was widely used because 100% of the income taxes accrued into the budget of local governments. Each local government established tax exemptions by its own choice for individuals or groups of them. For instance, the Government of Narva did not tax the receivers of alimony, families with three or more children were exempted from income tax on wages from main occupation in many rural municipalities all over Estonia. In Tallinn tax exemptions were established for all persons who had worked in Chernobyl as on main occupation and persons working in the Police Prefecture of Tallinn. These benefits are now gone because 52% of the

income tax accrue into the budget of local government and 48% accrue into the state budget and local government has no possibilities to award benefits.

A new Income Tax Law came into force on January 1, 1994, combining the laws on personal and enterprise income tax. In accordance with the law the income tax must be paid by:

- an individual or an enterprise, resident or nonresident, whose income is taxable on the basis of the law;
- resident has to pay income tax on the income received in Estonia or abroad.

Resident is an individual, who has a permanent place of residence in the Republic of Estonia or who stays in Estonia for more than 182 days during the period of taxation. Income tax rate is 26 per cent of the taxable income and it is not connected with the size of the income.

There are no direct tax benefits for families in the new law. The possibilities of employers to cover fully or partially the housing expenses of the employees (who have to be residents) may be regarded as indirect benefits. In this case the income tax is paid by the employer.

Alike to the previous law, the spouses living together during the taxation period (this does not extend to other members of the family living together with them) are allowed to pay the income tax on the basis of a joint tax return, the taxable income is divided equally between the spouses. This benefit does not extend to the couples in consensual union.

Expenses on education are not exempt from taxes any more in accordance with the enacted law. There are no direct tax benefits for families in the new law. Children and other persons in the maintenance have no effect on the paying of the tax. The receiver of the alimony is still taxed with the income tax. A newly married young family has no privileges.

The employer can compensate the housing allowance and pay the income tax on it. The right of the local government to impose tax benefits or exemptions on basis of the law has been changed with the amending of money receipts - before now 100% of the income tax accrued into the budget of local governments, but now 52%. Now they can award benefits only as single grants which are not taxable and which are paid from the social welfare sphere.

### 3.5.2. Social tax.

The social tax is paid by the employer on wages and salaries fund. The social tax is not connected with a concrete person, but it insures the employee against social risks (among them pensions, health insurance etc.). The Social Tax Law in Estonia was established in January, 1991 and its rate was 20% of the wages and salaries fund.

With establishing the Health Insurance Law in January, 1992, a necessity appeared to allocate a fixed part of social tax on health insurance (sick-funds). By now the rate of

social tax is 33% of the wages and salaries fund, 20% of it accrues into the pension fund and 13% - on health insurance.

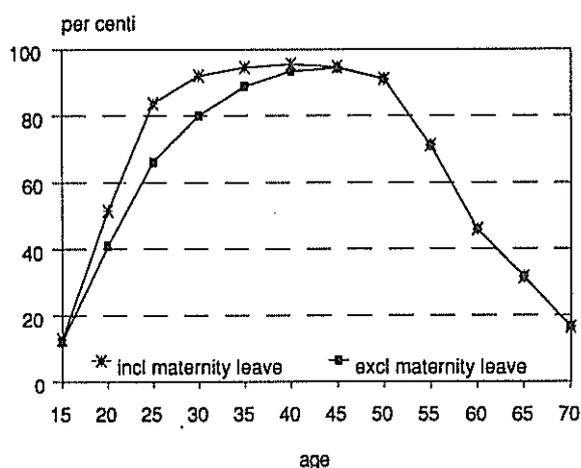
### 3.6. Work-related provisions.

Soviet ideology advocated loudly the equal rights of men and women and gave the employed mothers numerous benefits by the legislation. One of the principles of the soviet ideology was to secure in the circumstances of the labour shortage the maximum employment rate of women parallel to raising children, in that the socialist countries were sure pioneers. Men as fathers were not much taken into consideration by the policy of those times. At the same time, the possibilities of using most of the benefits depended on the existence of the place of work, single mothers could use a number of additional benefits. In housing policy the preference was to officially registered families with children and a single mother with a child was not really competitive, but for instance in getting admission (a place) to a children's institution the single mother had substantial priorities.

The rights and duties of employed women in Estonia have, beginning from the Soviet period, been regulated by several laws in different times. To secure the necessary care in times of nursing or illness, when the presence of mother was inevitable, the state secured, that the mother retained the place of work. More than that, social pressure was exercised towards a nonworking mother, trying to present her more as unwilling to work than as performer of the role of the mother. The benefits were originally established only for employed mothers, thus women had no real choice.

In 1957 decree of the Council of inisters of the Estonian SSR was issued: On measures of assisting employed women and organizing the work of day nurseries. According to this decree the employed and needing material assistance pregnant women had the right to go to sanatoriums and rest homes free of charge, at working places rooms for nursing children were provided, breaks in work for nursing children were established. These benefits were directly connected with the fact that women had to start working immediately after the end of the child-birth leave.

Figure 11 LABOUR-FORCE PARTICIPATION RATES Estonia, females 1989



Until the Law on Employment Contract entered into force in 1992, the provisions of the Labour Code of the Estonian SSR (1972) and the provisions of legal acts valid on the territory of the Republic of Estonia were enacted. According to the Labour Code, the pregnant women and the mothers of children under two years of age were not allowed to work night shifts and overtime and to be sent on official journeys. The mothers were provided with the possibility to apply for part-time work. It was

provided, that in the enterprises where the majority of the employees were women, the day nurseries and nursery schools were organized.

The trends of forming the public opinion changed radically with Estonia regaining its independence back. The slogan "Earth must be filled with children!" appealed to Estonian women from the first, but here too it was like an accustomed campaign from the Soviet period, and it was regarded as the only possible solution for women to stay at home to bear and raise children. Regardless of slogans the legislation concerning employment of women retained the former, having been in operation for decades, attitudes towards employed women-mothers.

The Law on Employment Contract entered into force in 1992 established numerous benefits for working minors, pregnant women and mothers of infants:

- a minor who is at least fifteen years old may start working as an exception, a written consent of one parent or guardian is required. A 13-15 year minor may work with a written consent of one parent or guardian and a written consent of labour inspector of the employer's place of residence;
- pregnant women and minors may not be sent to official journeys. Woman, who rears a handicapped child or a child under three years of age may be sent to official journeys only with her consent;
- a woman with a child under three years has the right to demand, on basis of a doctor's decision, to be transferred to another post until the child reaches the age of three years, if she is not able to do the previous work. The same right arises, when the labour conditions do not enable her to use the benefits established for nursing the child. In the course of doing the other work the difference in wages is paid from the health insurance funds;
- pregnant women are not permitted to be transferred to work in another locality; it also includes women, who are raising handicapped children, women, who are raising children under 16 years and minors;
- the employer has no right to terminate the labour contract with a pregnant woman, with a woman who is raising a child under three years. Here are several exceptions, for instance the liquidation of the enterprise, bankruptcy of the employer, unsatisfactory results of the probation, unworthy act and restoration of a previous worker on main occupation;
- a woman, who raises a child under three years, has to notify the employer only 5 calendar days before terminating the labour contract.

The Law on Leave of the Republic of Estonia in force from 1993 regulates the relations between the employee and the employer, arising in connexion with giving leave. There are several benefits for working parents:

- according to the law the leave of the first working year has to be given in the full length irrespective of the length of worked time to minors, to women before

or after the pregnancy and child-birth leave; to men, whose spouse is on pregnancy or child-birth leave;

The leave has to be given, if wished, to a woman before or after the pregnancy or child-birth leave; to a man during the spouse's pregnancy or child-birth leave; to a woman, who is raising a child under three years; to a man, who is raising alone a child under three years; to a minor.

An additional child leave has to be given, if wished, for three calendar days every working year to mother or father with one or two children under fourteen years; and six calendar days every working year to mother or father with three or more children under fourteen years or at least one child under three years.

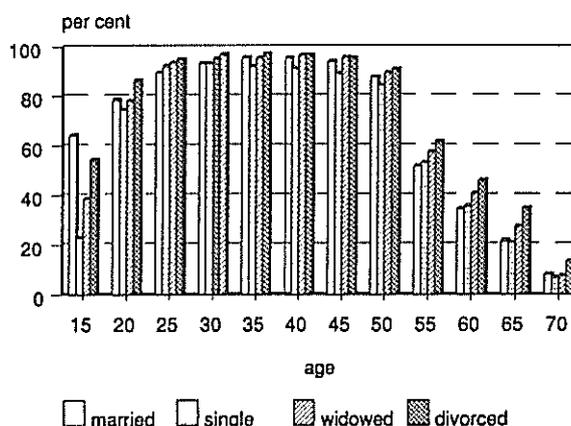
The employer has to give leave without pay, if wished, to a woman who raises a child under fourteen years; to a man, who raises alone a child under fourteen years; to one of the parents, who raises a handicapped child.

The Law on Working Time and Leave, enforced in 1994, establishes several benefits connected with children:

- it is forbidden to engage a pregnant woman and a minor to work overtime, at night or on rest days;
- a woman, who raises a handicapped child or a child under 14 years, may be engaged to work overtime, at night or on rest days only by her consent;
- one parent of a handicapped child is entitled to one additional day off per month, the wage for this day is paid on the basis of average wage from the budget of social security;
- a person who is raising a child under 1,5 years, is entitled, in addition to the lunch and rest break, to breaks for nursing the child, not less than 30 minutes in at least every three hours. These breaks can be added to the lunch and rest break or the workday can be shortened for the respective time. The breaks for nursing the child are regarded as working time and average wage is paid for this working time from the budget of social security.

In the case of illness of a child the employed insured parent is paid compensation for up to 14 calendar days: in case of nursing a child under 14 years 100%, in case of nursing a child under 3 years (a handicapped child under 16 years) if the mother is ill or in a hospital in connexion with child-birth, 80 % of the rate of the compensation. The compensation is calculated on the basis of average day's pay of the last two

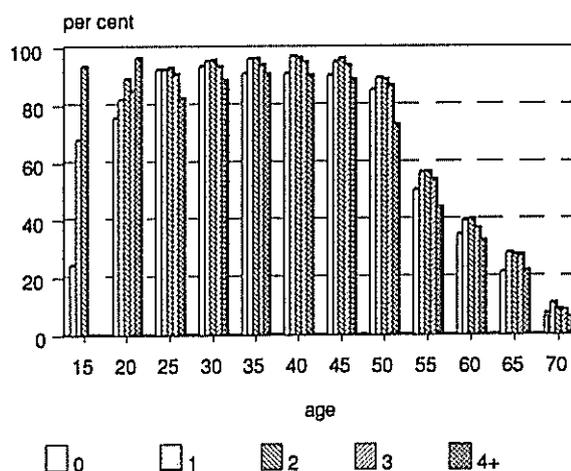
Figure 12 LABOUR-FORCE PARTICIPATION RATES BY AGE AND MARITAL STATUS  
Estonia, females 1989



calendar months of the insured. Informing the employer, the employee has the right to be absent from work on the grounds of health for five working days in a calendar year, for two of the days, on the basis of the employee's application, the sick-fund pays 80% of the rate of the compensation.

It can be said, on the basis of the legislation in force, that in the form of employment benefits connected with raising children the legislation has given the parents a choice either to prefer using the child care leave or working while raising an infant. Another thing is, how successfully could these choices be realized in real life.

Figure 13 LABOUR-FORCE PARTICIPATION RATES BY AGE AND PARITY  
- Estonia, females 1989



### 3.7. Contraceptives and family planning

#### 3.7.1. Contraceptives

##### *Availability of information and contraceptives*

A national program concerning the use and propagation of contraceptives is absent up to now. Advertising in mass media is minimal, the corresponding information is forwarded mainly by consultation offices. A health instruction program for schools is worked out on the level of ministry, it prescribes acquaintance with contraceptives and family planning.

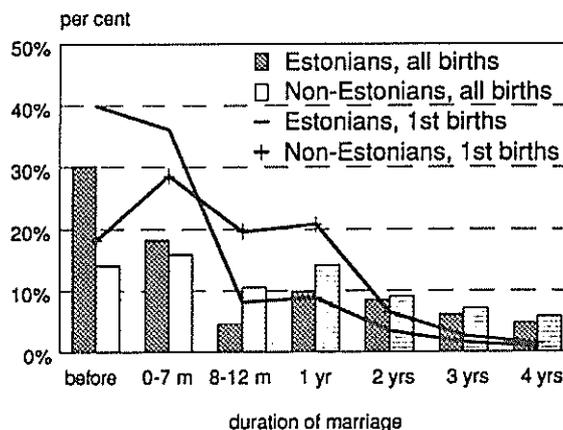
Most of the contraceptives are available with doctor's prescription. To obtain hormonal contraceptives a prescription is needed, but to buy an intra-uterine device a prescription is not required. Several kinds of pills can be bought at the chemist's without a prescription. The law fixes no minimum age for obtaining contraceptives, minors can buy contraceptives without consent of the parents. Having had children is not required. Advice about the suitability of different contraceptives can be obtained at women's consultation offices and family consultation offices.

##### *Payment for contraceptives*

All contraceptives have been obtainable for payment, with the rate of 100%, there is no discount for risk groups. According to the order No 15 of the Ministry of Social Affairs as of February 10, 1994 the health insurance sums economized by rendering the abortions partially paid were used to compensate a part of the price of the contraceptives. On the basis of this order oral contraceptives and intra-uterine devices are secured free of charge for one year after giving birth and for 3 months after an

abortion. Day-school pupils, students of universities and women for whom pregnancy and child-birth are medically contraindicated, are to be provided with free contraceptives by women's consultation offices. By the data obtained from the Ministry of Social Affairs ca 10 000 women need contraceptives after an abortion every year and ca 4 200 women need hormonal contraceptives every year. There are nearly 400 000 women in fertile age in Estonia.

Figure 14 DISTRIBUTION OF BIRTHS BY DURATION OF MARRIAGE  
Estonia 1988-1989



The assortment and availability of contraceptives have been greatly improved by 1994. According to the information from the women's consultation offices and chemists' shops, the assortment is sufficient, but the prices are very different. For instance, the average price of one condom ranges from 1 to 4 kroons, the pills - 8-100 kroons, intra-uterine devices - 35-300 kroons.

#### *Sterilization as a family planning method*

There is no valid law on sterilization and the physician can decide, if the grounds are sufficient, on medical indications only to perform sterilization. The decision is made in each concrete case separately and there are no requirements on the number of children or on the age. Compulsory sterilization is not performed even in the cases of serious psychical illness. A law issued on sterilization in 1936, which established the matters connected with sterilization and terminating the pregnancy, was invalidated in 1940 by an order of the Council of People's Commissars of the Estonian SSR. By the year 1994 the Law on Sterilization is in preparation.

#### 3.7.2. Family planning

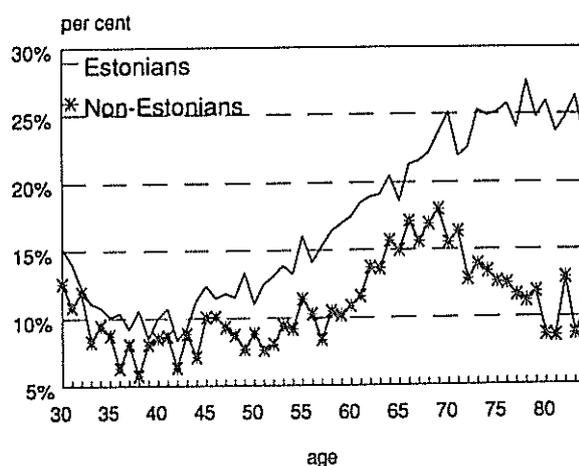
The programs of health education, among these sexual education and family planning are in school programs not unified. The level is either equally high or low, depending on the school and region. The school programs contain health education in the forms 1-4 (health education workbooks), a few lessons in the forms 5-7 and 35 lessons of family education (including contraceptives) in the 10th form. Very different specialists can give lectures on family planning and sexual education: medical workers, health education teachers, biology teachers etc. There is no unified corresponding teaching material in Estonian.

Estonia is involved in the 2-year World Health Organization pilot program "From abortion to contraception" by the Tallinn Pelgulinn natal clinic. The main attention of the program is on the family planning counselling and on developing the counselling service. A Youth Cabinet has been opened by the Tallinn Pelgulinn natal clinic in November 1993, where information about contraceptives is spread, lectures are

organized and the visitors of the Youth Cabinet are supplied with free contraceptives for 2 years. 12 schools have joined the international Healthy School program by 1994. In the framework of the project the scholarships are awarded and giving out the corresponding literature is prescribed.

The Family Planning Program for the Years 1995 - 1998 is in final stadium of negotiations. It is a part of Estonian health care project financed by the World Bank. The program contains training various specialists either on local or on international level, founding a Family Planning Centre in Tartu and funding relevant research projects. The Family Planning Association was founded in Estonia in December 1994.

Figure 14 CHILDLESS WOMEN  
BY AGE AND ETHNICITY  
Estonia 1989



### 3.8. Induced Abortion

Abortion has had a significant place as a method of family planning in Estonia for a long time. The Law on Abortions of the Soviet Union enforced in 1956 regulated the termination of pregnancy in Estonia for a long time. The decree of the Ministry of Health Care of the Soviet Union from 1982 established that on medical indication the pregnancy may be terminated within 16 weeks of pregnancy, elective termination is allowed within 12 weeks.

The decree of the Ministry of Social Affairs of the Republic of Estonia from June, 1993 invalidated the decree from 1982 and established that termination of the pregnancy on medical indications may be performed within 20 weeks of the pregnancy.

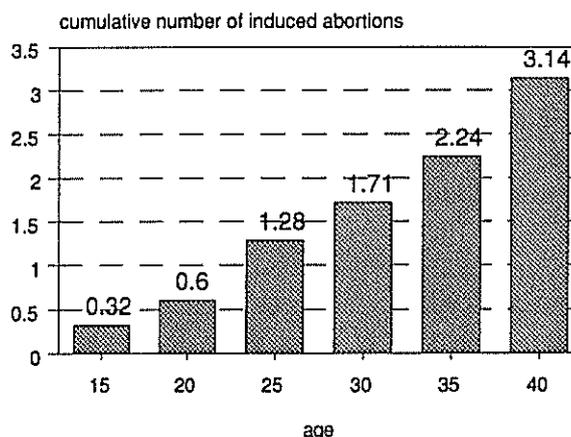
Estonia has been characterized by a high number of the abortions, beginning from the enactment in the Soviet Union of the Law on Abortions from the mid 1950s. Estonians and non-Estonians have differences from the standpoint of abortion behaviour - non-Estonians are characterized by a higher rate of induced abortions.

#### 3.8.1. Indications for performing an induced abortions

Women themselves decide for or against terminating the pregnancy, the physician has only advisory right. Minors (under 16 years) need the consent of a parent. The reasons to induced abortion a pregnancy within 12 weeks are not analyzed, the law establishes only the duration of the pregnancy regardless of the reasons in general cases until the 12th week of pregnancy, on medical indications - until the 20th week of pregnancy. In exceptional cases of malformation of the foetus the pregnancy may be terminated until the 22nd week of the pregnancy. Neither minimum nor maximum

age of the woman for having an abortion is fixed, the marital status plays no role. Rape is regarded as a medical indication (20 weeks of pregnancy). Socio-economic reasons are not brought out. In this case neither consultation of a social worker is prescribed, nor opinion of the respective council asked. Regardless of reasons the abortion is performed until the 12th week of pregnancy, decisive role has the will of the woman, no matter the reasons.

Figure 15 CUMULATIVE NUMBER OF INDUCED ABORTIONS BY AGE  
Abortion survey, Tallinn 1992



The patient is subjected to a compulsory examination on venereal disease before the abortion, blood group and Rh-factor are determined. Minors under 16 years are consulted by a lawyer. Consultations before and after the abortion are prescribed.

The right to perform induced abortions have state hospitals or private hospitals. The termination of pregnancy at gestational age from 12 to 20 weeks is allowed only on medical indications and only in a state hospitals. Gynaecologist, family physician or a midwife can prescribe it. The prescription must contain the diagnosis, grounds for the termination of the pregnancy and the decision of the consultation of doctors. The decision is retained in the health care institution where the pregnancy was terminated. Miniabortions (within 21 days of the last menstrual period) may be performed as in in-patient as well in out-patient departments of health care institutions. Pregnancy must prior to that be ascertained by a pregnancy test or by sonography.

In each case of the termination of the pregnancy (including miniabortion) a form is filled in addition to the abortion registration certificate. The Abortion Register by the Board of Medical Statistics is working from September 1993. According to their information the submission of information from private medical enterprises is insufficient.

### 3.8.2. Payment for induced abortion

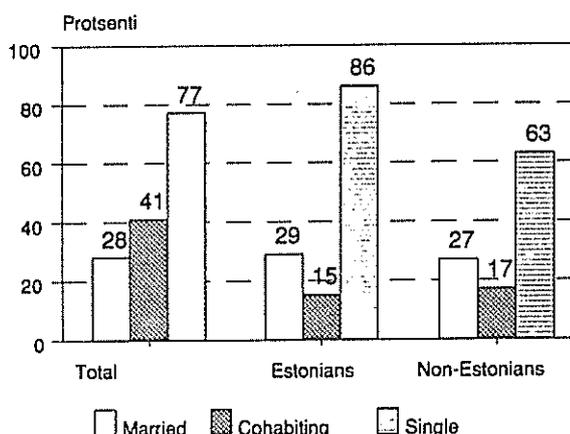
The induced abortion was, regardless of reasons (the life or health in danger, malformation of the foetus, rape, socio-economic causes, without a weighty reason), until the Law on Abortion was enacted in 1994, free for insured patients in public hospitals, the compensation for temporary disability was paid.

The order of the Ministry of Social Affairs from February 1994 established, that the abortions became partly paid. The patient, who has the insurance of the sick-fund, pays 50% of the cost of the operation. The remaining expenses, including the cost of the hospital day, medical examinations before and after the abortion and visits to doctor are compensated to the health care institutions by the sick-fund according to the usual procedures. Induced abortion on medical indications is free of charge.

### 3.8.3. Punishment for illegal abortion

The person, who performs an illegal abortion (the woman, who has an illegal abortion, will not be punished) may be prosecuted on the basis of the criminal code - it depends on the professionalism, it can be considered as violating the Law on Licences. In practice, abortions are not often performed outside a health care institution.

Figure 16 PERCENTAGE OF WOMEN WITH NO ABORTION BY MARITAL STATUS AND ETHNICITY Abortion Survey, Tallinn 1992



## 4. CONCLUSIONS

If it is decided in favour of the population policy directed towards an increase of fertility, then it would not be sufficient to announce the need to increase fertility and enlarge the families. In addition to increasing the child benefits - this would be the simplest to accomplish if the funds could be found, the formation of a well-considered policy presumes extremely thorough preparatory work, that should consider marital and reproductive behaviour of the population in all its diversity. Resultive can be only such an approach, that supports as different as possible groups of population with suitable means. Concentration of the attention on some specific groups of population (for instance on families with numerous children) does not much affect the course of demographic processes as a whole.

One of the shortcomings of the present population policy of Estonia is clearly the absence of attention on young family. Young, beginning the life family has found no systematic public support that could facilitate the beginning of independent life. The absence of support in this phase of life can affect the attitudes and behaviour for a long time in the direction unwelcomed by the society. The situation is complicated by the vagueness in determination of the criteria of the young family. Could the young family be accepted as a family from the moment the children have been born or from the beginning of the cohabitation? A different answer inevitably means giving the preference to a certain type of behaviour and the sub-population that supports it.

Another shortcoming of the present legislation touching demographic questions is ignoring the variety of the forms of cohabitation. The Law on Family in its present form regulates only the questions connected with registered cohabitation, leaving out of attention a great part of really existing unions. Taking into consideration the increase of the age at marriage reflected in the demographic data, the reduction of the minimum age at marriage to 15 years is, for instance, not quite understandable.

The availability of contraceptives has improved considerably lately, but now the price is more of a problem than the availability. A few Youth Cabinets cannot cover the needs of risk groups with the free contraceptives' supply based mainly on foreign aid. For years the attitude that to have an abortion means not to undertake an operation in an exceptional case, but is rather a customary fertility regulation method, has lasted,

and it makes itself felt in a big number of abortions although showing a tendency to decline.

While adopting the laws, the ways and means of their implication must unquestionably be considered. The program of lectures on health education and family planning is prepared for schools on the ministry's level, but in reality the content and level of the teaching is extremely different from school to school, it depends on the possibilities and interest of the schools. Form master/mistress is often lecturing instead of a specialist.

The same problem appears to exist in case of benefits connected with working. They are fixed by laws, but their operation in the society on its way to the market economy might not be self-evident. The named question deserves surely a separate research, the data from the labour research in progress now offers favourable possibilities for such an analysis.

By the implementation of the laws, it often occurs, that various legal acts are not connected. Different laws and different public offices interpret similar concepts differently, it appears to ensue more from the poor organization than from a matter of principle in interpreting discrepancies. The implementation of numerous laws depends on the arrangement of the registration of the place of residence, that has up to now found no satisfactory solution.

Not only ordinary citizens, but officials too have been confused by very frequent amending of regulative acts, that here and there points at insufficiently considered decisions. If the intention is the formation of an operative population policy, then such a situation is not to be allowed in a longer perspective.

In developing further the system of allowances, securing the managing of the people with the help of paying continual allowances ought to be avoided, at least for the people in working age the accent should be on the active measures directed at independent managing. Unlike the allowances directed to the young people, the assistance given to the elderly has a quite different contents. The elderly people, who with lifelong work have earned the attention and caring of the society, need guarantees both today and tomorrow.

Taking into account that the Estonian population is socially very heterogeneous, the consequences of one or another undertaking on different subpopulations, while drafting measures in the field of social and population policy should certainly be considered. Taking into consideration the differences helps to avoid unforeseen by-effects, but it involves surely more work and information than the present approach. In working out a systematic population and social policy, it would be reasonable to start from the data arrangement of the state, to provide the decisions to be made with information about the demographic behaviour of the population and the possible results of the measures to be taken.

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