



Legal assistance | Legal counselling | Legal document preparation

AllService Solutions OÜ
Registry code: 17398975
E-mail: info@allservicesolutionsou.com
Telephone: +372 58198933
Web: www.allservicesolutionsou.com
App: app.allservicesolutionsou.com

NOTIFICATION CONCERNING A SYSTEMIC HUMAN RIGHTS AND EU LAW PROBLEM IN ESTONIAN ENFORCEMENT PROCEEDINGS

Systemic concerns arising from enforcement proceedings, disproportionate deprivation of subsistence and insufficient protection of vulnerable debtors

Addressees: European Commission
Council of Europe Commissioner for Human Rights
Chancellor of Justice of Estonia
Ministry of Justice and Digital Affairs of Estonia

Prepared by: AllService Solutions OÜ

Date: 10 June 2026

Subject: Systemic human rights and EU law concerns in Estonian enforcement proceedings

1. Purpose of this notification

This notification concerns a systemic problem in Estonian enforcement proceedings. The issue is not the existence of debt enforcement as such. The issue is the manner in which enforcement proceedings operate in practice and the severe consequences they produce for vulnerable individuals.

Debt enforcement must serve a lawful purpose. However, it must also remain proportionate, humane, legally controlled and compatible with fundamental rights. In Estonia, enforcement proceedings frequently operate in a manner that deprives individuals of real subsistence, access to their bank accounts, housing security, medical stability, family life and the ability to recover economically.

The result is a system in which debt is no longer merely collected. Debt becomes a mechanism through which poverty is deepened, prolonged and institutionalised.

2. Core concern

In practice, Estonian enforcement proceedings may lead to situations where a debtor's bank account is restricted, income becomes inaccessible, enforcement fees and additional costs increase the debt burden, and the person loses real control over basic economic life.

A creditor's interest in recovery cannot justify measures that leave a person without actual means of subsistence. The existence of a debt does not authorise the State, through enforcement officers, to push a person into a situation where they cannot pay rent, buy medicine, meet family obligations, travel to work or maintain a minimum dignified life.

Enforcement must preserve human dignity. If enforcement results in the loss of housing, access to necessary medical funds, food money, work-related mobility or effective participation in society, the enforcement system has crossed the line of proportionality.

3. Systemic impact on poor and vulnerable persons

The Estonian enforcement system affects most severely those who do not have money for legal assistance, who do not understand complex procedural requirements, and whose income is already

minimal before enforcement begins.

A person with financial resources can hire a lawyer, challenge enforcement acts, request release of protected income, contest excessive costs and demand proportionality. A poor person often stands alone against a complex enforcement system. They may not know which application to submit, within which deadline, to which authority, with what evidence and under which legal basis.

A system that is formally accessible but practically unusable for poor and vulnerable people is not an effective system of legal protection.

4. EU law and fundamental rights concerns

The described practice raises serious concerns under European Union law and fundamental rights standards, in particular where enforcement concerns consumer credit, debt collection, assigned claims, personal data processing, unfair contractual terms or the enforcement of claims arising from EU-regulated consumer relationships.

The following EU and European legal provisions require assessment.

4.1. Treaty on European Union and Charter of Fundamental Rights of the European Union

Article 2 TEU - Values of the Union

Enforcement systems that systematically push vulnerable persons into destitution raise concerns regarding human dignity, equality, the rule of law and respect for human rights as founding values of the European Union.

Article 6 TEU - Binding force of the Charter

Where Member States apply or implement EU law, the Charter of Fundamental Rights must be respected. Enforcement of consumer credit, debt collection, data processing and unfair terms engages EU law and therefore Charter standards.

Article 1 of the Charter - Human dignity

Human dignity is inviolable and must be respected and protected. Enforcement proceedings that deprive a person of real subsistence and push them into conditions incompatible with dignified life raise serious concerns under Article 1.

Article 7 of the Charter - Respect for private and family life, home and communications

Where enforcement threatens housing, family stability, personal life, medical security or the basic functioning of everyday life, Article 7 is engaged.

Article 8 of the Charter - Protection of personal data

Debt collection and enforcement proceedings often involve the processing, transmission and publication of financial and personal data. Such processing must be lawful, accurate, necessary and proportionate.

Article 17 of the Charter - Right to property

The seizure or restriction of income, bank accounts or assets constitutes interference with property. Such interference must pursue a lawful aim and remain proportionate.

Article 20 of the Charter - Equality before the law

A system that is formally equal but practically accessible only to those who can afford legal assistance creates a serious equality concern.

Article 21 of the Charter - Non-discrimination

Debt enforcement must not disproportionately harm persons because of poverty, disability, health condition, age, family situation or other vulnerable status.

Article 34 of the Charter - Social security and social assistance

Where enforcement prevents a person from retaining actual means necessary for subsistence, housing, medical needs or minimum social security, Article 34 concerns arise.

Article 38 of the Charter - Consumer protection

Where enforcement is based on consumer credit, debt collection, assigned claims or standard-form contractual terms, the debtor must receive effective consumer protection. Enforcement must not become a mechanism through which unfair, unclear or disproportionate consumer obligations are enforced without meaningful judicial control.

Article 47 of the Charter - Right to an effective remedy and to a fair trial

The right to an effective remedy must be real, not theoretical. If a vulnerable debtor cannot effectively challenge enforcement acts, excessive fees, incorrect calculations, personal data processing or disproportionate restrictions, Article 47 is engaged.

Article 52 of the Charter - Scope and proportionality of limitations

Any limitation on Charter rights must be provided by law, respect the essence of those rights and comply with proportionality. Enforcement measures that destroy a person's real subsistence exceed what is necessary to achieve debt recovery.

5. Data protection concerns under Regulation (EU) 2016/679

Debt collection and enforcement involve the processing of personal data, including identification data, financial information, debt status, enforcement records, bank account restrictions and sometimes public or semi-public dissemination of debt-related information.

Such processing must comply with the following GDPR provisions.

Article 5 GDPR - Principles relating to processing of personal data

Personal data must be processed lawfully, fairly and transparently. Data must be accurate, limited to what is necessary and kept no longer than required.

Article 6 GDPR - Lawfulness of processing

Any processing of debtor data must have a valid legal basis. A general interest in debt recovery does not remove the obligation to assess necessity and proportionality.

Article 12 GDPR - Transparent information and communication

Debtors must receive clear and understandable information about the processing of their data and the consequences of enforcement-related data processing.

Article 15 GDPR - Right of access

A debtor must be able to access information about what data are processed, by whom, for what purpose and on what legal basis.

Article 16 GDPR - Right to rectification

Where debt-related data are incorrect, outdated or incomplete, the data subject must have an effective possibility to demand correction.

Article 17 GDPR - Right to erasure

Where data are inaccurate, unlawfully processed, excessive or no longer necessary, erasure must be available.

Article 21 GDPR - Right to object

A debtor must have a real possibility to object to processing where the processing disproportionately harms their rights and freedoms.

6. Consumer protection and unfair contractual terms

Many enforcement proceedings originate from consumer credit, standard-form contracts, assigned claims, debt collection companies and accumulated interest, penalties, costs or fees. In such cases, EU consumer protection law requires effective judicial and procedural safeguards.

Council Directive 93/13/EEC on unfair terms in consumer contracts, Article 6(1), requires that unfair terms are not binding on the consumer. Article 7(1) requires Member States to ensure adequate and effective means to prevent the continued use of unfair terms.

Where a debt based on consumer contracts reaches enforcement without meaningful examination of unfair terms, excessive interest, penalties, costs, assignment documentation or the real amount of the claim, the enforcement system risks becoming a State-backed mechanism for enforcing unlawful or disproportionate obligations.

The same concern arises under Directive 2008/48/EC on credit agreements for consumers, including the requirements of clear information, responsible credit conduct and effective consumer protection, where the underlying claim concerns consumer credit and the debtor has not received effective protection or meaningful assessment of the debt.

7. European Convention on Human Rights concerns

Although the European Convention on Human Rights is not EU law, it is a central European human rights instrument and must be taken into account in assessing the compatibility of national enforcement systems with fundamental rights.

Article 6 ECHR - Right to a fair trial. Where enforcement proceeds without effective access to a court, without real ability to challenge the claim or enforcement measures, the right to a fair hearing is engaged.

Article 8 ECHR - Right to respect for private and family life and home. Where enforcement threatens a person's home, family stability, health, personal life or basic living arrangements, Article 8 concerns arise.

Article 13 ECHR - Right to an effective remedy. A remedy must be practical and effective, not merely formal. If vulnerable debtors cannot realistically challenge enforcement acts, Article 13 concerns arise.

Article 1 of Protocol No. 1 to the ECHR - Protection of property. Income, bank accounts, benefits and assets fall within the scope of property protection. Enforcement measures must strike a fair balance between the creditor's interest and the debtor's fundamental rights.

8. Enforcement fees and economic destruction

The burden placed on a debtor does not consist only of the original debt. Enforcement fees, costs, penalties, interest and additional charges may increase the burden to such an extent that the person moves further away from solvency.

A system that adds costs to poverty does not solve the debt problem. It transforms debt into a long-term trap. Enforcement costs must be proportionate and subject to effective review. They must not create a financial incentive structure where vulnerable persons become a source of continuing revenue for the enforcement system.

9. Lack of effective protection in practice

The formal existence of applications, objections and court complaints is insufficient if a person in poverty cannot use them effectively.

A debtor whose bank account is blocked, whose income is restricted, who cannot afford legal assistance and who does not understand procedural deadlines cannot be treated as having meaningful access to justice merely because a legal remedy exists on paper.

The State is responsible not only for the text of the law, but also for how the enforcement system functions in reality.

10. Requested assessment

The addressees are requested to assess whether Estonian enforcement proceedings, as applied in practice, comply with European human rights and EU law standards, including:

1. whether vulnerable debtors retain real means of subsistence;
2. whether enforcement measures are proportionate;

-
3. whether enforcement fees and costs deepen poverty;
 4. whether consumer debt claims are sufficiently controlled before and during enforcement;
 5. whether debtors have effective remedies in practice;
 6. whether personal data processing in enforcement is lawful, accurate and proportionate;
 7. whether enforcement proceedings disproportionately affect poor, disabled, elderly, ill or otherwise vulnerable persons;
 8. whether the Estonian enforcement system requires independent human rights assessment and legislative reform.

11. Conclusion

Debt enforcement is a legitimate aim only when carried out within the limits of legality, proportionality and human dignity.

A debtor remains a human being. A debtor does not lose the right to dignity, home, family life, health-related subsistence, property protection, consumer protection, data protection or effective judicial remedy.

The Estonian enforcement system requires serious human rights and EU law assessment. A system that leaves vulnerable people without real subsistence, while adding enforcement costs and procedural barriers, is not compatible with the values of the European legal order.

Respectfully,

Renee Prins
Member of the Management Board
AllService Solutions OÜ

