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## ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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### Third Opinion on Estonia adopted on 1 April 2011

#### EXECUTIVE SUMMARY

Estonia has maintained a mainly positive attitude towards the Framework Convention monitoring process and continues its *de facto* inclusive approach to the personal scope of application, despite the fact that its legal framework still excludes the high number of long-term residents without citizenship. The Equal Treatment Act entered into force in January 2009, and the competence of the Gender Equality Commissioner was broadened to cover complaints based on other grounds of discrimination, including ethnicity. A new Estonian Integration Strategy has been prepared by the government. The overall climate between ethnic Estonians and non-Estonians in the country has significantly improved over the years and there is a notable increase in tolerance and social cohesion, particularly among its youth.

The Gender Equality and Equal Treatment Commissioner lacks the financial and human resources to function effectively and there is limited awareness of its competence among society as well as relevant public services, particularly in rural areas. The Integration Strategy appears focused on promoting the State language capacity of non-Estonian speakers but does not contain concrete measures aimed at encouraging more openness of Estonians towards diversity in society. The number of stateless persons still remains at over 100,000 and the rate of naturalisations per year has been decreasing since 2005. While significant progress has been made with regards to the naturalisation of minors, the non-availability of free Estonian

language classes to prepare for the citizenship examination is cited as an important reason for the decrease in naturalisations among the adult minority community. Minority language print media appears to be rapidly decreasing and the translation requirement concerning foreign language broadcasts into Estonian remains unchanged. Amendments to the Language Act were adopted in February 2011 without comprehensive consultation with minority representatives. International recommendations for a more balanced approach to the promotion of the State language, while guaranteeing the linguistic rights of persons belonging to national minorities, were not taken into account. The Language Inspectorate still follows a strictly regulatory approach, imposing fines that are sometimes considered disproportionate. The threshold for using a minority language in relations with local authorities, remains at an excessive 50% and is applied without flexibility. While the Estonian Integration Strategy acknowledges the significance of education as a tool for integration and mentions the importance of cultural diversity in the school curricula, there are few multicultural elements in the curricula and textbooks; integration activities of schools centre mainly around the promotion of State language skills of non-Estonian-speaking pupils. The transfer to Estonian as the main language of instruction in secondary schools continues to be implemented despite the fact that many schools and teachers are not sufficiently prepared for this change.

The National Minorities Cultural Advisory Council under the Ministry of Culture constitutes the main consultation mechanism for persons belonging to national minorities. There appears to be no institutionalised channel for minority representatives to discuss with relevant government entities important issues of concern that are not related to culture. The recently-created Estonian Co-operation Assembly which appoints members of its Round-Table of Nationalities is a valuable contribution but not representative of the views and concerns of minority communities. The unemployment rate among non-Estonians is still disproportionately high compared with that of ethnic Estonians. There are perceptions among non-Estonians that ethnic Estonians are the preferred candidates irrespective of qualification or language ability. The region of Ida-Virumaa (Viru County), which is predominantly populated by non-Estonians, has been particularly affected by the economic crisis.

#### **Issues requiring immediate action**

- **Take a more balanced approach towards the legitimate aim of promoting the State language while ensuring the rights of persons belonging to national minorities to speak and use their languages in public, also in relations with local authorities; favour a policy of incentives over punitive methods with regards to the implementation of the Language Act, as amended in February 2011;**
- **Ensure that the ongoing transfer to Estonian as the main language of instruction in Russian-language schools is implemented gradually and with due regard to the quality of education offered in Estonian as well as Russian language; expand the availability of relevant teacher training courses including as regards bilingual and multicultural education;**
- **Take appropriate measures to create effective consultative mechanisms for persons belonging to national minorities beyond the cultural sphere; ensure that minority representatives are involved in and have a substantial impact on all relevant processes of decision-making affecting them.**

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES**

**THIRD OPINION ON ESTONIA**

1. The Advisory Committee adopted the present Opinion on 1 April 2011 in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the third State Report (hereinafter the State Report), received on 14 April 2010, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Tallinn and Narva from 14 to 17 September 2010.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Estonia. These findings reflect the more detailed article-by-article findings contained in Section II, which cover those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the two previous monitoring cycles of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Estonia, adopted on 14 September 2001 and 24 February 2005 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 13 June 2002 and 15 February 2006.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Estonia.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Estonia as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of state parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities).

## **I. MAIN FINDINGS**

### **Monitoring process**

6. Estonia continues a mainly constructive approach towards the monitoring process under the Framework Convention. The second Opinion of the Advisory Committee was published shortly after its adoption together with the government's comments in July 2005. The second Committee of Minister's resolution was adopted in February 2006. A second follow-up seminar was jointly organised by the former Estonian Ministry for Population and Ethnic Affairs and the Secretariat of the Framework Convention on the Protection of National Minorities in October 2006, which gave a welcome opportunity to approximately 70 representatives of different authorities and minority organisations to further discuss the outstanding issues regarding the implementation of the Framework Convention. Discussions were marked by an open and constructive dialogue between minority representatives and the Estonian authorities.

7. The Advisory Committee welcomes the fact that its second Opinion was translated into the Estonian language and published on the website of the Estonian Foreign Ministry. In order to facilitate the widest possible distribution of its third Opinion on the implementation of the Framework Convention by the Estonian authorities, including among minority communities themselves, the Advisory Committee encourages the Estonian authorities, once again to translate the third Opinion into the Estonian language as well as into Russian.

8. The Advisory Committee is pleased to note that representatives of some national minorities were again involved in the preparation of the third State Report. Civil society contributions were invited during the drafting process and organisations were also given the opportunity to comment on the final draft report. The fact that the State Report makes reference to a number of their comments, including critical ones, undoubtedly contributed to its high quality. In addition, the contributions of the minority organisations were also shared with the Secretariat of the Framework Convention.

9. The Estonian authorities generally co-operated very constructively with the Advisory Committee during its monitoring visit. Nevertheless, the Advisory Committee is concerned and disappointed by the absence of openness with regard to the new Language Act as amended in February 2011 (hereinafter referred to as the new Language Act). In spite of specific questions, the responsible ministries did not provide any information on the revision of the legislation which was being finalised at the time of the visit in September 2010. Neither was the Advisory Committee informed about the discussions of the amendments in Parliament in early 2011, despite having inquired about relevant developments between its visit and the adoption of the Opinion in March 2011.<sup>1</sup>

### **General overview of the implementation of the Framework Convention after two monitoring cycles**

10. Overall, the climate between ethnic Estonians and non-Estonians in the country appears to have improved over the years and there is a notable increase in tolerance and social cohesion, particularly among its youth. The number of persons able to speak the State language has increased significantly.

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<sup>1</sup> The additional member to the Advisory Committee appointed on behalf of Estonia was not available to participate in the plenary discussion of this third Opinion on Estonia.

### **Personal scope of application of the Framework Convention**

11. Estonia continues its *de facto* inclusive approach to the Framework Convention's scope of application, despite the fact that its legal framework, as a result of the declaration issued by Estonia at the time of ratification of the Convention, formally still excludes the high number of long-term residents without citizenship. Apart from the right to stand in elections or vote in parliamentary elections, non-citizens belonging to national minorities effectively enjoy equal access to rights protected under the Framework Convention. Nonetheless, the Advisory Committee encourages the Estonian authorities to reconsider this formal exclusion of significant numbers of residents which retains a strong symbolic importance among minority communities in Estonia.

### **Legislative framework and institutional structures**

12. The main legislative framework pertaining to national minorities remains unchanged with the National Minority Cultural Autonomy Act still in force, affecting two numerically-small national minorities (namely, the Ingrian-Finnish and the Swedish). An inter-ministerial working group has been established to revise the above-mentioned act and eliminate practical obstacles to the functioning of cultural autonomies, however, without considering a possible broadening of the act's restrictive scope of application.

### **Combating discrimination and racism**

13. Estonia's Equal Treatment Act was adopted in December 2008 and entered into force on 1 January 2009, transposing European Union Council Directives 2000/43/EC and 2000/78/EC. It provides protection from discrimination on the grounds of nationality, race, colour, religion or other beliefs, age, disability and sexual orientation, but not citizenship. The act explicitly excludes official linguistic requirements for public officials as possible grounds for discrimination. The competencies of the Gender Equality Commissioner were broadened also to cover complaints of discrimination based on other grounds. However, this institution has not received any increase in resources and is, with two staff members, seriously under-resourced. The broadening of the Commissioner's tasks to also encompass discrimination based on ethnicity appears to be virtually unknown.

14. A new Estonian Integration Strategy (2008 - 2013) has been prepared by the government and is overall based on the understanding that integration is a two-way process affecting society as a whole. It, however, still centres around the Estonian language as the main symbol of common statehood and thus focuses on the promotion of the State language skills of persons belonging to national minorities. Recent integration monitoring results indicate, however, that language barriers are less important obstacles to integration than the fact that Estonians and non-Estonians inhabit different social spaces and consume different media. Targeted efforts are required to promote joint activities and inter-ethnic dialogue, including in the workplace.

### **Naturalisation process**

15. Estonia has made considerable progress in reducing the number of stateless persons residing permanently on its territory. Despite these efforts, the number still remains at over 100,000 and the rate of naturalisations per year has been declining since 2005. While the authorities have made commendable efforts to facilitate the naturalisation of minors under the age of 15, children born to stateless persons residing permanently in Estonia do not acquire Estonian citizenship automatically. An application on their behalf needs to be launched by their parents. Abolishing this requirement and introducing free-of-charge language classes to

prepare for the citizenship examination could significantly contribute to a further reduction of the number of stateless persons in Estonia.

### **Support for the preservation of national minority cultures**

16. Support for cultural initiatives of national minorities remains predominantly project-based, as only the two numerically-small minorities who have established a cultural autonomy obtain baseline funding. An approach focussing on umbrella organisations has been introduced for the allocation of funds to reduce bureaucracy, but this has reportedly not made cultural support more accessible and does not allow the umbrella associations to cover suitably the diversity that exists within the different minorities. Multi-cultural projects appear to receive considerable funds, also via the Integration Foundation.

### **Media**

17. The Estonian authorities have made considerable efforts to increase the proportion of radio and TV programmes intended for Russian-speakers as well as speakers of other languages. *Raadio 4*, mainly aimed at persons belonging to national minorities, is listened to nationwide and enjoys trust among Estonians and non-Estonians alike. However, current programming is still considered largely insufficient, particularly as regards local Russian-language news. Minority language print media appears to be rapidly decreasing. The translation requirement concerning 'foreign language' broadcasts into Estonian remain unchanged in the new Language Act.

18. Media in Estonia appears sharply divided and the few bilingual options offer a different set of news and perceptions in the Estonian and Russian languages. There is continued stereotyping of persons belonging to national minorities in some media which has a strong negative impact on the sense of cohesion in society.

### **Language legislation**

19. Amendments to the Language Act were adopted in February 2011 without comprehensive consultations with minority representatives and without attention to international recommendations for a more balanced approach. The protection and promotion of the State language remain the overriding priorities and the new Language Act retains the punitive approach found in earlier legislation. The Language Inspectorate regularly inspects institutions that are suspected of insufficient State language skills among its staff, such as Russian-language schools and kindergartens, and imposes fines that are frequently considered disproportionate. There is a need for a more incentive-based method to motivate persons belonging to national minorities to learn the State language. The right contained in Article 10 of the Framework Convention to speak one's language in private and in public, orally and in writing, must be strictly respected. The threshold for using a minority language in relations with local authorities must be lowered from 50% and more flexibly applied.

20. The Russian language appears absent from public spaces in Ida-Virumaa (Viru County) despite a population of 90% Russian-speakers. As the State language is increasingly used as the common language of communication, particularly among youth, the current severe approach to all language matters exhibited by the Estonian authorities is no longer necessary. Minority representatives must be closely consulted on all issues related to language use in order to identify appropriate means to promote the State language without curtailing the development and use of minority languages.

### **Multicultural education and teaching of and in minority languages**

21. The Estonian Integration Strategy acknowledges the significance of education as a tool for integration and mentions the necessity of emphasising cultural diversity in school curricula. In practice, however, there are reportedly few multicultural elements in curricula and textbooks, while integration activities within schools focus mainly on the promotion of the State language skills of children belonging to national minorities. There is an increased interest among Estonian children to learn the Russian language which should be encouraged with the creation of bilingual classes and schools. Such measures can, in addition, provide vast opportunities for more inter-ethnic friendships and dialogue as aimed for by the Integration Strategy.

22. The transfer to Estonian as the main language of instruction in secondary schools continues to be implemented despite the fact that many schools and teachers are still not sufficiently prepared for this change. The impact of the transfer on the quality of education in Russian-language schools must be considered more seriously and implementation halted where necessary. The numbers of students in Russian-language schools appear to be decreasing, as do those in Estonian-language schools located in areas where Russian is predominantly spoken. Reducing the minimum number of students per class or introducing bilingual classes may support the continued functioning of these schools and ensure that families do not feel obliged to move away in order to find suitable education for their children.

### **Participation in public life**

23. The newly established Estonian Co-operation Assembly, with its Round-Table of Nationalities, does not constitute an effective consultation mechanism for minorities because of its lack of representativeness. After the abolishment of the Ministry of Population and Ethnic Affairs, the National Minorities Cultural Advisory Council within the Ministry of Culture now constitutes the main consultation mechanism for persons belonging to national minorities, as there appear to be no institutionalised channels for minority representatives to discuss important issues of concern that are not related to culture with the various relevant government entities.

24. The unemployment rate among non-Estonians is still disproportionately high compared with that of ethnic Estonians; on the other hand, the wage gap between the two groups seems to be decreasing. Lingering perceptions that Estonians are the preferred candidates for jobs, irrespective of qualification or language ability, must be combated vigorously to ensure that persons belonging to national minorities feel motivated to enter and remain in the Estonian labour market. The ongoing economic recovery should be used as an opportunity for targeted development initiatives in the particularly disadvantaged region of Ida-Virumaa (Viru County), where a majority of persons belonging to national minorities reside.



## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Personal scope of application of the Framework Convention

##### *Recommendations of the two previous monitoring cycles*

25. In the previous cycles of monitoring, the Advisory Committee welcomed the *de facto* inclusive approach taken by the Estonian authorities with regards to the personal scope of application of the Framework Convention. At the same time, it encouraged them to codify such inclusiveness through adjustments in the relevant legal framework which, as a result of the declaration issued by Estonia at the time of ratification of the Framework Convention, formally still excludes the high number of long-term residents without citizenship.

##### *Present situation*

26. The Estonian authorities have maintained their *de facto* inclusive approach as regards the personal scope of application of the Framework Convention, despite the fact that the above-mentioned declaration excludes non-citizens from its application.<sup>2</sup> In practice, however, non-citizens enjoy virtually equal access to rights protected under the Framework Convention, apart from the right to stand in elections or vote in parliamentary elections. While the Advisory Committee welcomes this pragmatic approach, it notes that the source of inspiration for the restrictive declaration was the National Minority Cultural Autonomy Act of 1993 which has been considered impractical and ineffective for a number of years. According to governmental and non-governmental interlocutors of the Advisory Committee, it is in addition no longer applicable to the demographic situation of Estonia today (see further comments on Article 5 below).<sup>3</sup>

27. Furthermore, the Advisory Committee wishes to underline in this context that the inclusion of a citizenship requirement in the declaration contained in the instrument of ratification may cause arbitrary and unjustified distinctions and can thus have discriminatory effects. Given the still very large number of long-term residents of Estonia who are affected by this restriction, the Advisory Committee would like to reiterate its call on the Estonian authorities to reconsider this formal exclusion of non-citizens belonging to national minorities in Estonia from the personal scope of application of the Framework Convention, which retains a strong symbolic importance among minority communities. This would be consistent

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<sup>2</sup> See Declaration contained in the instrument of ratification, deposited on 6 January 1997: "The Republic of Estonia understands the term "national minorities", which is not defined in the Framework Convention for the Protection of National Minorities, as follows: are considered as "national minority" those citizens of Estonia who reside on the territory of Estonia; maintain longstanding, firm and lasting ties with Estonia; are distinct from Estonians on the basis of their ethnic, cultural, religious or linguistic characteristics; are motivated by a concern to preserve together their cultural traditions, their religion or their language, which constitute the basis of their common identity."  
<http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?PO=EST&NT=&MA=6&CV=1&NA=&CN=999&VL=1&CM=5&CL=ENG>.

<sup>3</sup> Estonia's population of 1,34 million is made up by 69% of ethnic Estonians, 26% Russians, 2% Ukrainians, 1% each of Belorussians and Finns, as well as smaller groups such as the Tatars, Latvians, Poles, Jews and Lithuanians. Only 50% of persons belonging to national minorities in Estonia are citizens. See [http://www.kogu.ee/public/Integration\\_at\\_a\\_glance\\_2010.pdf](http://www.kogu.ee/public/Integration_at_a_glance_2010.pdf).

with current efforts at European level to develop a more nuanced approach to the application of the citizenship criterion concerning the protection of national minorities.<sup>4</sup>

### *Recommendation*

28. The Advisory Committee encourages the authorities to further pursue an open and inclusive approach to the Framework Convention's personal scope of application and to consider also extending formally the definition of the term national minority to long-term residents without Estonian citizenship.

## **Data collection**

### *Recommendations of the two previous monitoring cycles*

29. In the previous cycles of monitoring, the Advisory Committee encouraged the authorities to pay careful attention to data protection standards and the principles related to free self-identification contained in Article 3, and to seek to identify further ways of obtaining reliable and disaggregated data on persons belonging to national minorities.

### *Present situation*

30. The Advisory Committee notes the acknowledgement of the Estonian authorities that updated figures related to national minorities remain insufficient in a variety of fields, as current data protection legislation still only allows for limited collection and processing of data on ethnic origin.<sup>5</sup> The Advisory Committee agrees that the census in 2011 will be a suitable opportunity to obtain more reliable, comprehensive, and disaggregated data on persons belonging to national minorities in order to assess better the implementation of various articles of the Framework Convention and to devise appropriate measures and programmes directed at promoting effective equality of persons belonging to national minorities (see also comments on Article 4 below). The Advisory Committee is pleased to note that the personal questionnaire used during the pilot census in early 2010 contains a question on ethnic origin where two ethnicities from an open list may be noted.<sup>6</sup> However, it wishes to point out that careful attention must be paid in this context to the right to free self-identification of persons belonging to national minorities as provided by Article 3 of the Framework Convention. Questions on ethnic origin must be non-mandatory and possibilities for the indication of a multiple ethnic and linguistic identity included.<sup>7</sup>

31. As for the planning, preparation and implementation of the census, the authorities should enter into a constructive dialogue with minority representatives to ensure that persons belonging to national minorities are actively involved in the process. In this regard, questionnaires must be made available in the languages of national minorities, and, in areas traditionally inhabited by persons belonging to national minorities, enumerators should be recruited amongst persons belonging to the minorities concerned. At the same time, the

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<sup>4</sup> See also Venice Commission, Report on Non-citizens and minority rights, CDL-AD(2007)001, 18 January 2007, pointing out that citizenship should not be regarded as an element of the definition of the term 'minority' but may appropriately be regarded by States as condition necessary to contain *certain* minority rights.

<sup>5</sup> See State Report page 6.

<sup>6</sup> See <http://www.stat.ee/39106>.

<sup>7</sup> See Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, prepared in co-operation with the Statistical Office of the European Communities (EUROSTAT) and the United Nations Economic Commission for Europe, paragraph 426: "respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliations if they wish so", paragraph 431: "Questions will generally refer to one language only. Multiple languages may be required for the mother tongue and main languages of minority groups".

Advisory Committee deems important to reiterate that the census should not be regarded as the sole means of obtaining data on ethnicity but should be supplemented with sociological surveys and other studies on minorities (see also comments on Article 4 below).

#### *Recommendations*

32. The Advisory Committee encourages the authorities to use the 2011 population census to obtain reliable and disaggregated data on persons belonging to national minorities. The right to free self-identification of persons belonging to national minorities must be strictly respected, as well as the open and voluntary nature of any question relating to such affiliation. Persons belonging to national minorities should be provided with a possibility of expressing a multiple identity in the census questionnaire and enumerators should be recruited amongst persons with a minority background.

33. The Advisory Committee encourages the authorities to engage in a dialogue with the representatives of national minorities regarding the preparation and implementation of the census to ensure their active involvement and support of the process which will be necessary to obtain full and reliable data.

### **Article 4 of the Framework Convention**

#### **Legislative developments in the field of discrimination**

#### *Recommendations of the two previous monitoring cycles*

34. In the previous cycles of monitoring, the Advisory Committee called on the authorities to adopt new anti-discrimination legislation and ensure that adequate legal safeguards and procedures were in place also in respect of discrimination on the basis of citizenship.

#### *Present situation*

35. The Advisory Committee welcomes the adoption of the Equal Treatment Act in December of 2008 and its subsequent entry into force on 1 January 2009. It notes that the act transposes European Union Council Directives 2000/43/EC and 2000/78/EC and, consequently, provides protection from discrimination on the grounds of nationality, race, colour, religion or other beliefs, age, disability and sexual orientation, but not citizenship. The act explicitly excludes official linguistic requirements for public officials as possible grounds for discrimination. The Advisory Committee notes that the act provides for the creation of a Gender Equality and Equal Treatment Commissioner and that the authorities have decided to widen the competence of the previously existing Gender Equality Commissioner, a specialised body introduced by the Law on Gender Equality in 2004, to advise and provide assistance to persons pursuing complaints of discrimination based on other grounds.

36. The Advisory Committee notes with concern that the Office of the Gender Equality Commissioner has not received any increase in human or financial resources after the broadening of its tasks and is, with two staff members, dramatically under-resourced. While there is little case-law related to discrimination in general, and awareness of the responsibility and competence of the Gender Equality Commissioner may overall have been limited in society, the broadening of her tasks to encompass discrimination based on ethnicity appears to be virtually unknown. The Commissioner received only eleven complaints related to ethnicity (out of 160) in 2009, of which two resulted in opinions being drafted, despite the fact that information brought to the attention of the Advisory Committee refers to numerous allegations of discrimination based on ethnicity, particularly as regards access to employment (see comments on Article 15 below). Moreover, minority representatives deplore the fact that

the Commissioner is limited to responding to complaints or drafting general reports but cannot be pro-active, for instance by instigating proceedings on her own or monitoring regularly the implementation of the act.

37. The Advisory Committee further notes that, in line with amendments to the Chancellor of Justice Act in 2003, it is the Office of the Chancellor of Justice that has held the responsibility of promoting the principle of equal treatment in Estonia since 2004. In this capacity, he can act as Ombudsman and initiate proceedings against any legal entity governed by public law, or, as regards private legal entities, he may act as mediator between the victim and the alleged perpetrator of discrimination. However, despite the fact that during a survey in 2007 42% of respondents said that they had experienced unequal treatment during the past three years,<sup>8</sup> the services of the Chancellor of Justice have been invoked only sparingly. This suggests a worrying lack of awareness about the available legal remedies against discrimination among the public at large, including those vulnerable to potential discrimination such as persons belonging to national minorities.

38. In view of the above, the Advisory Committee is pleased to note that the Ministry of Culture, the Ministry of Social Affairs and the Gender Equality and Equal Treatment Commissioner are planning to engage in information campaigns regarding the Equal Treatment Act as well as other possibilities to seek protection from discrimination. It wishes to underline in this context that the campaigns must be accompanied by comprehensive initiatives to train judges, prosecutors and other law enforcement personnel to ensure that they are suitably equipped to deal with complaints of discrimination. In addition, it is important to ensure that information on the Equal Treatment Act and the new functions of the Gender Equality and Equal Treatment Commissioner are publicised in awareness-raising campaigns aimed at society in general and targeting, in particular, those groups which are most exposed to discrimination.

### *Recommendations*

39. The Advisory Committee urges the authorities to provide adequate human and financial resources to the Office of the Gender Equality and Equal Treatment Commissioner to enable it to function independently and to provide effectively advise and support to victims of discrimination throughout the country. It also encourages them to consider broadening the powers of the Commissioner so that she can act more effectively against discrimination, including by taking a more pro-active role.

40. The Advisory Committee calls on the authorities to monitor regularly compliance with and implementation of the Equal Treatment Act and gather reliable data on complaints brought under the Equal Treatment Act so as to measure the impact that this act has on the fight against discrimination based on ethnic origin in Estonia.

41. Systematic information and training campaigns on the mandate and activities of the Gender Equality and Equal Treatment Commissioner as well as the Chancellor of Justice must be conducted among society as well as relevant public services, in particular law enforcement, to increase awareness of the legal remedies available for protection against discrimination. These must include outreach activities in areas populated in particular by potential victims of discrimination.

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<sup>8</sup> See *Chance to Survive: Minority Rights in Estonia and Latvia*, Legal Information Centre for Human Rights, Edited by Vadim Poleshchuk, 2009, page 51-52, referring to a Pan-Estonian Survey commissioned in 2007 by the Ministry of Social Affairs, <http://www.lichr.ee/main/assets/L-3-eng.pdf>.

## Naturalisation process

### *Recommendations of the two previous monitoring cycles*

42. In the previous monitoring cycles, the Advisory Committee called for additional measures to make naturalisation more accessible, including by introducing free-of-charge Estonian language training opportunities and by exempting some groups of applicants, such as the elderly, from the language requirements under the Citizenship Act.

### *Present situation*

43. The Advisory Committee welcomes continued efforts by the Estonian authorities to reduce the number of persons without citizenship residing in Estonia on a permanent basis. Despite these efforts, however, the number still remains at over 100,000<sup>9</sup> and the Advisory Committee notes with concern that the rate of naturalisations per year has been declining since 2005, with only 1,670 persons acquiring Estonian citizenship through naturalisation in 2009. While acknowledging the statement of the authorities that stateless persons have mostly the same rights as citizens, except the right to stand in any election or vote in parliamentary elections, the Advisory Committee wishes to point out that these latter rights are essential elements of being a member of the political community and participating actively in relevant decision-making. In addition, citizenship constitutes a strong symbolic component of integration that provides a sense of belonging and being appreciated as a member of society.

44. The Advisory Committee acknowledges the fact that the acquisition of Estonian citizenship may have become less attractive in the last years since stateless persons with the so-called ‘grey passports’ may travel visa-free to the European Union as well as to the Russian Federation and, in addition, do not have to serve in the military. Yet, it notes that minority representatives cite the non-affordability of language training opportunities coupled with lack of confidence in their existing State language proficiency as the main reason for not applying for citizenship. In accordance with §8 of the Estonian Citizenship Act,<sup>10</sup> the fees for Estonian language classes are reimbursed once the applicant has successfully passed the Estonian language examination and the examination on the knowledge of the Constitution of the Republic of Estonia. However, for many potential applicants, the fees for a suitable language class are too high to pay, even when considering the possibility of being reimbursed afterwards. The availability of some free-of-charge language courses in Ida-Virumaa (Viru County) as referred to in the State Report was unknown to minority representatives who spoke to the Advisory Committee, but the idea met with great enthusiasm. In this context, the Advisory Committee strongly commends the recent initiative of providing free-of-charge language classes in prisons and offering detainees the opportunity to pass the citizenship exam as part of the vocational programme in prisons.

45. The Estonian authorities have made particular efforts to facilitate the naturalisation of minors under the age of 15 and the Advisory Committee notes that the majority of naturalisations in the last years were, indeed, those of minors.<sup>11</sup> This has been achieved by exempting minors under 15 from the citizenship examination requirements, if they pass equivalent language tests in school, as well as by informing parents who are permanent

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<sup>9</sup> The current number of persons ‘with undefined status’ given by representatives of the Ministry of Interior during the Advisory Committee country visit was 102,000.

<sup>10</sup> See Citizenship Act (consolidated text June 2006) at <http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X40001K6&keel=en&pg=1&ptyyp=RT&tyyp=X&query=kodakondsuse+seadusn>.

<sup>11</sup> In 2009, some 1,000 of 1,670 naturalisations were those of minors under 15.

residents of Estonia of the possibility to register without any precondition their new-born child within the first year since birth as a citizen.

46. Despite the above efforts, the Advisory Committee notes with some concern that there is still a considerable number of stateless children in Estonia<sup>12</sup> and regrets that the proposal by the Chancellor of Justice to grant citizenship automatically to all children born to stateless parents in Estonia, unless the parents object, did not receive any support. According to information obtained from various interlocutors, many parents still miss the opportunity to apply for citizenship for their child within the first year and consider the information campaigns that are carried out in this regard as unhelpful. The Advisory Committee was informed that parents who do not register their child are visited by the police to inform them of their rights. It doubts the appropriateness of this method, particularly given the reportedly limited trust that the police enjoys among minority communities in general.<sup>13</sup>

#### *Recommendations*

47. The Advisory Committee calls on the authorities to increase their efforts to reduce the number of stateless long-term residents in Estonia. In particular, the Advisory Committee strongly encourages the authorities to consider seriously the introduction of free-of-charge language classes that will be helpful not only for passing the citizenship examination but also in general to promote the integration of persons belonging to national minorities into society.

48. Moreover, the Advisory Committee encourages the authorities to consider granting citizenship to new-born children of stateless persons automatically, unless the parents object. Such an approach would not only have a strong symbolic significance but would also spare a considerable number of long-term resident families from having to go through a formal citizenship application process, which is considered by some to be a psychological barrier.

### **Social marginalisation and its effects**

#### *Recommendations of the two previous monitoring cycles*

49. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to design and implement special programmes to tackle social marginalisation and its effects that are felt particularly amongst national minorities. The authorities were asked to pay particular attention to the alarmingly high rate of HIV/AIDS amongst persons belonging to national minorities as well as the disproportionately high number amongst them in prisons.

#### *Present situation*

50. The Advisory Committee welcomes the concerted efforts made by the Estonian authorities in the prevention and treatment of HIV/AIDS that have benefitted large numbers of persons belonging to national minorities, and have led to the containment of the epidemic in the country.

51. The Advisory Committee, however, remains concerned by the persistent social marginalisation of persons belonging to national minorities, particularly as regards access to employment (see comments on Article 15 below). In this regard, it is essential that further efforts are made to gather reliable and disaggregated data on the situation and number of persons belonging to national minorities and their access to employment, housing, and social

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<sup>12</sup> According to the statement of the Ministry of Interior officials during the Advisory Committee visit, approximately 600 stateless children are born every year.

<sup>13</sup> See, for instance, Integration Monitoring 2008, *Brief Summary*, see also [http://fra.europa.eu/fraWebsite/attachments/EU\\_MIDIS\\_DiF5-multiple-discrimination\\_EN.pdf](http://fra.europa.eu/fraWebsite/attachments/EU_MIDIS_DiF5-multiple-discrimination_EN.pdf).

services. This data is needed to ensure that appropriate special measures can be designed and implemented to promote more effectively their full equality, including with regards to the multiple disadvantages experienced by women belonging to national minorities (see comments on data collection in Article 3 above). The Advisory Committee welcomes in this context initiatives by the Ministry of Social Affairs to provide a platform for more joint activities of majority and minority members, particularly in the employment field.

52. In addition, the Advisory Committee notes with concern that the number of persons belonging to national minorities in prisons is reportedly still disproportionately high. Fewer prisoners belonging to national minorities than ethnic Estonians are granted probation according to information at the disposal of the Advisory Committee.<sup>14</sup>

#### *Recommendation*

53. The Advisory Committee calls on the authorities to increase their efforts to reduce the social marginalisation experienced by persons belonging to national minorities in a wide range of areas, including the justice system. Targeted measures are needed in terms of increased opportunities for vocational education for persons belonging to national minorities, as well as relevant training for private and public employers to promote full equality in access to employment. Particular attention should also be paid to the multiple discrimination experienced by women belonging to national minorities.

### **Article 5 of the Framework Convention**

#### **Support for national minority cultures**

##### *Recommendations of the two previous monitoring cycles*

54. In the previous cycles of monitoring, the Advisory Committee urged the authorities to pay increased attention to the support of minority cultures, including in connection with the implementation of the state integration programme, and stressed the importance of the participation of national minorities in the allocation of such support. In addition, the Advisory Committee recommended avoiding the use of terminology that can be perceived as implying that national minorities and their languages are not an integral part of Estonian society.

##### *Present situation*

55. The Advisory Committee is pleased to note that two national minorities (the Ingrian-Finnish and the Swedish) receive some baseline funding in line with the National Cultural Autonomy Act (see below). Apart from that, it notes that the distribution of support for cultural initiatives remains predominantly project-based which makes it difficult, especially for numerically-smaller minorities, to maintain their cultural centres and cover constant administrative costs such as rent. In addition, the Advisory Committee notes the introduction of an ‘umbrella-based approach’ which was meant to reduce bureaucracy, speed up the processing of applications, and provide some core funding. A number of minority representatives, however, feel that the new approach has not helped to make cultural support more easily accessible and, moreover, may not allow cultural associations to convey the diversity that exists within a particular minority.

56. The Advisory Committee further notes the evaluation of activities of umbrella organisations introduced in 2008 but was unable to obtain more information as to what criteria this evaluation was based on. The Evaluation Committee is comprised of

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<sup>14</sup> All figures are taken from the Estonian Prison System and Probation Supervision Yearbook, 2007.

representatives of relevant governmental entities, as well as the Network of Estonian Non-Profit Organisations but, regrettably, does not include representatives of national minorities. In addition, the Advisory Committee was informed that applicants do not receive an explanation for their project being rejected and that minority representatives generally feel that they have no say in the distribution of available funds for cultural initiatives.

57. The Advisory Committee welcomes the role of the Integration Foundation in the distribution of support for cultural activities and notes that considerable funds have been made available. At the same time, it cautions that the increased support for multi-cultural projects and initiatives that celebrate Estonia as a home of many nations should not come at the expense of allocations for the cultural activities of individual groups that are meant to honour their distinct identity, language, and culture.

58. The Advisory Committee commends the fact that the Russian theatre has been showing performances with Estonian subtitles, thereby helping to promote majority awareness of the cultural contributions of this national minority to Estonian society today.

#### *Recommendations*

59. The Advisory Committee encourages the authorities to seek an open approach towards the allocation of funding for cultural initiatives of minority groups, including those that are not organised within an umbrella structure, and to ensure that all relevant groups are provided with the necessary funds to maintain the essential elements of their culture.

60. The Advisory Committee further encourages the authorities, in close consultation with minority representatives, to carry out an effective and transparent review of the allocation and evaluation process and ensure that representatives of national minorities are more closely involved in the decision-making related to the allocation of funds as well as in the evaluation of projects.

### **National Minority Cultural Autonomy Act**

#### *Recommendations of the two previous monitoring cycles*

61. In the previous monitoring cycles, the Advisory Committee concluded that the National Minority Cultural Autonomy Act should be revised or replaced with norms that were better adapted to the current minority situation in Estonia. Authorities were further encouraged to do so in parallel with proposals for a new law on national minorities which should confirm and consolidate Estonia's increasingly practical and inclusive approach as regards the personal scope of protection designed for national minorities.

#### *Present situation*

62. The Advisory Committee notes that an inter-ministerial working group consisting of representatives of the Ministry of Justice, the Ministry of Culture and representatives of the Riigikogu (Estonian Parliament), has recently been convened by the Ministry of Culture to revise the National Minority Cultural Autonomy Act and eliminate practical obstacles to the functioning of cultural autonomies. At the same time, the Advisory Committee notes that despite the fact that only two numerically-small national minorities could establish a cultural autonomy under the act, namely the Ingrian-Finnish and the Swedish minorities, the tasks of the working group do not include a broadening of the act's restrictive scope of application. As



other minorities consider themselves in similar situations but can, for a variety of reasons,<sup>15</sup> not establish cultural autonomy, the current situation may raise questions of unequal treatment.

63. The Advisory Committee realises that the National Minority Cultural Autonomy Act is referred to in the Constitution and holds historic importance. At the same time, it notes the repeated statements from governmental as well as non-governmental interlocutors that the act is no longer timely and no longer conforms to the actual situation and demography of the country. The Advisory Committee therefore wonders whether it may not be more efficient to devise a new cultural policy for the Estonia of today rather than attempt to revise an act that has never really been implemented and in any case only affects two groups.

64. The Advisory Committee regrets that there are no more plans for the adoption of comprehensive legislation to consolidate the inclusive and pragmatic approach that has become current practice. This appears even more essential following the amendments to the Language Act in February 2011 that have further strengthened the provisions aimed at promoting the State language without clarifying the linguistic rights of persons belonging to national minorities (see further comments in Article 10 below).

#### *Recommendation*

65. The Advisory Committee encourages the authorities to consider reviewing their minority policy and legislation in broader terms, rather than focussing their attention on amending the National Minority Cultural Autonomy Act that is generally considered ineffective and impractical.

### **Article 6 of the Framework Convention**

#### **Integration efforts**

##### *Recommendations of the two previous monitoring cycles*

66. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to continue the promotion of inter-cultural dialogue and concluded that further efforts were needed to counter the excessive division in the media environment between the media consumed by the majority population and that followed by the minority population.

##### *Present situation*

67. The Advisory Committee is pleased to note the considerable progress made by the Estonian authorities over the years with regards to their integration efforts. It welcomes the adoption of the new Estonian Integration Strategy 2008 - 2013 prepared by the government in consultation with the former Ministry for Population and Ethnic Affairs, civil society representatives, and experts.<sup>16</sup> The Advisory Committee is pleased to note that the Strategy is overall based on the understanding that integration is a two-way process and affects society as a whole. The Strategy also addresses local authorities as a target audience who play an important role in its implementation given the fact that integration levels differ in Estonia

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<sup>15</sup> Groups may either be too small (under 3,000 persons) or too large: the Russian national minority, for instance, was reportedly denied the status because it is considered so large that no one group can be considered its representative.

<sup>16</sup> See Estonian Integration Strategy 2008-2013, [http://www.kogu.ee/public/documents/Loimumiskava\\_2008-2013\\_ENG\\_VV\\_11.06.pdf](http://www.kogu.ee/public/documents/Loimumiskava_2008-2013_ENG_VV_11.06.pdf)

from region to region.<sup>17</sup> Another commendable development as compared to the Integration Strategy 2000-2007, is that issues related to social and economic integration of society are considered with the objective to reducing differences in employment and income levels between employees of different ethnic groups until 2013.

68. While welcoming the above developments, the Advisory Committee notes that the new Strategy still appears to centre around the Estonian language as the main symbol of common statehood and, consequently, seems to focus on the insufficient State language proficiency of persons belonging to national minorities as a main impediment of integration. The Advisory Committee acknowledges the great importance of a common State language and the significance that the Estonian language, as a result of historic events, has within the Estonian Constitution. At the same time, however, it notes that recent integration monitoring indicates that language barriers are no longer the main obstacle to integration and that persons with high levels of proficiency may still not enjoy a great level of integration in society (see comments on Article 15 below).

69. In this context, the Advisory Committee notes that the monitoring survey of 2008 confirms earlier results that Estonians pay indeed more attention to language requirements and citizenship while the Russian-speaking population attaches more importance to social goals and mutual dialogue.<sup>18</sup> The Advisory Committee therefore considers that more should be done to promote other symbols of common identity than citizenship and language, such as common history, traditions, and a shared society. In addition, the Advisory Committee considers that efforts should be increased to address the relatively negative attitude of Estonians towards integration.<sup>19</sup> There should be more concrete measures targeting Estonians to promote their openness and willingness to accept an integrated society. It regrets that the Estonian Integration Strategy does not contain any steps in this direction.

70. The Advisory Committee further notes that despite some efforts by the authorities, there is still a large gap in social space inhabited by ethnic Estonians and non-Estonians which is reflected also in the persistent difference in the media consumed by both groups. Targeted measures are required to encourage joint activities and inter-ethnic dialogue, including in the workplace. The Advisory Committee welcomes in this context the proposals made by the Ministry for Social Affairs to create social networking opportunities and language groups and regrets that such initiatives were not incorporated into the Estonian Integration Strategy.

71. The Advisory Committee welcomes the creation of the Estonian Co-operation Assembly under the President as a civil society-based institution with an advisory capacity promoting co-operation and integration of society. It also notes the establishment of a Roundtable of Nationalities within this entity in May 2010, which has contributed to the mid-term evaluation of the Integration Strategy. The Advisory Committee cautions, however, that this initiative, while providing commendable contributions to the pool of ideas and efforts promoting integration of society, has no representative function for persons belonging to national minorities and does therefore not constitute an effective consultation with national

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<sup>17</sup> 16% of non Estonians in Tallinn indicated, for instance, that they could not speak Estonian as compared to 62% in Narva.

<sup>18</sup> See Monitoring of the Integration of Estonian Society 2008, *Brief Summary*, provided by the Estonian Co-operation Assembly in September 2010.

<sup>19</sup> Recent studies showed that only 36% of ethnic Estonians are open towards accepting cultural diversity whereas 40% have partly negative or hesitant views about accepting residents of other nationalities as equal members of society. Studies also showed that 65% of ethnic Estonians have no contacts with non-Estonians whereas this percentage is half among other ethnic groups. See Estonian Integration Strategy, page 12.

minority representatives on the Integration Strategy (see further comments on Article 15 below).

72. Finally, the Advisory Committee welcomes efforts by the Estonian authorities aimed at improving the educational opportunities of Roma children by, among others, increasing tolerance within the majority population and breaking down prejudice against the small Roma community.<sup>20</sup> Jointly with the North Estonian Roma Association, a film has been prepared by the Ministry of Education and Research to be shown in schools, which depicts the daily life of one large Roma family and describes their educational needs and opportunities.

#### *Recommendations*

73. The Advisory Committee encourages the authorities to step up their efforts to promote the integration of society, in particular by enhancing initiatives that create common social spaces and networking opportunities between Estonians and non-Estonians and by encouraging the Estonian majority population to be more receptive towards the idea of an integrated Estonian society with equal rights for all its members.

74. The Advisory Committee further calls on the authorities to include systematically national minority representatives in the design, implementation, monitoring and evaluation of the Estonian Integration Strategy to ensure that their concerns and suggestions are duly taken into account.

### **Portrayal of minorities in the media**

#### *Recommendations of the two previous monitoring cycles*

75. In the previous monitoring cycles, the Advisory Committee called on the Estonian authorities to continue to support initiatives aimed at promoting inter-cultural dialogue in and through the media.

#### *Present situation*

76. The Advisory Committee notes that the media space of the ethnic Estonian and non-Estonian population is still sharply divided along ethnic lines with even the few bilingual options offering different news and perceptions in the different languages (see comments on Article 9 below). The Advisory Committee is particularly concerned at continued stereotyping in some media of persons belonging to national minorities and their portrayal as a threat to Estonian sovereignty with intentions to destabilise society.

#### *Recommendation*

77. The Advisory Committee urges the authorities to take all appropriate measures, within the limits of freedom of expression, to curtail stereotyping of minorities in the media which has a crucial negative impact on the sense of cohesion and integration in society.

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<sup>20</sup> Data regarding the number of Roma children in Estonian schools varies between 100 and 300 children. As of 2009, the Estonian Education Information System distinguishes entries about Roma children to ensure that more reliable data is collected.

## **Ethnically-motivated crime**

### *Recommendations of the two previous monitoring cycles*

78. In the previous monitoring cycles, the Advisory Committee encouraged the Estonian authorities to ensure that ethnically-motivated crime is consistently categorised as such and prosecuted vigorously by law-enforcement bodies.

### *Present situation*

79. The Advisory Committee notes that the number of ethnically-motivated incidents are still relatively low. At the same time, it notes with concern the amendments of the Criminal Code in 2006, limiting the applicability of Article 151, which covers cases of incitement to hatred on various grounds, to acts that result in danger to the life, health or property of a person.<sup>21</sup> This development excludes the investigation into hate speech in the media or the Internet, unless serious consequences have ensued. Given the persistent use of the Internet as conveyor of ethnic agitation, the amendment risks placing acts of ethnically-motivated agitation beyond the reach of investigation and prosecution. It has, according to some observers, considerably affected the application of Article 151.

80. The Advisory Committee regrets that racist or ethnically-based motivation is not considered an aggravating factor in the perpetration of any crime. While the Estonian authorities maintain that ‘other base motives’ listed in Article 58.1 of the Criminal Code as an aggravating circumstance may include racism or ethnically-motivated crime, the Advisory Committee notes that, according to information at its disposal, no cases where racist or ethnically-based motivation was considered an aggravating factor, have ever been brought to court, possibly due to the fact that law enforcement agents and judges are not sufficiently aware of their responsibility to identify such motivation as an aggravating circumstance. This should be remedied by explicitly including racist or ethnically-based motivation in the list of aggravating circumstances contained in Article 58 of the Criminal Code.

### *Recommendations*

81. The Advisory Committee urges the authorities to reconsider the limitation of the applicability of Article 151 which curtails the investigation and prosecution of hate crimes in Estonia. It further strongly recommends to incriminate and punish expressly racist and ethnically-based motivation as an aggravating circumstance in any offence.

82. The Advisory Committee further encourages the authorities to engage in training activities for law enforcement agents and members of the judiciary in order to ensure that they are aware of their responsibility to identify and sentence racist or ethnically-based motivation as an aggravating circumstance.

## **Article 7 of the Framework Convention**

### **Freedom of assembly**

#### *Present situation*

83. Following the events in April 2007 surrounding the relocation of the statue of the ‘Bronze Soldier’ from the centre of Tallinn as well as the subsequent clashes between supporters of the removal (mainly Estonians) and its opponents (mainly ethnic Russians), a

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<sup>21</sup> See also ECRI Fourth report on Estonia, December 2009, pointing out that this development is not in line with its Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

number of amendments to the Criminal Code as well as the Public Services Act and the Aliens Act were made. The Advisory Committee notes in this context that the new legislation may have an impact on the freedom of assembly. This concerns, for instance, the new Article 239 of the Criminal Code, which may be used against participants of peaceful and authorised demonstrations, if they coincide with a mass disturbance.<sup>22</sup> The Advisory Committee expects that the interpretation of these provisions by the courts will ensure that there are no disproportionate effects on the rights protected under Article 7 of the Framework Convention.

84. The Advisory Committee is generally of the opinion that, irrespective of the nature of the accusations and the grounds brought against persons belonging to national minorities, the authorities should ensure that the rights of defendants and/or detained persons are fully respected. Persons who advocate minority rights including through exercising their freedom of peaceful assembly must in no circumstances be sanctioned for this activity.

#### *Recommendation*

85. The Advisory Committee encourages the authorities to ensure that the new legal provisions introduced after the events of April 2007 are implemented in a manner that respects the individual rights and freedoms, notably those related to freedom of expression and of assembly, of persons belonging to national minorities in Estonia.

### **Article 8 of the Framework Convention**

#### **Religious communities**

#### *Recommendations of the two previous monitoring cycles*

86. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue the implementation of the protocol on the organisation of property relations between the state and the Orthodox Church under the Moscow Patriarchy, and to ensure that the relevant provisions of the law are interpreted so that religious associations can write their names in an alphabet of their choice except in cases where it is necessary, for a legitimate purpose, to require also the use of the Latin script.

#### *Present situation*

87. The Advisory Committee welcomes the fact that the implementation of the above-mentioned protocol is completed as of 2009 and that the Ministry of the Interior has leased all relevant buildings for 50 years to the Estonian Orthodox Church under the Moscow Patriarchy. The Advisory Committee equally notes progress related to the use of non-Latin script in internal church matters.

#### *Recommendation*

88. The Advisory Committee encourages the Estonian authorities to continue their constructive dialogue with the Orthodox Church under the Moscow Patriarchy.

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<sup>22</sup> Article 239 (1) of the Criminal Code now reads: A person participating in a mass disorder who commits desecration, destruction, arson or other similar acts or ignores lawful orders or offers resistance to a police officer, special constable or any other person combating such activities on a legal basis or incites such people not to fulfil their professional duties - shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

## Article 9 of the Framework Convention

### Minority language media

#### *Recommendations of the two previous monitoring cycles*

89. In the previous monitoring cycles, the Advisory Committee concluded that additional legal guarantees for the broadcasting on and for persons belonging to national minorities were needed for a better implementation of Article 9 of the Framework Convention and encouraged the adoption of measures, including increased budgetary support, to expand the scope of public service broadcasting for national minorities, notably as regards domestically produced programmes.

#### *Present situation*

90. The Advisory Committee notes that the National Broadcasting Act, adopted on 17 January 2007, merged the public broadcasting organisations Estonian Television and Estonian Radio into the ‘Estonian National Broadcasting’ organisation, whose goal it is to meet the information needs of all population groups, including minorities. The Advisory Committee welcomes the creation of the ETV-2 channel in August 2008, following media surveys carried out in 2007 among the non-Estonian population, which has increased the proportion of programmes intended for Russian-speaking viewers as well as those of other languages. In this context, the Advisory Committee is pleased to note the 50% increase in the budget of 2009 for Russian-language news as compared to that of 2008, given the high demand among non-Estonian speakers for domestically-produced Russian-language news. However, according to information obtained from a variety of interlocutors, the amount of Russian-language news and general programming is still considered largely insufficient and the Advisory Committee shares the expressed concerns that the four hours per week of new programming in Russian currently planned will not be sufficient to satisfy the wide demand.

91. The Advisory Committee welcomes the continued broadcasting of *Raadio 4* which, founded in 1993 as a channel intended for persons belonging to national minorities, has developed into a successful public radio station that is listened to nationwide and enjoys trust in the reliability of its information amongst over 90% of its audience, including Estonians.<sup>23</sup> While most of its programming is in the Russian language, *Raadio 4* also produces programmes in Ukrainian, Belorussian, Armenian, Georgian, Polish, Azeri, and Chuvash.

92. The Advisory Committee notes with some concern that the availability of minority language print media seems to be rapidly decreasing and that two Russian-language daily newspapers with national circulation since 1940 and 1950 respectively, *Molodyozh Estonii* and *Vesti Dnya* had to close for commercial reasons in 2009. The authorities maintain that this situation is a result of the free market and that they cannot interfere in developments since any action would compromise the freedom of the media. The Advisory Committee wishes to recall in this regard that the authorities, in line with Article 9 of the Framework Convention, should ensure that persons belonging to national minorities are granted the possibility of creating and using their own media. The current system, which entails no means of obtaining subsidies for any print media, does in practice disadvantage smaller editions (including minority language newspapers) since it is very difficult for them to become commercially viable and compete against the bigger and mainstream print media.

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<sup>23</sup> See A. Saar, *Inter-ethnic Relations and the Integration Challenges after the Bronze Night Crisis, 2007*.

93. In this context, the Advisory Committee notes with concern that, according to research conducted at the University of Tartu,<sup>24</sup> the readership of Russian-language newspapers that have to close, no longer consumes local news but is instead driven to foreign media. The above-mentioned development thus further widens the already existing gap in the media environment between ethnic Estonians and non-Estonians and runs counter to one of the objectives of the Estonian Integration Strategy, to ensure that the majority of non-Estonian speakers receive information from Estonian media sources and trust them.

94. The Advisory Committee understands that there are some examples of bilingual newspapers in Estonia. However, these appear to provide different information to Estonian and non-Estonian readers. The Advisory Committee was informed that one paper may, depending on the language, provide quite varying interpretations and perceptions of the same reality and will thus contribute to the existing division in society rather than help in creating the much needed common media space (see also comments on Article 6 above). In this context, the Advisory Committee underlines the role of self-regulatory bodies such as the National Broadcasting Council to promote ethical journalism and respect of the media through their own codes of conduct, while fully respecting the principle of freedom of the media.

#### *Recommendations*

95. The Advisory Committee encourages the authorities to increase their efforts to promote Russian-language radio and TV broadcasts, particularly as regards the promotion of locally-produced news, to ensure that Estonian and non-Estonian speakers share a common media environment and thereby develop a better sense of a common society. In this regard, bilingual news programmes can be particularly important and effective, provided that they distribute balanced and similar news in both languages.

96. The Advisory Committee further encourages the authorities to establish, jointly with minority representatives, whether there is a need for more Estonian Russian-language print media and how best to meet that demand with full respect for the freedom of the media.

97. The Advisory Committee encourages the authorities to ensure that the National Broadcasting Council plays a constructive role in the media space and promotes ethical journalism and objective reporting throughout the country. It is essential that minority representatives are members of the Council and actively participate in its work.

### **Translation requirement**

#### *Recommendations of the two previous monitoring cycles*

98. In the previous monitoring cycles, the Advisory Committee urged the authorities to review §25 of the Language Act with a view to ensuring its compliance with Article 9 of the Framework Convention and, pending possible amendments to the said article, ensure that measures taken in connection with the monitoring of the implementation of the said provision were proportional to the legitimate aim pursued.

#### *Present situation*

99. The Advisory Committee regrets that no changes have been made to §25 of the former Language Act which requires ‘foreign language’, including minority language, broadcasts to

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<sup>24</sup> See Jakobson, V.; Vihalemm, P.; Lõhmus, M. (2004). *Ühiskond meediaruumis: traditsiooniline meedia. Kalmus, V.; Lauristin, M.; Pruulmann-Vengerfeldt, P. (Toim.). Eesti elavik 21. sajandi algul : ülevaade uurimuse Mina. Maailm. Meedia tulemustest (131 - 145). Tartu: Tartu Ülikooli Kirjastus.*

be translated into Estonian and provides for the application of fines if not implemented. The new act retains the same provision. While noting the authorities' explanation that the requirement proceeds from the aim to make broadcasts available for as many people as possible in Estonia, the Advisory Committee reiterates its concern that the overly proscriptive approach used to promote the Estonian language in public is not proportionate to the legitimate aim pursued (see also comments on Article 10 below). Moreover, given the fact that there is no subsidy system and broadcasters have to cover the costs for translations, the Advisory Committee considers that the current approach constitutes an unfair burden on persons belonging to national minorities in Estonia and negatively impacts on their freedom of expression.

#### *Recommendation*

100. The Advisory Committee urges the authorities to reconsider their rigid approach to the translation requirements of the media and develop, in close consultation with minority representatives and media professionals, more appropriate means to ensure that Estonian and non-Estonian speaking groups of society can benefit from a diverse but shared media space.

### **Article 10 of the Framework Convention**

#### **The protection of the State language and the Language Inspectorate**

#### *Recommendations of the two previous monitoring cycles*

101. In the previous monitoring cycles, the Advisory Committee underlined that, while the protection and promotion of the State language were a legitimate aim, they should not be pursued through an excessively regulatory approach but in a manner that fully reflects the principles contained in the Framework Convention, including as regards the Language Inspectorate.

#### *Present situation*

102. The Advisory Committee regrets that amendments to the Language Act were adopted in February 2011 without comprehensive consultation with minority representatives and without any regard to the numerous recommendations for more balanced provisions made by the Advisory Committee, as well as other international monitoring bodies, over the years.<sup>25</sup> While noting that the amendments were reportedly intended to revise and update the language regulations which had become rather complicated following a number of previous amendments, the Advisory Committee notes that the new act does not clarify the linguistic rights of persons belonging to national minorities. Moreover, the fact that national minority languages are still referred to as 'foreign languages' casts a serious doubt over the political will of the government and parliament to recognise the speakers of national minority languages as an inherent part of Estonian society.

103. The act initially refers to the regulation of the use of the Estonian and 'foreign languages'<sup>26</sup> in public life. However, it also regulates areas such as websites, all signs, advertisement, reports and notifications. While a number of these concepts remain unclear, they affect, to a large extent, also private life and business. This overregulation of the private

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<sup>25</sup> See, for example, ACFC Second Opinion on Estonia, 24 February 2005, ECRI Fourth Report on Estonia, 15 December 2009, paragraphs 21-27, and CERD/C/EST/CO/8-9, 27 August 2010, para 13.

<sup>26</sup> Officials of the Language Inspectorate may go beyond the remit of Estonian language use and examine 'use of "foreign languages" in official communication and dissemination of information.' It remains unclear what the power of officials of the Estonian Language Inspectorate would exactly entail in such cases.



sphere raises grave concerns as to its compatibility with Article 10 of the Framework Convention and may limit the freedom of association.

104. The new Language Act retains the Language Inspectorate. Where an official has ‘reasonable doubt’ that the language proficiency of a person does not correspond to legislative requirements, the “person concerned shall be directed to take the Estonian language proficiency examination by a precept of the language official”. In view of the low level of evidence required, the significant financial and other costs involved, and the fact that the act does not specify the avenues for appeal against decisions of officials of the Language Inspectorate,<sup>27</sup> the Advisory Committee finds that the powers granted to single officials seem too broad and raise doubts as to their compatibility with the due process requirements contained in Article 6 of the European Convention on Human Rights (ECHR).

105. The Advisory Committee regrets receiving reports alleging that the Language Inspectorate has been repeatedly targeting particular establishments, such as kindergartens or schools where Russian-speaking staff have made efforts to improve their Estonian language capacities in spite of a lack of adequate teacher training opportunities (see comments under Article 14 below). Reportedly, the imposed fines have often been disproportionately high. The Advisory Committee reiterates its deep concern about this punitive approach and wishes to repeat that the mere legal possibility of imposing fines in relation to the use of minority languages is incompatible with the Framework Convention.<sup>28</sup> The Advisory Committee is of the opinion that more incentive-based, voluntary methods should be used to increase motivation among persons belonging to national minorities to learn and speak the State language in daily life, while at the same time benefitting from the right to use their language in private and in public, orally and in writing, in conformity with Article 10 of the Framework Convention.

106. The Advisory Committee was given to understand during its visit that a new strategy for the Estonian Language was being developed and considered this an important opportunity to closely consult with minority representatives on appropriate means to promote the State language as the main common language of communication while simultaneously promoting the development and use of minority languages. It regrets that this opportunity for developing the Estonian language as a uniting symbol for common identity rather than a divisive factor in society has apparently been missed and amendments to the Language Act have been adopted without the appropriate balance between the promotion of the State language as a public interest issue and the protection of individual rights in line with applicable international standards.

107. The Advisory Committee notes that the State language is increasingly used as a common language of communication in the public sector and that the number of persons not speaking the State language is falling rapidly. Given these and other developments that firmly establish Estonia as a sovereign and modern state with an ethnically diverse society, the Advisory Committee believes that the Language Inspectorate, which may have had a certain historic justification, may no longer be required in the Estonia of today. The Advisory Committee fears that the persistent severity in approach to language matters of the Inspectorate could jeopardise the implementation of the Estonian Integration Strategy by alienating a significant part of the population.

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<sup>27</sup> According to the Act, the decision of the official shall indicate the ‘means of contesting’ the instruction to take the language proficiency examination. This seems to imply an internal procedure within the Language Inspectorate rather than an appeal to an independent review body. By contrast, the results of the proficiency examination themselves may be appealed against to an Appeal Committee within the Ministry of Education and Research.

<sup>28</sup> See also ACFC Third Opinion on the Slovak Republic, 28 May 2010, para. 23.

*Recommendations*

108. The Advisory Committee strongly encourages the authorities to introduce some flexibility with regard to the implementation of the new Language Act and, in particular, to ensure that it is not implemented at the expense of the linguistic rights of persons belonging to national minorities. The rights of persons belonging to national minorities to use their languages freely and without interference must be fully guaranteed.

109. The Advisory Committee points out that requirements for State language proficiency must be proportionate to the legitimate aims pursued and their application must allow for some flexibility. It strongly encourages the authorities to refrain from imposing fines for violations of the Language Act and replace the punitive approach with a policy of positive incentives. It further calls upon the Estonian authorities to seriously consider abolishing the Language Inspectorate.

110. The Advisory Committee invites the Estonian authorities to enter into a constructive dialogue with minority representatives and consult closely on any language-related developments.

**Use of minority languages in relations with administrative authorities**

*Recommendations of the two previous monitoring cycles*

111. In the previous monitoring cycles, the Advisory Committee concluded that legislation concerning the use of minority languages in contacts with administrative authorities lacked clarity and provided for a high threshold for the implementation of the right to receive replies in a minority language. In the implementation of its legislation, Estonia was called upon to ensure that persons belonging to national minorities, in areas where they reside traditionally or in substantial numbers, had a true and effective possibility to use their minority language in relations with administrative authorities.

*Present situation*

112. The Advisory Committee deeply regrets that there has been no change to the rules governing the use of ‘foreign languages’ in oral and written communication. Firstly, the Advisory Committee reiterates its concern that minority languages with a long standing tradition on the territory and within the society of Estonia are not treated with special attention but included in the general provisions covering foreign languages. Russian may thus, like any other language, be used with authorities by agreement of both parties. However, the *right* to obtain a response from the local government in a minority language is provided only in those local government units where at least 50% of the population belong to the national minority. The Advisory Committee would like to reiterate that this threshold is excessively high and recalls that it generally recommends flexibility in the application of thresholds, even regarding those of 20% or lower. In addition, it appears that this *right* only applies to oral responses, as it is not clear to which extent persons belonging to national minorities have to bear the burden of financing the translation of the response into the minority language. The Advisory Committee is concerned in this regard about reports of cases where persons belonging to the Russian minority in Ida-Virumaa (Viru County) received court judgements in the Estonian language which they were unable to understand, and had to have them translated at their own cost in order to comply with them.

113. The Advisory Committee further notes that the new Language Act still foresees that local government units in areas where more than half of the population belongs to a national minority may ask the central authorities for permission to use the minority language,

alongside Estonian, as an internal working language. It regrets that no such permission was ever granted despite requests that were apparently submitted from the predominantly Russian-speaking Narva and Maardu municipalities.<sup>29</sup> Consequently, council meetings in Narva must be conducted in Estonian, even though only two council members, reportedly, have Estonian as their first language.

114. At the same time, the Advisory Committee was pleased to learn about the pragmatism applied by the local authorities in Narva to assist elderly persons belonging to national minorities, for instance, by translating information about the dosage and application of the most widely used pharmaceutical products sold in local pharmacies into the Russian language, as the descriptions available with the medication are, reportedly, only in Estonian language.

#### *Recommendations*

115. The Advisory Committee considers the 50% threshold excessively high and strongly encourages the Estonian authorities to ensure that persons belonging to national minorities, in areas where they reside traditionally or in substantial numbers, have the effective possibility to use their minority language in relations with local authorities, including as regards written responses where necessary.

116. The Advisory Committee further recommends the search for practical solutions in language matters, particularly as regards the dealings of the elderly, non-Estonian speaking population with the authorities.

### **Article 11 of the Framework Convention**

#### **Topographical indications**

##### *Recommendations of the two previous monitoring cycles*

117. In the previous monitoring cycles, the Advisory Committee called on the authorities to continue their efforts to encourage relevant local authorities to introduce minority language place names and to consider the possibility of allowing the additional use of script other than Latin for such place names.

##### *Present situation*

118. The Advisory Committee welcomes the fact that a number of Swedish settlements have apparently made use of the rights provided for in the Place Names Act of 2004 to introduce parallel place names in minority languages. It further welcomes the efforts of the Ministry of the Interior to raise awareness among minority communities about the possibilities offered by the Place Names Act and the organisation of apparently 22 seminars for this purpose in 2009. At the same time, it was surprised to hear that no seminar has been held so far in Ida-Virumaa (Viru County) which, given its large minority population, appears an obvious area to conduct such awareness-raising activities. The Advisory Committee regrets that, consequently, knowledge among the population in Ida-Virumaa (Viru County) about possibilities to introduce parallel place names appears very limited.

119. The Advisory Committee understands that one request for the introduction of a parallel place name, submitted by Kallaste city council in 2005 was unsuccessful and regrets that §11 (2) of the Place Names Act excludes parallel names for settlements whose borders

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<sup>29</sup> See *Chance to Survive: Minority Rights in Estonia and Latvia*, Legal Information Centre for Human Rights, Edited by Vadim Poleshchuk, 2009, page 19, <http://www.lichr.ee/main/assets/L-3-eng.pdf>.

are identical to those of administrative units – which in fact is the case with most cities. Consequently, the Advisory Committee notes that the Place Names Act only benefits small settlements and villages but not cities (nor streets or squares), despite the fact that persons belonging to minorities often reside in substantial numbers in cities and it is indeed in the urban environment where a parallel place name would have the most symbolic value.

120. The Advisory Committee further learned with concern during its visit to Ida-Virumaa (Viru County), that the Russian language is almost entirely absent from public spaces, despite the fact that over 90% of the population are Russian-speaking. Even immersion schools where mainly Russian children study, showed no Russian-language signs or Cyrillic script. The Advisory Committee would like to point out that the possibility of having local names, street names and other topographical indications intended for the public also in minority languages has a significant symbolic value for integration. Seeing the minority language, alongside the State language, in public spaces reaffirms that the minority belongs to the given region as an appreciated and welcome member of society and promotes a sense of trust among persons belonging to minorities. The Advisory Committee therefore regrets that this opportunity to promote social cohesion and reduce separation based on ethnicity and language barriers is not being used more effectively in Estonia, despite significant efforts to promote integration.

#### *Recommendation*

121. The Advisory Committee strongly encourages the central and local authorities to expand the opportunities to introduce minority language place names in line with the principles contained in Article 11 of the Framework Convention, and allow topographical indications, alongside Estonian, including in script other than Latin.

### **Private minority language signs**

#### *Recommendations of the two previous monitoring cycles*

122. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to codify improvements in the practice of the Language Inspectorate affecting the display of signs and other information of a private nature in legislation through amendments to §23 of the Language Act.

#### *Present situation*

123. The Advisory Committee is pleased to note that the Language Act was amended in 2007 and now allows for public signs, signposts, announcements, notices and advertisements to be in a ‘foreign language’ on condition that the Estonian language has precedence and is not less visible. The provision was retained in the new Language Act.

#### *Recommendation*

124. The Advisory Committee encourages the authorities to continue this policy concerning bilingual signs, while ensuring that it does not unduly intrude into the private sphere.

### **Recording of patronyms**

#### *Recommendations of the two previous monitoring cycles*

125. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to seek further alternative solutions for the registration of patronyms in official personal documents, in consultation with persons belonging to national minorities.

*Present situation*

126. According to Estonian legislation, a person's official name consists of a forename and a surname, without the possibility of a patronym being entered in personal identity documents. The authorities argue that this situation is in line with Article 11 paragraph 1 of the Framework Convention, according to which "every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system", as there are no clear modalities for the use of personal names containing patronyms in the Estonian legal system. According to the State Report, patronyms may be recorded as a second forename by the administrative authorities, if the person so wishes and if the personal information is recorded for the first time. While this practice is commendable, it does not replace a legally secured right to use one's surname (patronym) in the minority language, as provided for in the Framework Convention.

*Recommendation*

127. The Advisory Committee reiterates its previous recommendation to seek appropriate legislative solutions for the registration of patronyms in official personal documents, in consultation with persons belonging to national minorities.

**Article 12 of the Framework Convention****School curriculum***Recommendations of the two previous monitoring cycles*

128. In the previous monitoring cycles, the Advisory Committee underlined that information on the identity of all ethnic groups living in Estonia, as well as adequate multicultural elements, should be included in school curricula. An intercultural perspective should be introduced in history textbooks and Estonia should take further steps also to encourage majority pupils to study minority languages.

*Present situation*

129. The Advisory Committee is pleased to note that the Estonian Integration Strategy appears to acknowledge the significance of education as a tool for integration and also mentions the necessity of emphasizing cultural diversity of Estonian society in the school curricula. At the same time, it notes with concern that the indicators for implementing objectives in the field of education and cultural integration all concentrate on increasing the percentage of students who successfully pass the Estonian Language Examination, but take no regard for the important role that schools could play in creating a common sense of statehood, positive feelings towards diversity, and teaching about the value and contribution of other cultural groups to Estonian society. The Advisory Committee also learned from its discussions with non-governmental interlocutors that the school curricula still contain only few multicultural elements.

130. The Advisory Committee is pleased to note that there is, apparently, an increasing interest among Estonian-speaking pupils to learn minority languages, particularly Russian, given its importance in the labour market.

131. The Advisory Committee is pleased to note that there appears to be a growing acceptance that multiple perspectives should be encouraged in historic research and welcomes in this regard the establishment in 2008 of the Estonian Institute of Historical Memory. In this

context, it underlines that multiple perspectives must also be reflected in history textbooks used in schools to ensure that different views are adequately reflected without bias or ideological stereotyping. According to information obtained by the Advisory Committee, the independent assessment of 12 history textbooks revealed that certain national minorities were mentioned only very sparingly and with no reference to their past positive contributions to the culture and development of Estonian society over centuries.

#### *Recommendation*

132. The Advisory Committee calls on the authorities to ensure that school curricula and textbooks reflect adequately the presence of national minorities in Estonia, including their positive contributions to the traditions, culture and development of Estonian society. Multiple perspectives must be introduced in history teaching and appropriately reflected in the textbooks used in both Estonian and Russian-language schools.

### **Teacher training**

#### *Recommendations of the two previous monitoring cycles*

133. In the previous monitoring cycles, the Advisory Committee called for increased efforts in the field of teacher training and in the production of study materials suitable for a more bilingual school environment with a view to ensuring quality education.

#### *Present situation*

134. The Advisory Committee welcomes the significant efforts of the Estonian authorities to improve the language proficiency of teachers who teach subjects in Estonian in Russian-language schools, as well as the establishment of four regional monitoring and counselling centres for such teachers. While appreciating the initiative in the context of the ongoing transfer of the language of instruction in Russian-language schools to 60% in Estonian, the Advisory Committee would like to caution that these initiatives should not deflect attention from other, general teacher training courses that must be instituted and organised in order to ensure the quality of teaching in all languages and in all schools. Given that approximately 50% of Russian-language schools offer immersion classes<sup>30</sup> and the Estonian Integration Strategy includes the plan to increase the number of these classes, special teacher training introducing immersion methodology, as well as bilingualism and inter-culturalism, must be expanded and be made available to all schools and teachers.

#### *Recommendation*

135. The Advisory Committee strongly encourages the authorities to increase their efforts in the field of teacher training and ensure that the quality of education overall is given first priority before considering the language of instruction. Teacher training courses should also contain elements regarding immersion methodologies, bilingualism and inter-culturalism within the school environment.

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<sup>30</sup> Language immersion in Estonia is used as the method of teaching Estonian to Russian-speaking pupils; a significant part of the education is offered in Estonian while Russian continues to be used as well.

## **Contacts between pupils**

### *Recommendations of the two previous monitoring cycles*

136. In the previous monitoring cycles, the Advisory Committee called for further initiatives to increase contacts between children belonging to the majority and those belonging to a national minority. The importance of such contacts should also be reflected in the design and implementation of various models of education, starting at the pre-school level, as well as in the planning of educational facilities.

### *Present situation*

137. The Advisory Committee welcomes increased efforts to create opportunities for contacts between pupils from Estonian and Russian-language schools. At the same time, it notes with regret that these efforts are still mainly directed at creating extra-curricular opportunities for children belonging to national minorities to learn about majority culture (such as through participation in a language camp) but fail to encompass more general measures to create common spaces in every-day life. In addition, despite an increase in interest among Estonian-speaking pupils to learn Russian, no initiatives have been made to offer similar language camps for Estonian pupils to participate in Russian-language camps or spend time in a Russian-language environment. The offer of language camps and family exchange programmes to Estonian-speaking children would promote openness and flexibility on the side of the majority towards persons belonging to national minorities and would thereby multiply the effects of language camps on integration and intercultural dialogue.

138. The Advisory Committee is pleased to note the continued interest of parents belonging to national minorities to send their children to Estonian-language pre-schools and schools as well as the increased interest among majority pupils to learn Russian. It notes with concern, however, that the Estonian school environment is still divided between Estonian and Russian-language schools and that there has been no encouragement for creating bilingual classes that could bring together pupils from different language backgrounds and enable them to learn both languages while promoting inter-ethnic contacts and networks and thereby contributing to the aim of the Estonian Government to create a more cohesive society.

### *Recommendations*

139. The Advisory Committee encourages the authorities to expand the existing opportunities for pupils belonging to national minorities to participate in language camps and family exchange programmes to children belonging to the majority in order to ensure a greater impact of these measures on integration and increased intercultural dialogue in society.

140. The Advisory Committee strongly encourages the authorities to consider the introduction of bilingual classes and schools for Estonian as well as for Russian-speaking pupils, while ensuring that the specific pedagogical skills and tools are developed and used and that appropriate teacher training is available to all teachers.

## **Access to schooling**

### *Recommendations of the two previous monitoring cycles*

141. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pursue vigorously their commitment to ensure that children belonging to national minorities had equal opportunities for access to education at all levels. It underlined that the

increase of State language instruction in secondary education must be pursued in a manner that does not harm the quality of education in schools attended by persons belonging to national minorities and thereby limit their possibilities to access higher education.

*Present situation*

142. The Advisory Committee welcomes amendments to Decree No. 10 (1994) of the Ministry of Education, ensuring that schools may no longer verify the pupil's proficiency in the language of instruction before granting admission. However, it remains deeply concerned about continued reports that children belonging to national minorities have been refused entry to Estonian-language schools with the justification that these were meant mainly for Estonian-speaking pupils.<sup>31</sup>

143. The Advisory Committee is pleased to note that access to higher education for persons belonging to national minorities appears to have increased, notably because of their increased Estonian language proficiency and that the number of graduates of Russian-language schools admitted to a student place financed from the State budget is only slightly lower than among those who graduated from Estonian-language secondary schools. At the same time, the Advisory Committee remains concerned about reports that the transfer in the language of instruction in Russian-language schools to Estonian may have had an impact on the quality of education which, in turn, may affect access of persons belonging to national minorities to higher education and doctoral studies in future years (see comments on Article 14 below).

*Recommendation*

144. The Advisory Committee encourages the Estonian authorities to ensure that persons belonging to national minorities have equal access to education at all levels in both Russian and Estonian-language schools in a way that precludes segregation in education. Particular attention must be paid to ensure that the transfer to Estonian as the language of instruction in Russian-language schools is not detrimental to the academic quality of education in order not to limit access of Russian-language students to higher education.

## **Article 13 of the Framework Convention**

### **Sunday schools for national minorities**

*Recommendations of the two previous monitoring cycles*

145. In the previous monitoring cycles, the Advisory Committee called on the Estonian authorities to pursue efforts to design an improved funding scheme for Sunday schools of national minorities, while ensuring that support for such private initiatives was coupled with adequate measures also in the public educational system.

*Present situation*

146. The Advisory Committee is pleased to note that a total of 18 Sunday schools are currently being financed by the Ministry of Education and Research to enable persons belonging to national minorities, including the Armenian, Azeri, Ukrainian, Korean, Uzbek and Russian minorities, to study their language and/or culture. These subsidies are provided in line with the Hobby Schools Act of 2007, while additional subsidies may be provided by relevant municipality or city budgets to minority language private schools to cover the costs

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<sup>31</sup> See Julia Kovalenko, ENAR Shadow Report 2008, page 16.  
<http://cms.horus.be/files/99935/MediaArchive/national/Estonia%20-%20SR%202008.pdf>



of pre-school teachers or teaching aids in line with the Private Schools Act or the Pre-school Child Care Institutions Act.

147. While there are other options to obtain minority language instruction through optional lessons in State schools (see comments on Article 14 below), the Advisory Committee notes the concerns of some persons belonging to national minorities that the classification of Sunday schools as ‘hobby schools’ discourages their being taken seriously. Despite this classification, however, Sunday schools must hold an education license and their teachers need to fulfil certain conditions before they may be eligible to teach at the Sunday schools which, according to some minority representatives, has constituted an obstacle to the establishment of a Sunday school.

#### *Recommendation*

148. The Advisory Committee encourages the authorities to continue their support, including financial, to Sunday schools that enable persons belonging to national minorities to study their minority language or culture in line with the Hobby Schools Act, and to find pragmatic solutions to the difficulties experienced by some cultural associations to identify suitable teachers. At the same time, minority language instruction should be further promoted within the State school system, in line with the government’s intention to make the study of different languages, including minority languages, a priority in Estonia.

### **Article 14 of the Framework Convention**

#### **Minority languages in secondary education**

##### *Recommendations of the two previous monitoring cycles*

149. In the previous monitoring cycles, the Advisory Committee stressed that reform initiatives in the educational system should be carried out in a manner that contributes to the integration of persons belonging to national minorities but not to their assimilation, including by guaranteeing an adequate level of bilingual secondary education for persons belonging to national minorities. As regards the transfer to Estonian as the main language of instruction in secondary schools, the Advisory Committee urged the authorities to provide clear guidance on how to invoke exemptions and maintain a minority language as language of instruction after 2007.

##### *Present situation*

150. The Advisory Committee notes that the deadline for the implementation of the transfer to Estonian as the main language of instruction has been postponed to the school year 2011/2012. By then, all Estonian upper secondary schools must ensure instruction in Estonian in at least 60% of subjects. While five of the subjects to be taught in Estonian are determined at national level, the remaining ones may be chosen by the schools. Exemptions are no longer permissible.

151. While appreciating the explanation that the reform is aimed at increasing the competitiveness of young Russian-speakers, the Advisory Committee notes with concern that the transfer to the Estonian language in an increasing number of Russian-language schools seems to have led already to a decrease in the quality of education offered, as Russian-speaking teachers struggle to teach in the Estonian language. Problems have particularly been reported in schools where the transfer came suddenly and without sufficient preparation. There is an urgent need for adequate training of teachers in Estonian for different subjects, in

particular for secondary schools,<sup>32</sup> to ensure that the quality of education does not suffer further as a result of an excessively strict focus on the language of instruction. The Advisory Committee was informed by several minority representatives that Russian-language schools have great difficulty in recruiting suitably trained teachers to teach in the State language.<sup>33</sup> The Advisory Committee is concerned by this situation, as the ongoing transfer to Estonian as the language of instruction without due attention to its impact on the quality of education might raise doubts with regard to its compatibility with the right to education of students studying at Russian-language schools.<sup>34</sup>

152. In full view of the fact that Russian-language secondary schools are often located in remote areas and that it is difficult to recruit qualified young teachers to these schools, the Advisory Committee welcomes the fact that young graduates of pedagogical institutes are being offered additional financial incentives to teach Estonian in remote Russian-language schools. However, in line with its above concern that the quality of education is an equally important preoccupation as the language of instruction and given the general ageing of the Russian-language teacher body, the Advisory Committee expects that young and qualified teachers will be generally provided with incentives to teach at rural schools, including if they are teaching in the Russian language. In addition, it is particularly at Russian-language schools where bilingual teaching competencies should be promoted for teachers of both languages to ensure that the changes in the language of instruction of certain subjects are implemented as smoothly as possible and that Russian-language schools remain attractive education establishments for Estonian and non-Estonian speakers alike.

153. The Advisory Committee further notes with concern that more and more Russian-language schools are closing as parents decide to send their children to Estonian schools to ensure that they obtain good-quality education. The Advisory Committee wishes to emphasise that minority language schools should have a lower threshold in terms of the minimum number of pupils per class than regular schools as they fulfil a specific public function in offering minority language education and preventing families from having to move to find suitable education for their children. The same safeguard should apply also to Estonian language schools in Ida-Virumaa (Viru County), some of which are equally threatened with closure due to ever decreasing numbers of pupils. The Advisory Committee regrets in this context that bilingual education is not promoted to offer all pupils high academic skills and proficiency in the State language as well as in Russian - which would not only benefit the competitiveness of young Estonians generally but also constitute an important step towards creating shared social spaces and networking opportunities in an otherwise divided society (see related comments on Articles 6 and 12 above).

### *Recommendations*

154. The Advisory Committee strongly encourages the authorities to ensure that the quality of education in Russian-language secondary schools does not suffer as a result of the transfer

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<sup>32</sup> The Advisory Committee was informed that the Narva College prepares teachers for basic schools but does not provide a suitable preparation for teachers of mathematics or physics at secondary schools in the Estonian language. A high number of students apparently do not manage to graduate as they cannot obtain the sufficient grades in Estonian language examinations.

<sup>33</sup> See also for background: Legal Information Centre for Human Rights *Russian Schools of Estonia, Compendium of Materials*, Tallinn 2010.

<sup>34</sup> The Advisory Committee notes in this context research that shows a significant and increasing educational gap between the ethnic groups. See K.Lindemann and E.Saar. 2010. *Ethnic inequalities in education* and Vetik, R. and Helemae, J. (eds). *The Russian Second Generation in Tallinn and Kohila-Jarve: The TIES Study in Estonia*. (IMISCOE Reports).

to Estonian as the language of instruction. Adequate teacher training must be provided urgently and attention should be given to ensure that Russian-language teachers equally benefit.

155. The Advisory Committee reiterates its recommendation to promote bilingual education methodologies to ensure that students from Russian-language schools (or Estonian-language schools in mainly Russian-speaking areas) are provided with an opportunity to continue education in their own language.

### **Minority languages in primary schools**

#### *Recommendations of the two previous monitoring cycles*

156. In the previous monitoring cycles, the Advisory Committee noted that the role of minority languages in basic Estonian-language schools lacked legal guarantees and called on the Estonian authorities to identify the obstacles hindering the establishment of optional minority language classes in public schools as provided for by amendments to the Basic Schools and Upper Secondary Schools Act in 2003.

#### *Present situation*

157. In line with the above-mentioned legislation, schools must offer at least two hours of optional lessons per week on a language and culture other than the language of instruction, if at least ten pupils so demand. Unfortunately, however, this option is used only very rarely. The Advisory Committee was informed, however, that such additional classes are highly appreciated where offered, such as to pupils belonging to the Ukrainian minority in Sillamäe and those belonging to the Belorussian minority in Kohtla-Järve. Reportedly, plans are currently being discussed to lower the minimum number of pupils required for the additional minority language classes in order to increase the use of this option.

158. While recognising the difficulty of identifying suitably-trained individuals to teach in minority languages, the Advisory Committee underlines the importance of minority language instruction as a regular component of publicly available schooling and welcomes the preparatory courses organised by the Ministry of Education and Research for representatives of national minorities in order to enable them to teach in schools.

#### *Recommendation*

159. The Advisory Committee encourages the Estonian authorities to continue and increase their efforts to provide opportunities for minority language instruction at State schools, including by lowering the minimum number of pupils necessary to institute optional lessons. It also urges the authorities to find pragmatic solutions to the difficulties experienced by national minority representatives to identify suitably-qualified minority language teachers.

### **Language immersion programmes**

#### *Recommendations of the two previous monitoring cycles*

160. In the previous monitoring cycles, the Advisory Committee stressed that ‘language immersion models’ should remain fully voluntary and should not be unduly privileged with regards to funding decisions so as to ensure that the quality of teaching, as well as textbooks and facilities, in other educational models, are of equivalent quality.

*Present situation*

161. Immersion classes have further expanded and continue to be introduced in an increasing number of Russian-language schools. The Advisory Committee notes that the general perception in a number of schools appears to be that particularly gifted students should be enrolled in immersion classes which has, according to some minority representatives, resulted in the weakening of standards in regular Russian-language classes. In some cases, particularly in smaller cities, language immersion classes have, according to information received by the Advisory Committee, entirely replaced Russian-language classes.

*Recommendation*

162. The Advisory Committee reiterates its position that the ongoing expansion of the language immersion model must not result in disadvantages for other methods of education, including bilingual education, and that students and parents should be able to make free and fully-informed decisions with regards to the education model they wish to follow.

## **Article 15 of the Framework Convention**

### **Consultative bodies representing national minorities**

*Recommendations of the two previous monitoring cycles*

163. In the previous monitoring cycles, the Advisory Committee concluded that further steps should be taken to consolidate the role of consultative bodies representing national minorities, and that the issue should also be considered in the context of the discussions on the proposed law on national minorities.

*Present situation*

164. The Advisory Committee notes that the Presidential Round-Table was abolished and replaced in 2008 by the Estonian Cooperation Assembly (EKK) under the President, a cooperation network of 73 non-governmental organisations interested in Estonia's long-term development. While the membership of the EKK is very broad (employers' and employees' associations, education and youth associations, religious organisations, etc.), a Round-Table of Nationalities was founded in May 2010 as part of the EKK with the objective to engage Estonian inhabitants from different ethnic backgrounds, languages, and nationalities in discussions on important issues of relevance to society. The members of the Round-Table are personally appointed by the Supervisory Board of the EKK. Their discussions and initiatives led to a report with policy recommendations to the President, the government and other relevant institutions on how to promote the integration process.

165. While welcoming the above initiative as an interesting contribution to ongoing integration efforts that may indeed serve to promote mutual respect and co-operation among different ethnic groups, the Advisory Committee notes that members are personally appointed rather than elected from their own constituencies. Therefore, the Round-Table cannot be considered representative nor can it be viewed as an effective consultation mechanism in the sense of Article 15 of the Framework Convention. The Advisory Committee further notes that the Co-operation Assembly has been quite active in the mid-term evaluation of the Integration Strategy 2008 – 2013. It notes with regret, however, that consultations on the draft Strategy with minority representatives were apparently conducted only in the Estonian language, thereby limiting the possibility for a number of relevant stakeholders to make their views understood.

166. The Advisory Committee further regrets that the Ministry for Population and Ethnic Affairs was abolished in May 2009, apparently without any consultation with representatives of national minorities. The Advisory Committee learned about widespread disappointment with this development among the minority communities, as well as some officials, as the Ministry played an important inter-ministerial co-ordination role with regards to relevant questions directly of concern to large sections of the population and constituted a direct contact point for persons belonging to national minorities with their various queries. In addition, the Ministry served an important symbolic purpose by attesting to the government's appreciation of the significance of inter-ethnic issues in Estonia. While the Advisory Committee agrees that a separate Ministry may not be necessary to serve these purposes, it regrets that there has apparently been no valid replacement to fill the gap left by the Ministry.

167. The official responsibility with regards to issues related to national minorities now lies with the Ministry of Culture which, through its National Minorities Cultural Advisory Council, also constitutes the main consultative mechanism for persons belonging to national minorities. The Advisory Committee welcomes the initiative of the Ministry of Culture and acknowledges the general level of trust among minority representatives in the Ministry. However, the work of the Council appears to be oriented mainly towards the development and discussion of new cultural projects rather than the drafting and approval of long-term policies, programmes and legislation affecting minorities in Estonia. In this context, the lack of discussion prior to the amendments to the Language Act in February 2011 is a case in point. The Advisory Committee considers that issues related to national minorities are much broader than culture and encompass crucial policies such as education, language, or social affairs, particularly considering the specific historic context in Estonia. The Advisory Committee is concerned that there seem to be no institutionalised channels for minority representatives to discuss these matters with various government bodies.

168. The Advisory Committee welcomes the creation of a Youth Assembly within the Ministry of Culture where young members of minority cultural associations meet and discuss issues of common concern, including their project initiatives. The Advisory Committee considers this to be a useful initiative that ensures that the important youth sector among minority communities is involved and participates in relevant discussions, albeit limited to the cultural sphere. The Advisory Committee expects that measures will be taken to guarantee that the Youth Assembly is working in close co-operation with similar youth initiatives on behalf of the Estonian majority population so that opportunities for a shared social space are offered and gaps between the two reduced (see also comments on Article 6 above).

#### *Recommendation*

169. The Advisory Committee strongly encourages the Estonian authorities to expand their consultation structures for minority representatives beyond the cultural sphere and ensure an effective opportunity for persons belonging to national minorities to participate in public affairs and take active part in all decision-making processes affecting them.

### **Effective participation in economic life**

#### *Recommendations of the two previous monitoring cycles*

170. In the previous monitoring cycles, the Advisory Committee found that unemployment affected disproportionately persons belonging to national minorities in Ida-Virumaa (Viru County) and elsewhere and urged the government to counter this phenomenon decisively by launching regional development initiatives and measures to fight direct and indirect

discrimination in the labour market. It further recommended that recruitment of qualified persons belonging to national minorities into public service throughout Estonia be enhanced.

*Present situation*

171. The Advisory Committee notes that unemployment figures for ethnic Estonians and non-Estonians alike decreased substantially from 2005 to 2008 but were then seriously affected by the world economic crisis. It further notes that the proportion of employed and unemployed between the two groups has not significantly altered.<sup>35</sup> However, it is of some concern that relevant research has identified a trend towards the accumulation of advantages for ethnic Estonians over non-Estonians in the labour market, making Estonians significantly less dependent on fluctuations in labour market conditions.<sup>36</sup> This observation also matches the finding that Estonians are statistically significantly more likely to make positive career moves and access managerial positions than non-Estonians.<sup>37</sup> The Advisory Committee is pleased to note, however, that the wage gap between the two groups seems to be decreasing.

172. In addition to the above research, the Advisory Committee learnt of persistent anecdotal evidence presented by its interlocutors that non-Estonians still face significant disadvantages in the labour market at all levels, that are not only related to their language abilities but are more deep-seated. The Advisory Committee is concerned about the perception of even highly trained professionals with Estonian citizenship and perfect Estonian language abilities that there is a 'glass ceiling' in terms of professional development for them in Estonia that is due to their ethnic background (see also related comments under Article 4 above). In this context, the Advisory Committee acknowledges the explanation offered by some interlocutors that the persistent employment gap between ethnic Estonians and non-Estonians is also due to the different social networks that exist and extend into professional life, and welcomes the initiatives of the Ministry of Social Affairs in this regard, aimed at closing the gap between Estonians and non-Estonians in the labour market in order to promote joint networking opportunities.

173. With regards to the situation in Ida-Virumaa (Viru County), the Advisory Committee notes that the former industrial border-region with the Russian Federation, where unemployment has been high for many years, has also particularly suffered from the global recession. With the situation now beginning to improve, it is crucial to ensure that adequate regional development initiatives are launched to alleviate the lack of necessary infrastructure and employment opportunities in the region which is mainly populated by persons belonging to national minorities. Special measures should also be put in place to support in a gender sensitive way men as well as women belonging to national minorities in their search for employment.<sup>38</sup>

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<sup>35</sup> According to information provided by the Ministry of Social Affairs during the country visit, 3,6% of Estonians were unemployed in 2007 compared to 6,9% of non-Estonians; in 2009, these official figures had increased to 11% of unemployment among Estonians and 19% of non-Estonians. Among non-Estonian young males, the unemployment in 2010 lies at 34,9%.

<sup>36</sup> See *Estonians vs non-Estonians in the Estonian labour market*, Presentation made by Jelena Helemäe, IISS Tallinn University to the ACFC delegation on 14 September 2010.

<sup>37</sup> See also Jelena Helemäe and Ellu Saar, *Estonian Way of globalisation. Globalisation in Estonia as advantageous for youngsters and ethnic Estonians*. Trans Europe Working Paper No. 9 (2009).

<sup>38</sup> See also ACFC Commentary No. 2 *The Effective Participation of persons belonging to national minorities in cultural, social and economic life and in public affairs* (2008).

*Recommendations*

174. The Advisory Committee urges the authorities to redouble their efforts to address the still disproportionately high unemployment rate among persons belonging to national minorities throughout the country. Perceptions that ethnic Estonians are the preferred candidates, irrespective of qualification or language ability, must be countered vigorously to ensure that persons belonging to national minorities feel encouraged to participate effectively in economic life and feel motivated to enter and remain in the labour market.

175. The Advisory Committee further encourages the authorities to use the ongoing economic recovery as an opportunity for targeted development initiatives in the particularly disadvantaged region of Ida-Virumaa (Viru County) which is populated in majority by persons belonging to national minorities.

**Language proficiency requirements in employment***Recommendations of the two previous monitoring cycles*

176. In the previous monitoring cycles, the Advisory Committee stressed that language proficiency requirements should be applied only where necessary to protect a public interest and should not be pursued through an overly proscriptive approach by the Language Inspectorate or others involved. It further recommended that the suitability of existing requirements should be reviewed in each individual sector of employment to ensure that the requirements are realistic, clear and proportional to the aim pursued, and that they do not unduly hinder access of persons belonging to national minorities to employment and their participation in economic life.

*Present situation*

177. The Advisory Committee regrets that the language proficiency requirements were not substantially reviewed in the course of the amendments of the Language Act. Based on its discussions with relevant authorities, it had expected that more flexibility would be introduced in the regulations to ensure that the requirements are, in all cases, proportional to the legitimate aim pursued. In this regard, particular attention must also be paid to the regional context. The Advisory Committee noted that the majority of civil servants encountered during the meeting with the Ida-Viru County government authorities were reportedly ethnic Estonians despite the fact that over 90% of the population in the region is of Russian background. In such locations, where the vast majority of the population speaks Russian, appropriate attention should be paid to the Russian-language abilities of civil servants and health personnel, as well as to the adequate representation/inclusion of persons belonging to national minorities among civil servants, health professionals and in other public offices. Estonian language proficiency requirements should be viewed flexibly and with due attention paid to their actual relevance in daily work. Indeed, the Advisory Committee is concerned that in Ida-Virumaa (Viru County), Russian-speaking health professionals, for instance, are less and less available which constitutes a growing concern for the ageing population in that region.

178. The Advisory Committee was informed that Russian-language abilities are not valued as an advantage in recruitment proceedings for the civil service, even in sectors where Russian is traditionally used widely, such as the health sector, social services, and the judiciary. The Advisory Committee considers that the Estonian language proficiency requirements should not prevent suitably-qualified persons belonging to national minorities and offering other important languages for certain regions from being recruited into the civil

service. Once recruited, they may enrol in advanced language classes to perfect their proficiency of the State language.

*Recommendations*

179. The Advisory Committee strongly encourages the authorities to ensure that language proficiency requirements are applied proportionately to the pursued aim, and that some flexibility is introduced, particularly as regards regional specificities.

180. The Advisory Committee further recommends that recruitment procedures for the public service, particularly in regions traditionally populated by minority communities, are not focused on the State language proficiency of candidates. Professional qualification and other language abilities of candidates belonging to national minorities must be duly taken into account to ensure opportunities for them to enter the labour market in conformity with Article 15 of the Framework Convention.

**Articles 17 and 18 of the Framework Convention**

**Transfrontier contacts**

*Recommendations of the two previous monitoring cycles*

181. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to continue introducing initiatives to facilitate cross-border contacts between Estonia and the Russian Federation and involving persons belonging to national minorities in relevant bilateral initiatives.

*Present situation*

182. The Advisory Committee appreciates the continued efforts made by the authorities to promote good neighbourly relations with the Russian Federation and introduce new initiatives to facilitate cross-border contacts. In this regard, the Advisory Committee considers that a co-operation agreement with the Russian Federation with regard to the mobility of workers in the wider Narva region would be of particular benefit to persons belonging to national minorities, particularly in the field of social security.

*Recommendation*

183. The Advisory Committee encourages the authorities to continue their efforts in promoting transfrontier contacts between Estonia and the Russian Federation and consider the possibility of a bilateral co-operation agreement regarding the mobility of workers in the wider Narva region that would clarify the social security situation for persons who work in one country but reside in the other.



### III. CONCLUSIONS

184. The Advisory Committee considers that these concluding remarks might serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers in respect of Estonia.

#### **Positive developments at the end of the two previous monitoring cycles**

185. Estonia has maintained a generally positive approach towards the Framework Convention and its monitoring system. The overall climate between ethnic Estonians and non-Estonians has significantly improved over the years. Estonia's legal framework related to the protection of national minorities formally still excludes the high number of long-term residents without citizenship. However, apart from the significant right to stand in elections or vote in parliamentary elections, non-citizens belonging to national minorities enjoy effectively equal access to rights protected under the Framework Convention.

186. The Equal Treatment Act, which entered into force in January 2010, provides protection from discrimination on the grounds of nationality, race, colour, religion or other beliefs, age, disability and sexual orientation. The competencies of the Gender Equality Commissioner were broadened to cover complaints of discrimination based on these grounds. Related awareness-raising campaigns among the public as well as training activities with relevant civil servants are in preparation. A new Estonian Integration Strategy (2008 – 2013) was prepared by the government which declares integration as a two-way process affecting society as a whole.

187. The number of stateless persons has considerably decreased since the last monitoring cycle. The authorities have made commendable efforts to facilitate the naturalisation of minors under the age of 15.

188. Two national minorities (the Ingrian-Finnish and the Swedish) receive baseline funding in line with the National Cultural Autonomy Act. Other minority cultural centres have access to substantial project-based funding for their cultural initiatives via the Ministry of Culture as well as the Integration Foundation.

189. The authorities have made considerable efforts to increase the proportion of radio and TV programmes intended for Russian-speakers and those persons speaking other languages. Available budgets have also been increased.

190. Concerted efforts have been made in the prevention and treatment of HIV/AIDS that have benefitted large numbers of persons belonging to national minorities, and have led to the containment of the epidemic in the country.

#### **Issues of concern at the end of the two monitoring cycles**

191. The Office of the Gender Equality and Equal Treatment Commissioner has not received any increase in support following the broadening of its tasks and is seriously under-resourced. So far, only few ethnicity-based complaints have reached the office, as there appears to be insufficient knowledge of its new responsibilities among persons belonging to national minorities as well as within law enforcement services and the judiciary, particularly in remote areas.

192. The Estonian Integration Strategy appears focused on non-Estonians and efforts to increase their State language capacity, but does not contain concrete measures aimed at promoting more openness of ethnic Estonians towards diversity in society.

193. The number of stateless persons still remains at over 100,000 and the rate of naturalisations per year has been decreasing since 2005. While significant progress has been made with regards to the naturalisation of minors, the non-availability of free Estonian language classes to prepare for the citizenship examination is cited as an important reason for the decrease in naturalisations of adults, particularly the elderly.

194. Minority language print media appears to be rapidly decreasing. Significant parts of the minority readership are no longer using local print media but have been orientated towards foreign media instead. The translation requirement concerning 'foreign language' broadcasts into Estonian remains unchanged. The few bilingual options appear to offer different sets of news and perceptions to their respective readership and there is continued negative stereotyping of minorities in some media with harmful effects on social cohesion.

195. Amendments to the Language Act were adopted in February 2011. There was no comprehensive consultation with minority representatives and none of the numerous international recommendations for a more balanced promotion of the State language while fully guaranteeing the linguistic rights of persons belonging to national minorities were taken into account. The Language Inspectorate still follows a strictly regulatory approach, imposing fines that are sometimes considered disproportionate. In addition, some of the requirements for State language proficiency in professional occupations appear not to be proportionate to the legitimate aim pursued and more flexibility should be used in their application, particularly as regards the areas where the majority of the population speaks Russian. The threshold for using a minority language in relations with local authorities, set at 50%, is excessive and applied without flexibility. Knowledge among the population in Ida-Virumaa (Viru County) about possibilities to introduce parallel place names in Russian appears very limited.

196. While the Estonian Integration Strategy acknowledges the significance of education as a tool for integration and mentions the importance of cultural diversity in the school curricula, there are insufficient multicultural elements in the curricula and textbooks; integration activities of schools centre mainly on the promotion of State language skills of non-Estonian pupils. The transfer to Estonian as the main language of instruction in secondary schools continues to be implemented despite the fact that many schools and teachers are not sufficiently prepared for this change and are reportedly experiencing a significant loss in the quality of education offered.

197. The National Minorities Cultural Advisory Council under the Ministry of Culture constitutes the main consultative mechanism for persons belonging to national minorities. There appears to be no institutionalised channel for minority representatives to discuss with relevant government bodies important issues of concern that are not related to culture. The recently-created Estonian Co-operation Assembly which appoints members of its Round-Table of Nationalities does not represent the views and concerns of persons belonging to minority communities.

198. The unemployment rate among non-Estonians is still disproportionately high compared with that among Estonians. There are perceptions among non-Estonians that ethnic Estonians are the preferred candidates irrespective of qualification or language ability. The region of Ida-Virumaa (Viru County), which is predominantly populated by non-Estonians, has been particularly affected by the economic crisis.

### **Recommendations**

199. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Opinion of the Advisory Committee, the authorities are

invited to take the following measures to improve further the implementation of the Framework Convention:

#### **Issues for immediate action<sup>39</sup>**

- **Take a more balanced approach towards the legitimate aim of promoting the State language while ensuring the rights of persons belonging to national minorities to speak and use their languages in public, also in relations with local authorities; favour a policy of incentives over punitive methods with regards to the implementation of the Language Act, as amended in February 2011;**
- **Ensure that the ongoing transfer to Estonian as the main language of instruction in Russian-language schools is implemented gradually and with due regard to the quality of education offered in Estonian as well as Russian language; expand the availability of relevant teacher training courses including as regards bilingual and multicultural education;**
- **Take appropriate measures to create effective consultative mechanisms for persons belonging to national minorities beyond the cultural sphere; ensure that minority representatives are involved in and have a substantial impact on all relevant processes of decision-making affecting them.**

#### **Other recommendations<sup>40</sup>**

- Increase the financial and human resources available to the Office of the Gender Equality and Equal Treatment Commissioner and ensure that awareness of its responsibilities is raised among society at large and relevant public services throughout the country;
- Ensure that minority representatives are effectively consulted on the Estonian Integration Strategy, and that initiatives that create common social spaces and networking opportunities between ethnic Estonians and non-Estonians are enhanced, focussing in particular on promoting openness towards diversity among the majority population;
- Take all appropriate measures to curtail stereotyping of minorities in the media and further promote Russian-language broadcast and print media, particularly as regards locally-produced news; reconsider the translation requirement of the media and develop, in consultation with minority representatives, more appropriate means to ensuring a diverse but shared media space for the entire Estonian society;
- Consider seriously abolishing the Language Inspectorate and enter into a constructive dialogue with minority representatives on language-related developments;

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<sup>39</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

<sup>40</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- Expand opportunities to introduce minority language place names, including in script other than Latin, and ensure that relevant minority communities are aware of their rights in this respect;
- Ensure that more inter-cultural elements are introduced in the school curricula and expand opportunities for bilingual education to increase opportunities for contacts between the ethnic Estonian and non-Estonian communities;
- Combat vigorously perceptions about ethnic Estonians being favoured in the labour market in order to ensure that persons belonging to national minorities feel motivated to enter and remain in the Estonian labour market; create targeted development initiatives in the particularly disadvantaged region of Ida-Virumaa (Viru County).