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**REPORT SUBMITTED BY ESTONIA
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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THE REPORT OF ESTONIA ON THE IMPLEMENTATION OF THE FRAMEWORK CONVENTION ON THE PROTECTION OF NATIONAL MINORITIES

On 10 November 1994 the Committee of Ministers of the Council of Europe adopted the Framework Convention for the Protection of National Minorities (hereinafter the Convention). The Republic of Estonia signed the Convention on 2 February 1995. The Convention was ratified by the Estonian *Riigikogu* on 11 November 1996 and on 6 January 1997 the instrument of ratification was deposited with the Secretary General of the Council of Europe. The Convention entered into force on 1 February 1998.¹

Pursuant to Article 25 of the Convention, the present report is submitted in accordance with the general guidelines given in the Outline adopted by the Committee of Ministers on 30 September 1998 at the 642nd meeting of Ministers' Deputies. The report has been drafted at the Ministry of Foreign Affairs of Estonia on the basis of data and opinions submitted by different ministries and authorities.

While ratifying the Convention Estonia made a declaration according to which the Republic of Estonia understands the term national minorities, which is not defined in the Convention, as follows: what is considered as "national minority" is 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.

¹ State Gazette (*Riigi Teataja*) RT II 1996, 40,154

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² In the text of the Report referred to as National Minorities Cultural Autonomy Act

PART I

1. Recent general statements on the policy of the State concerning the protection of national minorities

The Government of the Republic, which came into office after the elections to the *Riigikogu* (the Estonian parliament) on 25 March 1999, has signed a coalition agreement, one of the basic documents of its activities, in which, *inter alia*, the following issues concerning national minorities have been agreed upon:

1. The government proceeds from the Constitutional principle to guarantee the preservation of the Estonian nation and culture through the ages, at the same time protecting the human rights and freedoms of everyone living in Estonia irrespective of their ethnic origin, religion, language and citizenship.
2. One of the priorities of the government is to integrate aliens permanently residing in Estonia into Estonian society.

Presently the integration of non-Estonians into Estonian society is based on a document, which was adopted by the Government of the Republic on 10 February 1998 and was approved by the *Riigikogu* on 10 June 1998, entitled "The Bases of Estonia's National Integration Policy for Integrating non-Estonians into Estonian Society" (RT I 1998, 57, 866).

More detailed information concerning integration is presented under Article 5.

The state cultural policy regarding national minorities has recently been reflected in "The Fundamentals of the Estonian Cultural Policy", adopted by a decision of the *Riigikogu* of 16 September 1998 (RT I 1998, 81, 1353). The document states that decisions pertaining to cultural policy and allocation of funds shall be based, *inter alia*, on the following principles:

- Every member of society, regardless of his or her sex, ethnic origin and residence has equal rights to participate in the cultural life;
- Estonian state shall promote the activities of national minorities in the field of their national culture, as well as cultural contacts with their ethnic homeland.

2. Information on the status of international law in the domestic legal order

According to fee Article 3 of the Constitution of Estonia (RT 1992, 26, 349) generally recognised principles and rules of international law are an inseparable part of the Estonian legal system. If laws or other legislation of Estonia are in conflict with international treaties ratified

by the *Riigikogu* (including international human rights conventions), the provisions of the international treaty shall apply (Article 123).

In accordance with the Foreign Relations Act (RT I 1993, 72/73, 1020) the Government of the Republic is responsible for the fulfilment of international treaties. If an Estonian legal act contradicts an international treaty, the Government either submits a bill to the *Riigikogu* for amendments to the act or the Government amends other legal acts within its competence to comply with the treaty.

Section 9 of the Code of Civil Procedure (RT I 1998, 43/45, 666) establishes that the courts must hand down decisions based on norms of international law ratified by the Republic of Estonia and Estonian law. If a treaty or a convention to which Estonia is a party provides rules of procedure, which differ from the rules established by laws regulating civil court procedure in the Republic of Estonia, the rules of procedure established by the treaty or convention shall be applied.

Based on the above, and on the provisions of the Estonian Constitution which state that universally recognised principles and norms of international law are an inseparable part of the Estonian legal system, the provisions of international treaties may be referred to directly.

3. Information on state organisation

Estonia is a parliamentary republic, which re-established its independence on the basis of legal continuity of statehood on 20 August 1991. Estonia is politically a unitary state.

The activities of the *Riigikogu*, the Government of the Republic and the courts are organised on the principle of separation and balance of powers (Article 4 of the Constitution).

Legislative power is vested in the *Riigikogu* (Article 59 of the Constitution), which is comprised of 101 members and is elected every four years (Article 60 of the Constitution).

The President of the Republic is the head of state of Estonia (Article 77 of the Constitution) and is elected every five years.

Executive power in Estonia is vested in the Government of the Republic (Article 86 of the Constitution).

The Legal Chancellor is an independent official responsible for monitoring that legal acts adopted by the state legislator and the executive and by local governments are in conformity with the Constitution and the laws (Article 139 of the Constitution). Pursuant to the new Legal Chancellor Act (RT I 1999, 29, 406) the Legal Chancellor also fulfils the functions of an ombudsman.

Justice is administered solely by the courts. The courts are independent and administer justice in accordance with the Constitution and the laws (Article 146 of the Constitution).

4. A summary overview of the relevant historical development of the country

The Estonian State was established as a result of the Estonians' struggle for freedom and independence. The Estonians have inhabited the territory of Estonia for over 5000 years but were ruled by foreign powers since the 13th century. The independent Estonian state became a reality only after the 1917 October Revolution in Russia. On 28 November 1917, the Estonian Diet (the *Maapäev*) declared itself the supreme power in Estonia. In February 1918 the Estonian Salvation Committee was formed, which on February 24, 1918 proclaimed Estonia's Independence in "The Manifesto to All the Peoples of Estonia". This date is considered as the date of establishment of the Republic of Estonia.

Shortly after that, however, Estonia was occupied by Germany in the course of World War I and it was not until November of 1918, after Germany's defeat in World War I and the end of the German occupation, that the Government of Estonia could begin to function. In November 1918 Estonia was attacked by the military forces of the Soviet Russia and the Estonians were forced to fight for their independence in the War of Independence (1918-1920) and the war against the *Landeswehr* in 1919. After the victory of Estonian forces, the Tartu Peace Treaty was concluded with Soviet Russia on 2 February 1920, whereby Soviet Russia recognised the independence of Estonia "forever".

In April 1919, when the war was still being waged, the Constituent Assembly was formed, which adopted the first Estonian Constitution in 1920. This established Estonia's parliamentary system, whereby power was entrusted with the Government composed of the State Elder and ministers, which was accountable before the parliament. The new state recognised all residents of Estonia as its citizens. By referendum in 1933, the Constitution was amended, considerably increasing the powers granted to State Elder. With these amendments, Estonia was transformed into a presidential republic. However, in 1938, the third Estonian Constitution, with more balanced division of powers, entered into force, and continued in force *de jure* throughout the Soviet occupation during 1940-1991. In August 1939, the U.S.S.R and Nazi Germany concluded the so-called Molotov-Ribbentrop Pact, which contained secret protocols dividing Eastern Europe between the Soviet Union's and Germany's spheres of influence, whereby Estonia was included in the Soviet Union's sphere.

Already in September 1939, the Soviet Union presented Estonia with an ultimatum: to allow the Soviet Union to place its military forces on Estonian territory and to conclude a Treaty on Military Bases.

On 17 June 1940, the USSR occupied Estonia. A puppet-government was installed in Estonia, non-democratic parliamentary elections were staged in June of 1940, and this unlawful parliament requested on 6 August 1940 that Estonia be incorporated into the USSR and be named the Estonian Soviet Socialist Republic.

Until 16 June 1940, Estonia was an independent nation-state, and a full member of the League of Nations and numerous other international organisations. The occupation and annexation of Estonia by the Soviet Union completely dismantled the state system and society of the Republic of Estonia.

The Soviet occupation in Estonia was suspended temporarily in 1941 when Estonia was occupied by German forces. In the autumn of 1944, Estonia was again re-occupied by Soviet

forces. The attempts of some Estonian politicians to restore the independence of Estonia upon the departure of German forces in 1944 were unsuccessful.

On 20 August 1991, at the beginning of the coup d'etat attempt in Moscow, the then Supreme Council declared the Republic of Estonia fully independent. This was followed by rapid recognition of Estonia's independence by many states of the world, including the Soviet Union.

The approval of a new democratic Constitution took place by a national referendum on 28 June 1992 and it entered into force on 3 July 1992.

The first fully free and democratic national parliamentary and presidential elections after regaining independence were held on 20 September 1992.

5. Relevant information of the demographic situation in the country

The population of Estonia is approximately 1,445,580 persons (1 January 1999).

ETHNIC COMPOSITION OF POPULATION IN 1999	
Total population	1,445,580
Estonians	942,526
Russians	406,049
Ukrainians	36,659
Byelorussians	21,363
Finns	21,363
Jews	2338
Tartars	3246
Germans	1250
Latvians	2658
Poles	2324
Lithuanians	2206
Other nationalities	11,934

Source: Statistical Office of Estonia

6. Minority-in-minority situations

Classic minority-in-minority situations are to be found on the western coast of Lake Peipsi where the historical Russian peasant community has lived for centuries. For example, according to the 1989 census, Estonians made up 19.8% of the population of Kallaste.

All in all, in 1989 there were 16 towns in Estonia, where Estonians constituted a minority. These are either former industrial centres or Soviet military bases situated in Ida-Virumaa and

Hajumaa Counties with a predominantly immigrant population. The percentage of Estonians in some of them was as follows:

Paldiski	2.5 %
Sillamae	3.2 %
Narva	4.0 %
Viivikonna	7.3 %
Narva - Joesuu	11.3 %
Maardu	15.4 %
Kohtla - Jarve	20.7 %
Loksa	26.7 %
Tapa	36.9 %
Kivioli	38.0 %
Pussi	39.3 %

7. Basic economic data

Extremely rapid economic growth, characteristic of the year 1997, continued in Estonian economy also in the first half of the year 1998. Within the six months GDP increased by 7.4%. The economic climate in the second half of 1998 was, however, totally different, as a result of which the GDP growth was estimated to amount to 1 - 2%, and the total growth of the year 1998 to 4.0% (GDP of 9 months increased by 5.4%). The slowdown of the economic growth was influenced by the Russian economic crisis and its impact on the enterprises which mostly exported to the eastern market. The fact that the global economic environment became more severe generally gave rise to the increase in the interest rates and this in turn created problems concerning financial resources for the enterprises of real economy and retarded the economic growth. The increase in interest rates and accrued problems at the labour market have retarded the rise in the domestic demand.

Also, in 1998 Estonia continued its liberal and open economic policy, the characteristics of which include the fixed exchange rate of Estonian kroon to the German mark at the rate 1 DEM = 8 EEK (in connection with this the kroon is indirectly tied to Euro, which was put into use 1 January 1999, although Estonia's accession into the European Monetary Union will be carried out in the long run as a part of the Estonia's European integration process), balanced national budget, proportional income tax at the rate of 26% from the incomes of individuals and enterprises, and lack of customs tariffs.

The economic assessments of 1998 have been predominantly negative, yet the incomes of households grew 15.9% compared to 1997 (15.3% in 1997). Incomes from wages and salaries grew 21.7% compared to 1997. The growth rate of the average income of the population declined somewhat, constituting 10.7% (17.9% in 9 months in 1998), and prices rose by 7.2% on the average in the 4th quarter. The average monthly net income per capita was 1889 kroons.

The modest rise in demand and increasing competition suppressed the increase in prices in 1998. In 1996 the consumer price index (CPI) was 23.1% and in 1997 11.2%, but in 1998 it was 8.2%. The increase in prices practically ceased during the last months of the year and in the fourth quarter of 1998 the prices were only 0.1% higher than in the third quarter of the same year. The producer prices in 1998 were even lower than in 1997. So, the producer price index in industry

in December 1998 as a whole was -0.2%, incl. manufacturing -1.1%, power engineering 3.6% and mining 2.3%.

The most general attribute of the changes in the structure of economy in the 1990s is the decrease of the relative importance of agriculture and industry, and the rapid rise of the importance of the sphere of services. Still, since 1995 some recurrence of the processing industry can be noticed in gross national structure. GDP has increased since 1995 and especially rapid growth took place in 1997 and in the first half of 1998 (see table 1 below). Industrial production as a whole (in addition to manufacturing mining, power engineering, gas and water supply) increased by 13% in 1997, but only by 1.5% in 1998, including manufacturing by 16.9% and 2.9% respectively. At the same time manufacturing is characterised by faster growth of value added in 1997 (19.6%) in comparison with the growth of total output (16.9%).

Mining and power engineering are of great importance for Estonian economy. Estonian power engineering is based on the usage of oil shale. Primary energy received from domestic sources accounted for 71% of all primary sources in 1997, including the share of oil shale 63% and wood and peat 8%. The share of imported energy sources accounted for 29%. Mining and power engineering have been relatively stable throughout the period of transition to market economy. Oil shale mining increased by 7.8% in 1997, energy production decreased by 4%. In 1998 the production of energy decreased by 5.1% and the production of mining industry by 1.4%.

Table 1. Indicators for Estonian economy, 1994-1998.

	1994	1995	1996	1997	1998
GDP, billion kroons	30.1	41.5	52.4	64.3	73.2
Real GDP growth rate, %	-2.7	4.3	4.0	10.6	4.0
Industrial output	-3.0	1.9	2.9	12.5	1.5
Consumer price index, %	47.7	28.8	23.1	11.2	8.2
Unemployment, %	7.6	9.7	10.0	9.7	9.6
Average monthly salary, IV quarter, kroons	2096.0	2697.0	3310.0	4027.0	4389.0
Exports, billion kroon	16.9	21.1	25.0	40.7	45.2
Imports, billion kroons	21.5	29.1	38.9	61.7	67.0
Foreign trade balance, billion kroons	-4.6	-8.0	-13.9	-21.0	-21.8
Foreign trade deficit/GDP, %	-15.3	-19.3	-26.5	-32.3	-29.9
Exports/GDP, %	56.1	50.8	47.7	62.5	61.9
Current account surplus/deficit, billion kroons	-2.1	-1.8	-4.8	-7.8	-6.3
Current account deficit/GDP,%	7.1	4.4	9.2	12.0	8.6

Sources: Statistical Office of Estonia, Bank of Estonia

Foreign Investments play an important role in forming the structure of Estonian economy and creating the growth potential. According to the data of the Bank of Estonia, a total of 24.3 billion kroons had been invested in Estonia as of December 31, 1998. The same year 7.9 billion kroons, twice the figure for 1997, were invested in Estonia.

Of foreign direct investments made in 1998, 5.6 billion kroons were invested in capital stock and 1.3 billion kroons were received in the form of loans. Compared to 1997 the growth of both

components was remarkable. At the same time, the amount of re-invested profits declined notably in 1998 compared to 1997.

Total foreign direct investments as of 31 December 1998, included 30% in processing industry, followed by wholesale and retail trade (23% and 22%, respectively). Sweden has invested the most, namely 32%, followed by Finland and the United States (27% and 5%, respectively).

In 1998, in terms of countries, the biggest investors were Sweden (4.62 billion kroons) and Finland (1.69 billion kroons), accounting for about 80% of foreign capital invested. They are followed by Denmark, Great Britain, and Norway. Of business sectors, the most important included finance (4.27 billion kroons), industry (1.51 billion kroons), and wholesale and retail trade (1.06 billion kroons).

The volume of general trade in 1998 was 112.2 billion kroons or 9.70% more than in 1997. The general exports were 45.2 billion kroons and increased by 11.2% in comparison to 1997; the general imports were 67.0 billion kroons or 8.6% higher than in 1997. The general trade deficit was 21.8 billion kroons and amounted to 19.3% of the general trade, which is 1 per cent point below the level of the previous year.

In 1998 Estonia exported goods to 145 countries and imported goods originating in 176 countries. The trade balance was positive with 72 countries and negative with 120 countries. The greatest surpluses were with Latvia (2.9 billion kroons), Ukraine; Sweden and Lithuania - more than one billion kroons with each. The greater negative balances of trade were with Finland (6.7 billion kroons), Germany (4.8 billion kroons), Japan (3.1 billion kroons), the United States (2.2 billion kroons) and Italy (1.9 billion kroons).

PART II

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights and as such falls -within the scope of international co-operation.

Estonia co-operates with the following international organisations with regard to national minorities:

United Nations, time of accession 17.09.1991; Council of Europe, time of accession 14.05.1993; OSCE (Organisation of Security and Co-operation in Europe) 17.09.1991; CESS (Council of Baltic Sea States) 05.03.1992; ILO (International Labour Organisation), time of accession 13.01.1992; UNESCO (UN Educational, Scientific and Cultural Organisation), time of accession 10.10.1991. Estonia is a candidate member of the European Union. On 13 December 1997, at the Luxembourg Summit the European Council decided to begin accession negotiations in April 1998 with six countries, including Estonia. On 31 March 1998 the Intergovernmental Conference in Brussels marked the beginning of Estonia's accession negotiations with the EU.

In co-operation with international organisations the following information on human rights has been published and disseminated in Estonia:

On 22 September 1998, on the occasion of the 50th anniversary of the Universal Declaration of Human Rights, the United Nations Development Programme in Estonia introduced an Estonian and English language bulletin "Human Rights in Estonia".

On 9 December 1997, in co-operation between Estonian Human Rights Institute, the Ministry of Education and UNDP, a human rights textbook for schools was published.

On the occasion of the 50th anniversary of the Universal Declaration of Human Rights the Ministry of Foreign Affairs and UNDP jointly published the Estonian, Russian and English language version of the Declaration. Every pupil who graduates from the basic school or an upper secondary school shall be given a free copy of the bulletin.

The international instruments relevant to the protection of national minorities to which Estonia is a party are listed in Appendix 1.

An answer to (be question bow access to justice is guaranteed oq issues of protection of persons belonging to national minorities.

According to Article 12 of the Constitution of Estonia (RT 1992, 26, 349) everyone is equal before the law. Furthermore, it is stipulated in Article 13 that everyone has the right to the protection of the state and of the law. Everyone whose rights and freedoms are violated has the right of recourse to the courts. Everyone has the right, while his or her case is before the court, to petition for any relevant law, other legislation or procedure to be declared unconstitutional (Article 15 of the Constitution).

Also, according to the Legal Chancellor Act (RT I 1999, 29,406), everyone has the right of recourse to the Legal Chancellor to supervise the activities of state agencies, including the guarantee of constitutional rights and freedoms of persons.

For more information see Article 4.

Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Estonia has a long tradition of cultural autonomy for national minorities. As early as on 12 February 1925 the Parliament passed the first Law on Cultural Autonomy for National Minorities, which affirmed that the Republic of Estonia respects the right of all ethnic groups to preserve their ethnic identity, culture and religious convictions. In accordance with this Law, Germans, Russians, Swedes, Jews and other national minority groups of more than 3000 members residing in Estonia were granted the right to establish their cultural self-government, whose field of competence was: 1) to organise, administrate and monitor public and private

educational institutions in their native language; 2) to attend to the respective national minority's other cultural needs and administrative institutions and enterprises established for that purpose.

National minorities have been living in Estonia since Estonia gained its independence. In order to understand the difference between the problems of national minorities and those of ethnic groups of later genesis, one has to be aware of the situation of the majority and minority ethnoses during the pre-war independence (1918 - 1940) and the annexation period (1940 - 1991).

Before World War II Estonia was ethnically comparatively homogenous. Presently, Estonia's territory is a habitat for more than a hundred nations; the Estonians make up about two thirds of the total population.

According to the last pre-war census held in 1934, Estonians comprised 88.1 per cent of the total population, with the remaining 120,000 consisting mainly of members of the five national minorities. The most numerous were the Russians, amounting to 92,600, followed by the Germans with 16,300, the Swedes with 7,600, the Latvians with 5400 and the Jews with 4400 individuals. Other minorities combined accounted for 7300 individuals. The national minorities had gathered on the peripheries of the state (the Russians, the Latvians, the Swedes) and, partially, to towns (the Germans, the Jews). The nomadic Romanies were also represented in Estonia to a certain degree; the majority of Romanies who lived in Estonia lost their lives during the German occupation.

After Estonia was annexed into the Soviet Union in 1940, brutal violence against Estonian citizens, both the Estonians and the members of national minorities started. The first resettlements had already taken place in 1939, in connection with the fact that Paldiski and several islands in the Gulf of Finland were transferred into the possession of the Soviet army. The inhabitants of the islands of the northern coast were predominantly the Swedes.

During World War II and the successive annexation period the original population of Estonia started to decrease. During 1943 - 1944, in addition to the Swedes approximately 70,000 Estonians left Estonia. The original population was further decreased by the mass deportations carried out by Soviet Union in 1941 and 1949. After the territories behind Narva and the bigger part of Petserimaa were appended to the Russian Federation, no territories inhabited with national minorities remained in the composition of Estonia. Thus, in 1945, Estonian population consisted almost entirely of Estonians. After 45 years the proportion of Estonians among the population was only about 61.5%.

Legislation

According to Article 49 of the Constitution of Estonia (RT 1992, 26, 349) everyone has the right to preserve his or her national identity.

Article 50 of the Constitution further stipulates that national minorities have the right, in the interests of national culture, to establish self-governing agencies under conditions and pursuant to procedure provided by the National Minorities Cultural Autonomy Act.

On 12 June 1993, the new National Minorities Cultural Autonomy Act (RT I 1993, 71, 1001) was presented to the *Riigikogu* and it was passed on 26 October the same year.

The new National Minorities Cultural Autonomy Act is grounded on the same basic ideas as the Law of 1925: the acceptance of national minorities' right to preserve their ethnic identity, culture and language. At the same time, the Act provides for corresponding legal guarantees and guidelines. Section 1 of the Act defines as a national minority those citizens of Estonia who reside on Estonian territory, maintain longstanding, firm and lasting ties with Estonia, are distinct from Estonians on the basis of their ethnic, cultural, religious, or linguistic characteristics and are motivated by a concern to preserve together their cultural traditions, their religion or their language, which constitute the basis of their common identity. According to section 2 of the same Act the right to form institutions for cultural self-government can be exercised by all those national minority groups to which this right was given by the 1925 Law (Germans, Russians, Swedes and Jews) and by other ethnic groups of more than 3000 persons.

While ratifying the Framework Convention for the Protection of National Minorities the *Riigikogu* made a declaration specifying what is considered as national minority according to Estonian legislation, based on the definition of a national minority contained in section 1 of the National Minorities Cultural Autonomy Act (see also Introduction).

The historical development and population figures of national minorities

*This review has been compiled on the basis of the data of the 1989 population census and the results of the Estonian National Minority Survey contained in the report "The demographic characteristics of national minorities in Estonia" prepared under the auspices of the European Population Committee of the Council of Europe (CDPO).

The number of persons to whom the provisions of the framework convention apply is difficult to establish. As mentioned above the geopolitical rearrangements relating to the Second World War had a particularly hard impact on the national minorities and four out of the five minorities present before the war practically disappeared. The Russian minority, although reduced to a quarter of its former number, has maintained its continuity as a national minority, and the inflow of Ingerians has increased their number in Estonia to be designated as a national minority. As regards the substantial immigrant population it must be noted that, although formally not covered by the Convention, *de facto* they largely benefit from the rights and freedoms guaranteed to national minorities under Estonian law.

1. The *Russian minority* has ancient roots in Estonia. The Russians became a neighbouring nation of Estonia during the 10th century, while Russian settlement on the modern territory of Estonia dates back to the Livonic War of the 16th century. Throughout the ages Russians have been the first national minority. As indicated above, in 1934 the Russian minority amounted to 92,600 persons. The post-war new borderline appended the majority of Estonia's Russian community with their territory to the Russian Federation. The transfer of Petseri County and trans-Narva areas to the Russian Federation resulted in the reduction of population by 66,500. As a result, Estonia lost nearly all its mixed-population areas and the remaining Russian minority was now to be found mainly in towns and on the western coast of Lake Peipsi. It is estimated that after the establishment of new boundaries, the Russian minority in Estonia amounted to about 23,000. Although reduced by more than three fourths from its pre-war size, the Russians have maintained their existence as a national minority in Estonia. The estimated number of the historic Russian minority at the time of the last census in 1989 was 37,500 persons.

The present Russian population, which is more than ten times larger, is mainly the result of immigration, and Estonia's native Russians account only for an insignificant part of the community of ethnic Russians. The Russian population is concentrated in four counties: Harjumaa (43.4%) and Ida-Virumaa (13.4%) on the one hand, and Tartumaa (19.1%) and Jõgevamaa (9.6%) on the other hand.

2. The *Ingerians (Ingrian-Finns)* constitute a special case of a newly emerged national minority. Ingerians have been another historical neighbour of the Estonians. Ingeria is a territory that lies between the Baltic Sea and Lake Peipsi and Ladoga, and forms a land-bridge between Estonia and Finland. Historically Ingeria was the contact area for three Finno-Ugric nations: the Isurs, the Votyans and the Estonians. In the 12th century, Ingeria fell under the rule of Novgorod and was converted to Orthodox faith. After the conquest of Novgorod by the Muscovites in 1478, Ingeria was included in Muscovite Russia and devastated by repeated deportations followed by colonisation and re-population. When Ingeria fell under Swedish rule at the beginning of the 17th century, immigration was encouraged into the severely depopulated country. The new settlers came mainly from the Lutheran Finland. The turning point in the history of the country came with the Nordic War, which led to the re-incorporation of Ingeria into Russia. The gradual re-population of Ingeria culminated during the 20th century, and was accompanied by the repression of the Ingerians. Under the Soviet rule, from 1917 on, Ingerians suffered heavily from the liquidation of farm-based agriculture, closing of national schools, other organisations and the Lutheran church. These measures were accompanied by mass repression and deportations, which started in 1928 and reached a climax in 1937. During the Second World War Ingeria became a theatre of war for three years and a number of Ingerians were evacuated to Estonia. In 1944, this was followed by the organised evacuation of more than 60,000 Ingerians to Finland via Estonia. According to the terms of the Finnish-Soviet peace treaty, the Ingerians as Soviet citizens were then returned to the Soviet Union but rather than being allowed to return to their old homeland they were relocated in other areas. It was only after 1956 that they were permitted to leave the areas of deportation, but since there were still restrictions on their return to Ingeria, many came to Estonia. In summary, the Ingerian national minority in Estonia emerged as a result of the geopolitical rearrangement and reflects the extremely harsh conditions in their homeland. The reconstructed number of Ingerian national minority gives an estimate of 28,900 for 1989. Most recently, there has been a significant emigration of Ingerians to Finland during the 1990s, which peaked after President Koivisto's statement granting them the status of return migrants. It is estimated that about 15%, in absolute terms more than 4000 Ingerians have left Estonia since 1989. About three-quarters of the Ingerian minority are concentrated in four counties: Harjumaa (33.3%), Ida-Virumaa (20.8%), Laane-Virumaa (10.9%) and Tartumaa (11.9%).

3. The *German minority* - The first wave of Germans entered Estonia early in the 13th century as invaders, and after the conquest of Estonian, Livonian and Latvian lands established themselves as the ruling class. Having been living here for centuries, the Germans acquired a local so called Baltic features. The number of Germans remained rather small over centuries, never exceeding 5 to 6 per cent of the total population. In the second half of the 19th century the continuous declining trend of the number of Germans began and on the eve of the 20th century they comprised around 2.5 per cent of the total population. In 1934 there were 16,300 Germans in Estonia. Hitler put an end to the Baltic Germans as Estonia's native national minority. Following the call to return to *Vaterland*, 13,339 Germans left Estonia in 1939 - 1940. The majority of the rest, approximately 2000 people, left after the communist coup d'etat. Those who remained in Estonia (the estimates are that after the war there were about 300 Germans in Estonia, most of them were from mixed families and had become Estonianized), were deported

to Siberia early in 1945. As a result of these events, no German presence was left in Estonia for the first time in 700 years. The continuity of the German minority was maintained by the survivors of those deported to Siberia or conscripted into the Soviet Army who later returned to Estonia. According to the 1959 census there were 670 Germans in Estonia.

In the second half of the sixties the Volga Germans started to move to Estonia. They arrived mainly from Central Asia. As a result the number of ethnic Germans increased to 3466 by 1989.

4. The *Swedish minority* dates back to the 13-14th centuries. Swedish fishermen formed an area of compact settlement on the small islands off the north-west coast. The major immigration wave occurred after the conquest of Estonia and, particularly, after the sharp depopulation of Northern Estonia following the 1343 uprising. During the 19th century the increase in the Swedish minority was comparable to the increase of the number of Estonians. In the intercensal period 1897 - 1922 their number increased by almost 30 per cent and stabilised in 1920s-1930s reaching the number of 7600 in 1934. At the beginning of the first Soviet occupation Sweden took steps to get the permission for the Swedish minority in Estonia to leave. According to documentary evidence, Moscow even agreed. However, in practice it was not implemented. In reality, many Swedes lost their homes, because their home islands were regarded a strategically important location for the Soviet army. The evacuation of the Swedish minority became topical in 1944 when the threat of a second Soviet occupation emerged. This time Sweden negotiated with the German authorities and an agreement was reached with the local German military command. The Swedish minority lists were prepared according to the principles of the Cultural Autonomy Law. As a result of this evacuation very few Swedes remained in Estonia. Together with a part of returnees of those mobilised and deported by the Soviet authorities in 1940-1941, the number of Swedes in Estonia hardly exceeded a couple of hundred. It has been estimated that about 400 Swedes lived in Estonia at the time of the last census in 1989.

5. The *Jewish minority* - The Jewish settlers were among the last groups to enter Estonia. A Jewish community began to form during the 19th century. It was a special law promulgated by Alexander II in 1865, which allowed certain groups of Jews to settle in the northern part of the Russian Empire that initiated the change. The process intensified during the reign of Alexander III when anti-Jewish pogroms were introduced in Ukraine and Byelorussia, and stabilised in the beginning of the 20th century. In 1934 approximately 4400 Jews lived in Estonia. The Jewish minority, like the Estonian population in general, suffered losses during the first Soviet occupation. The mass deportation in June 1941 affected nearly 10 per cent of their number. At the beginning of German-Soviet war, Jews were given a possibility to evacuate to other regions of the Soviet Union. Most of them left and it is estimated that only around one thousand remained in Estonia. German Nazi authorities closed Jews in Estonia into concentration camps and by 1 July 1942. After the war some Jews returned but the available data suggest that this amounted to no more than 15 to 20 per cent of the pre-war figure, i.e. to about one thousand. According to the 1989 census 4613 Jews lived in Estonia, the majority of whom, however, are post-war immigrants from Soviet Union.

6. The *Latvian minority* - Latvians have long been a neighbouring nation to Estonians. The modern Latvian minority in Estonia was formalised when the state boundaries were defined in the 1920s. Given the principle to follow ethnic boundaries, only a small (~6000) and dispersed Latvian minority was left in Estonia. Between 1922-1934 the number of Latvians had fallen to 5400 persons, making it one of the smallest and the most integrated minority in Estonia. Their number was further sharply decreased by the transfer of Petseri County to the Russian Federation, which contained nearly one third of the total Latvian population of Estonia. As all

others, Latvian minority, too, suffered losses through deportations, repression and war operations, which have at least halved their number, leaving the remainder widely dispersed throughout the country. Beginning with the sixties, during the two following decades, as a result of immigration, the number of Latvians increased somewhat. According to the 1989 census 3135 Latvians lived in Estonia.

Other minority groups

Unfortunately, the German and Soviet occupations during and after World War II (1940-1991) have reduced the number of national minorities in Estonia dramatically. During that period numerous immigrants moved into Estonia from the Soviet republics. During 1945 - 1950, the total of 241.000 people immigrated into Estonia from the then USSR. First immigrants came from the north-western *oblasts* of Russia, but gradually they started coming from more far-off regions. The second big wave of immigration took place during 1961 - 1970, when 95,000 new immigrants arrived. Besides the Russians, the Ukrainians, Byelorussians and the Finns were the most numerous groups of non-Estonians. By 1989 the number of ethnic groups of more than 500 people inhabiting Estonia was 19.

Today such late immigrants and their descendants constitute the minority amounting to almost one third of Estonia's population. According to Citizenship and Migration Board 109,185 persons have received Estonian citizenship through naturalisation as of September 1, 1999. There are 296,121 persons in Estonia with residence permits, of whom 88,277 are Russian citizens. As most of this part of the population is using the Russian language as mother tongue it is frequently referred to as the Russian-speaking minority.

Collection of demographic data

The government agency responsible for collecting demographic data is the Statistical Office of Estonia. The present statistical data makes it difficult to differentiate between national minorities and ethnic groups of later genesis. The population estimates are based on the 1989 population census and on administrative records concerning population changes (births, deaths, changes of residence) for intercensal years. The date of the next census has been set for March 31, 2000. The 2000 Census Questionnaire consists of two parts - an individual questionnaire containing 31 questions and a housing questionnaire with 12 questions concerning living conditions. The following questions concerning demographic data and ethnic characteristics will be included in the individual questionnaire: name, sex, date of birth, place of birth, place of residence, marital status, number of children, ethnic origin, mother tongue, nationality, parents' place of birth, command of languages (optional), religious affiliation (optional).

Article 4

- 1. The parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.***
- 2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority, and those belonging to the majority. In this***

respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. *The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

Legislation

Basic human rights and freedoms form Chapter II of Estonia's Constitution (RT 1992, 26, 349).

According to the Constitution everyone is equal before the law. No one shall be discriminated against on the basis of ethnicity, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds. The incitement of national, racial, religious or political hatred, violence or discrimination shall, by law, be prohibited and punishable (Article 12).

It is set out in the Constitution of Estonia that the rights, freedoms and duties of each and every person, as set out in the Constitution, shall be equal for Estonian citizens and for citizens of foreign states and stateless persons in Estonia (Article 9).

All persons have the right to the protection of the state and of the law (Article 13). The guarantee of rights and freedoms is the duty of the legislative, executive and judicial powers, as well as of local governments (Article 14). All persons have the right of recourse to the courts if their rights or freedoms are violated. Every person whose case is being tried by a court is entitled to demand that the constitutionality of any relevant law, other legal act or procedure be determined (Article 15).

The Legal Chancellor Act (RT I 1999, 29, 406) provides that everyone has the right of recourse to the Legal Chancellor to supervise the activities of state agencies, including the guarantee of constitutional rights and freedoms of persons (section 19). According to section 20 of the Act the Legal Chancellor shall exercise supervision pursuant to law over the activities of state agencies, including the guarantee of the constitutional rights and freedoms.

Subsection 1 of section 4 of the Courts Act (RT I 1991, 38, 472) provides: "Citizens shall have the right to protection by the courts if their life, health, personal liberty, property, honour and dignity or other rights and liberties, which are guaranteed by the Constitution, are violated. Justice shall be administered on the principle of the equality of citizens before the law and the courts." Pursuant to subsection 2 of the same section, citizens of foreign states and stateless persons shall have the right to protection by the courts equal to that of Estonian citizens on the territory of Estonia, if not otherwise prescribed in the Republic of Estonia's international treaties.

Everyone, who finds that the acts or procedures of institutions, agencies or officials referred to in subsection 1 of section 4 of the Administrative Court Procedure Code (RT I 1993, 50, 694) violate his or her rights or restrict his or her freedoms, has the right of recourse to the courts for his or her protection (subsection 1 of section 5 of the Administrative Court Procedure Code).

The right of recourse to courts in civil matters is provided in the Code of Civil Procedure (RT I 1998, 43/45, 666). Pursuant to subsection 1 of section 4 every person whose rights or freedoms are violated or contested has a right of recourse to the courts for the protection thereof pursuant

to the procedure provided by law. In all civil cases all persons are equal before the law and the courts, and as a rule all cases are examined in public (section 6 and subsections 1 and 3 of section 8 of the Code of Civil Procedure).

Pursuant to section 13 of the Code of Criminal Procedure (RT I 1995, 6-8, 69), the justice is administered in criminal cases on the principle that all persons are equal before the law and the courts irrespective of their origin, social or property status, racial or ethnic origin, sex, education, language, attitude towards religion, sphere and mode of activity, place of residence or other grounds.

Article 29 of the Constitution guarantees the right to work and to free choice of employment. Although Article 29 does not explicitly prohibit discrimination and giving preferences on the grounds of ethnicity, colour, race or language, the principle of non-discrimination is to be found in Article 12 of the Constitution. The same principle is expressly worded in section 10 of the Employment Contracts Act (RT I 1992, 15/16, 241), prohibiting illegal preferences and restriction of rights as follows: "It is illegal to allow or give preferences, or to restrict rights on the grounds of the sex, ethnicity, colour, race, native language, social origin, social status, previous activities, religion, political or other opinion, or attitude towards the duty to serve in the armed forces of employees or employers."

Pursuant to the Employment Contracts Act, it is not contrary to the said provision to allow a suitable working and rest time regime which satisfies the religious requirements of an employee, and to require language skills necessary for the work and pay compensation for proficiency in languages.

Acts motivated by racism or racial discrimination are punishable under the provisions of the Criminal Code. Punishments for crimes against humanity and war crimes are provided in the first chapter (section 61) of the special part of the Criminal Code (RT 1992, 20, 287 and 288). The second chapter establishes punishments for crimes against the state in sections 72 and 72 and chapter 11 for crimes against public order and public safety in section 198.

Subsection 1 of section 61 of the Criminal Code - crime against humanity - establishes punishment by deprivation of liberty from eight to five years or life sentence for perpetrating crimes against humanity, including genocide, as these are determined by the rules of international law, including wilful acts, which aim at totally or partially eliminating national, ethnic, racial, religious, resistance to occupation regime or any other social group, for killing a member of such a group or for inflicting a serious or grave injury or causing mental disorders to or torturing a member of such group, for forceful taking away of children, armed assault, for deportation of and for deprivation or restriction of economic, political and social human rights of native inhabitants during occupation or annexation.

Subsection 2 of the same section provides that a representative of the authorities, on whose consent an offence referred to in subsection one of this paragraph was perpetrated, shall be held liable for the crime as an accomplice.

Since 1993, the special part of the Criminal Code contains section 72, which provides for liability for the incitement of national, racial, religious or political hatred, violence or discrimination, and these activities are punished by a fine or arrest or deprivation of liberty for up to one year (subsection 1). For the same activities, if they caused the death or injury of a

person or any other grave consequence, the punishment will be deprivation of liberty for up to three years (subsection 2).

Under section 72 of the Criminal Code, it is also possible to hold criminally liable and to punish by a fine or arrest for the violations of the principle of equality, that is for direct or indirect restriction of individual's rights or for establishing direct or indirect preferences for an individual on the basis of his or her ethnicity, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds.

For the wilful destruction, damaging or hiding of documents reflecting crimes against humanity or crimes of war, section 198 of the Criminal Code provides, as a punishment, an arrest or deprivation of liberty for up to three years, or for up to five years if the same act was committed by a person in his or her official capacity.

Factual

Under section 72 of the Criminal Code the Security Police (KAPO) has initiated one criminal case [1998].

On the basis of subsection 1 of section 72 of the Criminal Code, the Security Police (KAPO) has initiated 14 criminal cases. Under this provision 3 persons have been convicted [1995 - 1 (Tartu City Court), 1998 - 2 (Tallinn City Court)].

Measures for guaranteeing actual equality

In social sphere Article 29 of the Constitution guarantees the right to work and to free choice of employment by establishing: "An Estonian citizen has the right to freely choose his or her sphere of activity, profession and place of work. Conditions and procedure for the exercise of this right may be provided by law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law." In the same article the Constitution puts an obligation on the state to organise vocational training and assist persons who seek employment in finding work.

Transition to a market economy and rapid restructuring of economy has brought about drastic changes in the Estonian society. Reforms have significantly changed the economic environment in recent years and Estonia has developed into a country with a liberal economy, characterised by limited state interference in the economy and stable economic growth. Unlike the generally successful economic development, social development has been less straightforward. On the one hand, the political and economic reorganisation has increased individual freedom and choice. On the other hand, economic and regional inequality has increased with the transition process. Since social stability is a prerequisite for long-term and steady economic growth, support for social development is becoming one of the most significant tasks for state institutions.

In this context the emerging problem of unemployment should be mentioned. Economic restructuring has brought about downsizing and closure of enterprises, the result of which is that many people have become unemployed. It is primarily the regions with an economy concentrated in one sector which face problems with restructuring. Unfortunately, there are a number of towns with a single enterprise (mono-functional) where the entire population is directly or indirectly dependent on the same employer. The largest number of mono-functional towns are in Ida-Viru County, where the decline of the secondary sector (primarily industry) has

left many people unemployed. In order to address the problems of unemployment in Ida-Virumaa where a significant part of the Russian minority lives side by side with the predominantly immigrant population, the Government has taken measures to create jobs and organise training for the unemployed taking account of the special needs of the region and its population in general.

To support regional development, the state provides subsidies and implements regional development programmes, such as Ida-Virumaa Development Programme and Monofunctional Settlements Programme. The main objective of these programmes is to support the industrial restructuring and diversification of the settlements economy in order to create conditions for a successful employment policy. At the same time extensive training and language education is offered aimed at raising the competitiveness of the unemployed in the labour market and facilitating their integration into the society at large.

Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Legislation

As it is already stipulated under Article 3 of this report, according to the Article 49 of the Estonian Constitution (RT 1992, 26, 349) everyone has the right to preserve his or her national identity.

Article 50 of the Constitution further stipulates that national minorities have the right, in the interests of national culture, to establish self-governing agencies under conditions and pursuant to procedure provided by the National Minorities Cultural Autonomy Act.

The basic idea of the National Minorities Cultural Autonomy Act (RT I 1993, 71, 1001) is the acceptance of ethnic minorities right to preserve their ethnic identity, culture and language.

Subsection 1 of section 2 of the National Minorities Cultural Autonomy Act defines cultural autonomy as follows: "For the purposes of the present Act, cultural autonomy for national minorities is defined as the right of individuals belonging to a national minority to establish cultural autonomy in order to achieve the cultural rights given to them by the constitution."

Section 3 of the Act emphasises and specifies the provisions of Article 49 of the Constitution: "(1) Every member of a national minority has the right to preserve his or her ethnic identity, cultural traditions, native language and religious beliefs. (2) It is prohibited to ridicule and to obstruct the practice of ethnic cultural traditions and religious practices and to engage in any activity which is aimed at the forcible assimilation of national minorities."

The National Minorities Cultural Autonomy Act grants the right to form institutions for cultural self-government to all those minorities to which this right was given by the first law on National Minorities Cultural Autonomy of 1925, and to other minority groups of more than 3000 persons. Until Estonia's large non-citizen population gains citizenship step-by-step, in a lawful and orderly way, non-citizens will continue to constitute an important part of the overall population. The Act grants these people the right to participate in cultural autonomy activities, although they may not vote or be elected for the leading organs (section 6). A national minority which is entitled to cultural autonomy can, by direct and uniform elections with a secret vote, elect their own cultural council, which is the highest organ of authority and representation within the frames of cultural autonomy (sections 11 and 12). The regulations for the elections to the cultural council shall be established by the Government of the Republic (section 14).

The cultural council of a national minority can form regional cultural boards according to their needs, appoint cultural deputies and found ethnic cultural institutions, schools, social and health care establishments, publishing houses, etc. (section 24). The cultural autonomy institutions can own property and are liable for their financial obligations (section 26). Resources originate from specific allocations, partly from the state budget, partly from local budgets, as well as from membership fees and donations from enterprises, organisations and private persons.

The National Minorities Cultural Autonomy Act is not of an obliging nature. Its purpose is to encourage national minorities to make use of their constitutional rights. The task of the state authorities is to provide legal guarantees, without interfering in minority group's or individual's right to decide for themselves all matters concerning preservation of their ethnic identity, cultural traditions and native language.

Presently the Union of Ingrian Finns and the Union of Slavic Education and Charity Societies have applied for the status of cultural self-government.

According to Article 40 of the Constitution of Estonia there is no state church in Estonia. Everyone may freely belong to churches and religious societies. Accordingly there is no enumeration in law of recognised religions. Constitution affirms everyone's freedom to exercise his or her religion, unless this is detrimental to public order, health or morals (Article 40).

Additional information on issues of religion is given under Article 8 of this report.

Pursuant to Article 6 of the Constitution of Estonia the official language is the Estonian language.

Issues related to the use of minority languages are dealt with in more detail under Article 10.

Policy of promoting the conditions necessary for persons belonging to national minorities to maintain and develop their culture

On 16 September 1998 the *Riigikogu* passed a decision approving the fundamentals of Estonian cultural policy and the action plan of the Government of the Republic implementing cultural policy in the near future (RT I 1998, 81,1353).

The document stresses that the state shall encourage cultural activities of national minorities and their cultural contacts with their ethnic homelands. Also, the Republic of Estonia shall support

country-wide activities of Estonia's national minorities. Under the head of cultural training the strengthening of cultural training of national minorities has been stressed.

Since 1997 there is a Cultural Council of National Minorities under the Ministry of Culture, which participates in decision-making concerning support to cultural endeavours of national minorities, and in co-ordinating their cultural life and activities. Pursuant to the By-laws of the Cultural Council its functions are, *inter alia*, to analyse the structure and activities of national minorities cultural societies, to support cultural societies in developing relations with their motherlands, to develop co-operation between the cultural societies of national minorities and Estonian national societies.

Through the Ministry of Culture more than 60 presently operating cultural societies and collectives of national minorities receive allocations from state budget. Both, in 1998 and 1999, 2 million kroons was provided to this end. In addition, the state has supported projects presented by the cultural societies through the Integration Foundation. Allocations can also be granted from the budgets of local governments.

Factual

The cultural societies and collectives of national minorities presently operating in Estonia are listed in Appendix 2.

In addition to separate societies three umbrella organisations embracing cultural societies and associations have been founded.

On 18 May 1989 the Association of Estonia's Peoples was established. Pursuant to its By-laws it is a union of national associations and organisations, the basic aim of which is to protect the cultural, political and social-economical interests of national minorities. In recent years the activities of the Association of Estonia's Peoples have centred around monitoring the observance of the rights of national minorities, organising meeting between agencies dealing with problems pertaining to national minorities and the representatives of the minorities, and mediating information and experiences between the cultural societies.

The idea to found the Union of Estonia's Associations of National Cultures "*Luura*" was born during a joint festival on 9 may 1995. The festival developed into a tradition and evolved into organisation "*Luura*", which was registered in 1997. The main activity of "*Luura*" is to organise yearly cultural festivals, in the framework of which seminars, exhibitions and the like are organised. Once or twice a year "*Luura*" organises training seminars, instructing participants how to address foundations and state agencies. In addition to the Ministry of Culture also the City of Tallinn has supported the activities of "*Luura*".

"*Lulira*" runs a cultural university "I Live in Estonia", which teaches Estonian history and culture. The members of "*Luura*"- Armenian, Georgian, Ingrian Finns , Korean, Romany, Setu, Ukrainian and Russian Societies - teach their children, in Sunday schools, their languages, history and cultures.

Within the framework of "*Luura*" there is a legal aid centre and a political club, as well as information and publishing centre.

The Union of Slavic Educational and Charity Societies, which unites several Russian-speaking organisations, organises the traditional song-festival "*Slaavi Parg*" (*Slavic Wreath*).

A state-financed Russian Drama Theatre operates in Tallinn. State supported the theatre in 1998 with 6,408,000 kroons. In 1998 the Russian Drama Theatre staged 9 new productions, the total audience amounted to 73.3 thousand and the number of performances was 274.

Integration policy

Estonia has followed a consistent inclusive policy to integrate non-Estonians into the Estonian society. The cornerstone of Estonia's integration policy is launching and implementation of the National Integration Programme pertaining above all to a significant reduction in the number of persons with undetermined citizenship, a substantial breakthrough in teaching of the official language and real participation of non-Estonians in Estonian society. The Integration programme is based on Estonia's national and social interest, on the goal of developing a European, integrated society, and preserving both stability and a commitment to the protection and continued development of Estonian culture. Integration means engagement of non-Estonians in community life at all levels. Integration is not aimed at changing ethnic identity, instead it means the adaptation of non-Estonians to Estonian cultural sphere and their full participation in Estonian society.

Since May 1997 the Government of Estonia has taken essential political and administrative steps to integrate non-Estonians into Estonian society.

In May 1997 a new post of a minister without a portfolio was instituted, who is responsible, *inter alia*, for integration issues. A 17-member expert commission was set up in June 1997 to work out recommendations for integrating non-Estonians into Estonian society.

On 10 February 1998, the Government approved the integration policy document "The Bases of Estonia's National Integration Policy for Integrating non-Estonians into Estonian Society" as suggested by the expert commission. The policy underwent deliberations in the *Riigikogu* and was adopted by the latter in June 1998 (Appendix 3). On 2 March 1999 the Government approved a document prepared by the commission of experts entitled "Non-Estonians' Integration into Estonian Society: Government Action Plan", which builds on the earlier policy paper and mandates the Integration Foundation with the task of elaborating a national integration programme by January 2000. The programme will provide a detailed framework for state integration activities for the years 2000 to 2007.

On 31 March 1998, the Government established The Non-Estonians Integration Foundation to develop and co-ordinate the national integration processes. To implement activities fostering integration 6 million EEK. (~430,000 USD) was allocated from state budget in 1998.

On 4 November 1997, an amendment to the Education Act (RT 1992, 12,192) was adopted. It set out the establishment of a new post of the 'Official Language Teacher'. These posts should be staffed with highly qualified teachers experienced in teaching Estonian as a second language. On 8 June 1998 the Ministry of Education nominated the first 18 official language teachers. On 27 May 1999 additional 17 official language teachers were nominated.

On 20 January 1998, the Government approved "The Development Plan for Russian- medium Schools (The formation of a unified Estonian education system: Activity plan 1997 - 2007)", prepared by the Ministry of Education (Appendix 4).

On 21 April 1998, the Government approved "The Strategies of Teaching Estonian to Non-Estonian Speaking Population", which sets the framework and aims of teaching Estonian to non-Estonians during the next decade.

The following Estonian-as-a-second-language projects were initiated in 1998:

- joint Ministry of Education and British Council framing program for 17 pilot teachers from Tallinn and Ida-Virumaa County (teach the teachers);
- a language and culture immersion camp was held during the summer for 38 young Estonian-language teachers (in co-operation with the Canadian government);
- continuing second-language methodology framing for 50 teachers from Narva (together with a Danish partner);
- curriculum training (including teachers' language framing) for all Russian- medium schools (co-operation with Nordic partners and UNDP).

On 27 August 1998, the governments of Estonia, Finland, Sweden, Norway and Denmark and UNDP signed an agreement, whereby the UNDP and the Nordic Countries shall support Estonian integration processes with 1.35 million USD.

On 16 October 1998, the Estonian Government, the EU and UNDP launched the EU PHARE programme for teaching Estonian, whereby the EU shall, within two and a half years, support teaching Estonian to grown-ups and adolescents with 1.46 million Euro.

In 1999, the amount of 5.7 million EEK was allocated from state budget to implement activities fostering integration. The biggest integration related projects launched in 1999 were connected with education and with teaching of the official language.

The Estonian Government recognises that language learning is basic to the integration process of non-Estonians into the economic, social and political life of Estonia. Constant efforts are made to improve the teaching of Estonian as a foreign language in public schools and universities. The Ministry of Education has introduced a number of innovations to increase language teaching efficiency and to improve co-ordination of foreign aid granted for language studies. Estonian is taught in every Russian language school and class. As a result, during the last two years the number of children who continue their studies in Estonian language vocational schools or universities after graduating from Russian language basic or secondary school has considerably increased.

In 1999, on the orders of the Ministry of Education, by way of experiment, the non- Estonian comprehensive schools had a final examination and gymnasiums a state examination in Estonian. The activities of the teachers who have been given the status of the Official Language Teacher continued, the curriculum of the official language was renewed, the language and professional qualifications of non-Estonian language teachers was checked and improved

(further education and language training). Starting from the next school-year teaching of Estonian in all non-Estonian language schools will begin from the first year.

The national programme of the Ministry of Education, called "Integration of Non- Estonian Youth to Estonian Society" (VERA) will be continued. In the field of international co-operation the following bigger programmes deserve to be mentioned:

- preparation and activities of leading teachers (together with the British Council);
- development and launching of immersion system of learning (with Canada and Finland);
- increasing the co-ordination capability of Ida-Virumaa County; counselling the Ministry of Education, launching the system of repayments of loans for language learning (with Finland);
- EU PHARE programme of teaching the Estonian language (supply of grown-ups with study materials and support to the fund of compensating for study fees; supply of schools with study materials for teaching Estonian, support to language learning and integration camps, supply of two pilot schools with language laboratories, intensive courses of the Estonian language for students of pedagogical specialities; awareness-raising campaign; support for the implementation of the programme);
- the programme of the Estonian Government, UNDP and the Nordic Countries (formal education system, adult education, education of youth, cultural exchange and identity, regional development of Ida-Virumaa County, enhancing the work of the establishments involved in integration activities, informing the mass media and the public, project management, supervision and assessment and reports).

1999 has witnessed the building up of the national monitoring system of integration activities, as well as publishing and distribution of integration related information.

On 7 September 1999 the Estonian Government decided to open a bureau of the office of the Minister for Population and Ethnic Affairs in the north-eastern town of Johvi, and allocated 876,100 EEK to this end. Establishing a special unit dealing with integration in the region where the majority of non-Estonians live, was one of the key pledges in the coalition agreement. The office has a co-ordinating function and plays an active role in implementing government policies in the region. One of the tasks of the office in Johvi is to foster co-operation between the Minister's office and organisations, cultural associations and other NGO-s representing different ethnic groups, so as to enable them to participate more actively in the policy-making process.

In June 1999 a pilot project "Estonian Language and Civics Training in the Estonian Defence Forces" was launched. Besides improving the language skills of the recruits, one of the goals of the pilot project was to test the possibility of refunding language- training costs to the Defence Forces. The first two groups of conscripts have successfully completed their studies and taken the language examination in September.

On 29 November 1999 the Minister for Population and Ethnic Affairs and the Minister of Defence signed an agreement whereby all conscripts of non-Estonian origin will have the possibility to study Estonian during their first three months of military service. In 2000 the Ministry of Defence will allocate 750 000EEK from its budget to finance this initiative.

Together with 400 000EEK provided by the EU PHARE Estonian language training programme through its refunding project, a total of 1 150 000 EEK. will be spent to improve the language skills of recruits.

Activities of the Integration Foundation

The aim of the Integration Foundation is to launch and facilitate various projects related to the integration of non-Estonians into Estonian society. The Integration Foundation is a non-profit organisation that has the authority to act as a fund and to receive donations for and to finance integration related activities. The Integration Foundation co-ordinates the use of relevant resources, including several projects funded by foreign donors. Also, it attempts to ensure that these resources will be used as effectively as possible. It is evident that successful development of the integration process in Estonia depends on the effective co-operation between all levels of the Estonian society, including state agencies, local governments, schools, universities, non-governmental organisations, private enterprises, and individuals. It is necessary to create connections between all these different levels in order to foster the development of a coherent and efficient network of integration-related activities. The Integration Foundation is creating a database of integration-related projects, organisations/institutions, and donors. The data will be made available to other relevant organisations and institutions in this field.

The activities of the Integration Foundation are carried out according to two principles:

1) Providing direct support to society-wide integration-related activities.

The Integration Foundation has organised open competitions in order to support various projects submitted to the Integration Foundation by state agencies, local authorities, non-profit associations, and individuals. In 1998 the Integration Foundation allocated sums (4.5 million kroons) to support 78 integration-related projects.

In 1999 the Estonian State allocated 5.7 million kroons for integration-related activities carried out/supported by the Foundation and so far the Foundation has supported 46 projects (about 3 million kroons in total) from these resources.

2) Elaborating and implementing comprehensive/multi-sectoral as well as task- oriented specific projects and programmes, including the National Integration Programme;

Implementation of the National Integration Programme requires a comprehensive approach and strategy. In 1999 the Integration Foundation launched several pilot projects ("Monitoring", "Integration Programmes of other Countries", "Integration Officials") in order to assist the elaboration of the Programme.

- The aim of the pilot project "Monitoring" is to monitor the integration process, including the readiness and capacity of various social groups and state agencies to achieve the aims defined in the policy document "The Bases of Estonia's National Integration Policy for Integrating non-Estonians into Estonian Society".
- The aim of the pilot project "Integration Programmes of other Countries" is to learn about integration programmes of other countries and to summarise their experiences.

- The aim of the pilot project "Integration Officials" is to train public servants dealing with integration-related issues in co-operation with various state agencies, local authorities, etc.

Also, the Integration Foundation is carrying out/supporting projects and activities in the following areas:

- "Public Sphere": the aim is to influence public opinion and facilitate the integration-related discussion in the Russian-language and Estonian-language media.
- "Foreign Donors": the aim is to assess the readiness of foreign donors to participate in various projects of the integration programme.
- "Social Security": the aim is to reduce unemployment-related social tensions, to improve the labour market situation in various regions of Estonia, especially in Ida-Virumaa.

The Integration Foundation is the institution for implementing the two large-scale projects mentioned above (Estonian Government/UNDP/Nordic project "Support to the National Programme for Integration of non-Estonians into Estonian Society" and the EU PHARE "Estonian Language Training Programme") and for supporting the elaboration and implementation of the National Integration Programme:

Article 6

1. *The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co - operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*

2. *The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

Legislation

The Education Act (RT 1992, 12, 192), which is the basis of Estonian system of education, establishes the following founding principles of education: recognition of values common to all humanity and of national values, and the freedom of personality, religion and conscience (subsection 2 of section 2). Subsection 3 of the same section specifies, *inter alia*, that one of the aims of education is to create favourable conditions for the development of personality, family, Estonian nation, as well as national minorities, and the economic, political and cultural life and environmental protection of Estonia within the context of world economy and culture.

Pursuant to the aforesaid the national curriculum has been worked out emphasising the importance of fostering tolerance and understanding.

General aims and principles of school education are established by the national curriculum of Estonian basic and secondary education, approved by a regulation of the Government (RT I 1996, 65,1201). Pursuant to this act and taking into account their peculiarities and development

trends, each school develops its own curriculum. The national curriculum establishes the basic task of a general education school as follows: to assist the development of a personality, capable of coping with his or her life and work, who develops himself or herself and contributes to the development of the society, determines himself or herself as a member of one's nation, as a citizen, person who shares responsibility for the future of Europe and the world, who respects himself or herself and others, his or her own and other peoples' cultures, who observes law and principles of democracy, proceeds from universal moral convictions, etc.(Chapter II, section 2). Chapter III of the national curriculum (subsections 2 and 3 of section 1) defines humanism, democracy, patriotism and internationality as the principles of the curriculum. Under this head the following has been specifically pointed out: "In inter-personal relations tolerance towards different people is valued and violence is avoided. Co-operation skills are developed, and sensitivity and understanding towards special needs of others," and "... the national curriculum values Estonian national identity, culture and traditions, the identity aspirations and cultivation of culture of Estonians and other ethnic groups living in Estonia...".

One of the subjects to be taught pursuant to the subject plan in basic and upper secondary schools is the anthropology and the civics, which aspire, *inter alia*, to help the pupils to value the principles of democracy, human and civil rights, to develop one's political culture. In addition to the traditions and holidays of the Estonians, the pupils of the first three grades learn about the traditions of national minorities, other countries and peoples, neighbouring countries, Estonia's position among other states. By the end of the third grade a pupil should realise that people and the traditions of different nations may vary.

The provisions of legislation regulating mass media are also aimed at fostering tolerance, respect and understanding. The Broadcasting Act (RT I 1994, 42, 680) establishes requirements that the programmes transmitted by media channels in public law must meet, pursuant to which the programmes and programme services of *Eesti Raadio* and *Eesti Televisioon* must influence everyone to respect human dignity and observe laws considering the moral, political and religious beliefs of different ethnic groups.

Factual

The unions of societies and associations of different national cultures contribute to strengthening ties between different ethnic groups (see Article 5 of this report), as the unions support relations between cultural societies, as well as their ties with Estonia and ethnic homelands. The Ministry of Culture and Tallinn City government support yearly cultural festivals of dance, music and other groups of various cultural societies.

Different domestic and foreign foundations support projects and activities promoting tolerance and mutual understanding. For example, within the framework of joint programme of the Open Estonia Foundation and the King Baudouin Foundation (Belgium) for the improvement of inter-ethnic relations in mixed regions of Central and Eastern Europe, several projects initiated by state agencies, higher education establishments, as well as media channels in public law have been financed (children's programme service of a television broadcaster ETV on tolerance and promotion of mutual understanding between children of different ethnic origin; J. Tonisson Institute and Ministry of Education seminars entitled "Pluralism and Tolerance in Estonian Society" for the headmasters of Russian-medium schools, etc.). Foundations also support the pupils' exchange programmes of Estonian and Russian-medium schools and language camps.

The Minister for Population and Ethnic Affairs in co-operation with the Ministry of Agriculture is going to launch a programme to support Estonian farmers, who are willing to host non-Estonian children in order to improve their knowledge of Estonian language and lifestyle. Approximately 1 million kroons has been earmarked for this purpose in the year 2000.

Raadio 4, a foreign (mainly Russian) language radio station of Estonian radio in public law launched its full programme services on 1 May 1993. The target audience of *Raadio 4* consists of national minorities and other ethnic groups living in Estonia. The programme services are mainly in the Russian language, as a big proportion of non-Estonian speaking population do not command Estonian (often they do not even speak their mother tongue), but they do speak Russian. Apart from the Russian language *Raadio 4* offers programmes also in other minority languages: 1.5 hours a week in Ukrainian, 1 hour in Byelorussian, 1 hour a month in Armenian and once a month there is a one hour programme for the Jews. The primary purpose of *Raadio 4* is to assist all minorities living in Estonia in their integration into Estonian society by informing the non-Estonian speaking people of Estonian political landscape, by introducing Estonian political and cultural history, literature, music, etc., by motivating people to learn the Estonian language. *Raadio 4* is on the air 24 hours a day and its programmes can be received throughout Estonia (with the exception of islands).

Public as well as private TV channels broadcast programmes in Russian introducing the culture and traditions of both the minorities and the majority, such as "*K svedeniju*" and "*Sudbo*" (ETV), "*Subboteja*" and "*Persona*" (Kanal 2).

Protection against discrimination

Provisions of law enacted to prevent and punish discrimination and violence are discussed in more detail under Article 4.

Pursuant to section 72 of the Criminal Code (RT 1992, 20, 287 and 288), which prohibits direct or indirect restriction of individual rights or giving preferences on the basis of ethnic origin, race, colour, sex, language, origin, religion, political or other beliefs, economic or social status or on other grounds one criminal case has been initiated (in 1998) since the adoption of the Code in 1993.

Under subsection 1 of section 72 of the Criminal Code, 14 criminal cases have been initiated during 1993 - 1999.

Crimes under section 72 of the Criminal Code are investigated by the Defence Police Board. Cases brought under section 72 of the Criminal Code are investigated by the Police Board.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Freedom of assembly

The right of assembly is provided in Estonia by Article 47 of the Constitution (RT 1992, 26, 349), which states "All persons shall have the right, without prior permission, to peacefully assemble and conduct meetings. This right may be restricted in the cases and pursuant to procedure provided by law to ensure national security, public order, morals, traffic safety, and the safety of participants in a meeting, or to prevent the spread of an infectious disease."

The Public Assemblies Act (RT I 1997, 30, 472) prohibits any public assembly, which incites racial, religious or political hatred, violence or discrimination between the social strata (section 3).

This right is *inter alia* restricted by the Criminal Code (RT 1992, 20, 287 and 288) and the Code of Administrative Offences (RT 1992, 29, 396). These laws provide for the cases in which a person may be held liable for abuse of the right of assembly.

The specific characteristics of administrative offences are contained in lesser legal acts, such as Government orders (Traffic Regulations), or regulations issued by other state agencies or local governments (Public Order Regulations).

The Public Assemblies Act provides that to hold a lawful public assembly prior notice of the intent to assemble must be given to the authorities by the organisers. According to subsection 4 (2) of section 6 of the Act a public assembly requires a citizen or a permanent resident to function as an organiser and the person responsible for order during the assembly.

Freedom of Association

The Estonian Constitution makes a distinction between forming non-profit and profit-making associations. The Constitution establishes that "Everyone has the right to form non-profit undertakings and unions" (Article 48). Article 31 further stipulates that "Estonian citizens have the right ... to form commercial undertakings and unions. Conditions and procedure for the exercise of this right may be provided by law".

Although the right of association does not require formal registration by a public authority, in the majority of cases it is in the interests of the founders to found a legal association as a legal person (in order to own collective property and to be liable for their actions collectively). In accordance with the General Principles of the Civil Code Act (RT I 1994, 53, 889), a legal person in private law may be founded pursuant to the Act concerning the corresponding category of legal persons (Non-profit Associations Act, Political Parties Act, Churches and Congregations Act, Commercial Code, Co-operatives Act, etc.), and a legal person in public law may be founded pursuant to the Act directly concerning that legal person.

Pursuant to sociological surveys the activity of participation in associations among different ethnic groups is the following:

Participation in associations (%)	Estonians	Russians	Others
In none	51.5	61.2	52.4
In one	26.8	29.6	40.8
In two	14.0	7.8	3.9
In three	5.0	1.0	1.9
In four or more	2.6	0.5	1.0

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Legislation

Estonian Constitution (RT 1992, 26, 349) provides guarantees for the protection of the rights and freedoms associated with the freedom of conscience, religion and thought.

The Constitution stipulates that "Everyone has freedom of conscience, religion and thought. Everyone may freely belong to churches and religious societies. There is no state church. Everyone has the freedom to exercise his or her religion, both alone and in community with others, in public or in private, unless this is detrimental to public order, health or morals" (Article 40).

Article 41 of the Constitution stipulates that "Everyone has the right to remain faithful to his or her opinions and beliefs. No one shall be compelled to change them". Therefore, a person may not be subjected to treatment, which affects his or her beliefs.

In addition to Articles 40 and 41 of the Constitution Articles 42 and 45 which stipulate that "State agencies, local governments and their officials shall not gather or store information on the beliefs of an Estonian citizen against the citizen's free will", and that "everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word... or other means", also provide for a certain protection to the freedom of conscience, religion and thought.

The freedom of conscience, religion and thought, as stipulated in the Constitution, may be restricted only in accordance with the Constitution, and such restrictions must be necessary in a democratic society and should not distort the nature of the rights and freedoms restricted (Constitution, Article 11).

Article 130 of the Constitution also adds that the right of conscience, religion and thought, the right to remain faithful to one's own opinions and beliefs must not be restricted even during a state of emergency or war, in the interests of national security or public order.

In addition to Articles 40 and 41 of the Constitution, the Churches and Congregations Act (RT I 1993, 30, 510) which came into force on 25 June 1993 also regulates the exercise of the freedom of religion.

According to section 4 of the Churches and Congregations Act, "all persons shall have the light to freely choose, recognise and manifest their religious beliefs. No one shall be obliged to provide information on their religious manifestation or membership of a church". Children under 12 years of age may belong, according to their parents' wishes, only to their parents' congregation, and any child who has attained 15 years of age may independently decide enjoining or leaving a congregation.

The Churches and Congregations Act determines a church, congregation or association of congregations as a legal person, and stipulates the legal bases for their activities. All religious organisations must register with the Ministry of Internal Affairs. In order to register a church, congregation, or association of congregations, the church, congregation or association of congregations must submit an approved application, statutes and the minutes of the founding meeting, with the notarised signatures of at least 3 founding members.

The Act also regulates what information the statutes of a church or a congregation should contain. Certain basic requirements for democracy within the church and congregation are mandatory, such as openness of the membership, existence of an elected executive body, equality of members before the law, right to participate in the elections to the executive body and for official posts, right to leave the church or congregation by notifying beforehand the church or congregation executive are mandatory (section 9).

A person who has the right to vote at the local government elections and who has no criminal conviction, may be a member of the board of a church, a congregation or the association of congregations, and a clergyman (section 15).

Further guarantees for the realisation of religious freedom are provided by section 138 of the Criminal Code (RT 1992, 20, 287 and 288), where it is stipulated that "for preventing the manifestation of a religion, if this manifestation does not disturb public order, health or morals - the penalty shall be a monetary fine or arrest".

Some restrictions on the exercise of religious freedom are imposed in subsection 1 of section 201 the Criminal Code, which states that if a person organises or leads a group the activities of which are religious teaching or rites connected to violation of public order or cause damage to a person's health or other assault on a person's life or rights, as well as induce a person to dishonour the fulfilment of civic duties, the penalty for such a deed is a monetary fine or arrest or deprivation of liberty for up to five years. (2) If a person participates in the activities of a group defined under subsection 1 of this section, as well as in propagating to perform activities foreseen in the religious teaching and rites of such group, the penalty is a fine or an arrest or deprivation of liberty for up to three years.

In order to promote the exercise of the right to freedom of religion, conscience and thought by national minorities the religious freedom of minorities is also regulated by the National Minorities Cultural Autonomy Act (RT I 1993, 71,1001).

Section 3 of this Act guarantees a person belonging to a minority the right to preserve "his or her ethnic identity, cultural customs, mother tongue and religion". The Act establishes a ban on denigration and hindering of national cultural or religious customs.

Additionally, the people who belong to minorities have the right to establish religious institutions, organisations and associations according to the law. Neither does Estonia's government restrict nor favour the activities of any denomination. Every person has the freedom to practise his or her religion, either alone or in community with others and in public or in private.

Since there is no state church in Estonia (Constitution, Article 40), there are also no church taxes in Estonia.

Factual

Today in Estonia alongside with traditional Christian churches there are many different faiths and new religious movements.

The following are the churches and congregations and associations of congregations and their branches and single congregations, registered at the Ministry of Internal Affairs by 15 May 1998, pursuant to the Churches and Congregations Act:

CHURCH	CONGREGATION
Estonian Apostolic-Orthodox Church	58 congregations
Estonian Union of Evangelical Christian and Baptist Congregations	89 congregations 2 subordinates
Estonian Union of Evangelical Christian and Pentecostal Congregations	3 congregations
Estonian Evangelical Lutheran Church	167 congregations 12 deaneries 19 subordinates
Estonian Union of Congregations of Jehovah's Witnesses	11 congregations
Estonian Charismatic Episcopal Church	10 congregations
Estonian Christian Pentecostal Church	38 congregations 3 subordinates
Estonian Union of Christian Free Congregations (Word of Life congregations)	7 congregations
Estonian Methodist Church	24 congregations 1 subordinates
Estonian Union of Full Gospel Congregations	5 congregations
Estonian Union of Congregations of Old Believers	11 congregations
Roman-Catholic Church in Estonia	7 congregations 4 orders
Estonian Union of Seventh-Day Adventists	18 congregations
The House of Toara and Mother Earth people of Maavald	3 congregations

New Apostolic Church in Estonia	10 congregations
Single congregations	57 congregations
The Puhtitsa Dormition Stavropegic Convent	

Source: Ministry of Internal Affairs

The following national congregations have been registered with the Department of Religious Affairs of the Ministry of Internal Affairs:

1. The Ukrainians: Tallinn Congregation of the Ukrainian Greek-Catholic Church;
2. The Armenians: Estonian Congregation of St Gregory of the Armenian Apostolic Church;
3. The Jews:
 - 3.1. Estonian Jewish Congregation,
 - 3.1. Jewish Progressive Congregation in Tallinn,
 - 3.3. Jewish Progressive Congregation "Hineiny" in Narva;
4. The Swedes: Tallinn Swedish-Michael Congregation of Estonian Evangelic Lutheran Church;
5. Ingrian-Finns:
 - 5.1. Ingrian-Finns Congregation of Estonian Evangelic Lutheran Church in Tallinn,
 - 5.2. Finnish Congregation of Estonian Evangelic Lutheran Church in Tartu;
6. The Germans: German Congregation "The Redeemer" of Estonian Evangelic Lutheran Church in Nomme;
7. The Russians:
 - 7.1. Old-believers Congregations (11),
 - 7.2. Tallinn Congregation of Russian Evangelical Christians and Baptists,
 - 7.3. Sillamae Congregation of Evangelical Christians and Baptists,
 - 7.4. Narva Congregation of Estonian Methodist Church,
 - 7.5. Fellowship of New Covenant in Tallinn,
 - 7.6. Full Gospel Congregation in Tallinn,
 - 7.7. Pentecostal Congregation "Immanuel" in Tallinn,
 - 7.8. Russian Pentecostal Congregation in Parnu,
 - 7.9. Christians-Pentecostal Congregation in Kohtla-Jarve,
 - 7.10. Pentecostal Congregation "The Reviver" in Tallinn,
 - 7.11. Full Gospel Free Congregation "Gift of Grace" in Johvi,
 - 7.12. Russian Congregation of Estonian Christian Pentecostal Church in Lasnamae,
 - 7.13. Russian Congregation of Estonian Christian Pentecostal Church in Sillamae,
 - 7.14. Russian Congregation of Estonian Christian Pentecostal Church in Parnu,
 - 7.15. Russian Congregation of Evangelical Christians and Baptists in Kohtla-Jarve;
8. The Poles: There is a Polish national group within the Congregation of St. Peter and Paul of Roman Catholic Church in Tallinn, who are served in Polish.
9. The Lithuanians: There is a Lithuanian national group within the Congregation of St. Peter and Paul of Roman Catholic Church in Tallinn, who are served in Lithuanian.
10. Mixed Congregations:
 - 10.1. The majority of the 58 Congregations of Estonian Apostolic Orthodox Church are mixed Estonian-Russian congregations,
 - 10.2. Congregations of Roman Catholic Church in Valga, Ahtme, Narva and Sillamae are Estonian-Russian mixed congregations,
 - 10.3. Estonian Islam Congregation and Estonian Mussulman Sunnite Congregation, embracing the Tartars, Azerbaijanis, Kazakhs, Uzbeks, Chechens, Lesgins,

- 10.4. Bahai Community in Tallinn has Estonians, Persians, Russians,
- 10.5. Christian Congregation of New Testament in Tallinn embraces Estonians and Russians.
- 11. Under the Canonical Subordination of Moscow Patriarchy (predominantly Russian-speaking associations):
 - 11.1. The Puhtitsa Dormition Stavropegic Convent,
 - 11.2. Aleksander Nevski Stavropegic Congregation in Tallinn.

(For the purposes of orthodox canonical law the term stavropegic means direct subordination to the Patriarch.)

Being legal persons in private law, the churches, congregations and religious associations should be principally self-supporting organisations. However, keeping in mind that in terms of historic, artistic and cultural value sacral buildings constitute a national treasure, the Estonian state aspires, at least to some extent, to support the churches. For instance, funds are allocated from state budget to the Council of Estonian Churches (in 1998 EEK 2 million). In 1998 the Integration Foundation supported the Raja Congregation of Old-believers with 50 000 kroons. In 1999 the same congregation was supported from the Government reserve fund with 160 000 kroons.

Article 9

- 1. The parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The parties shall ensure, within the framework of their legal systems, that persons belonging to the national minority are not discriminated against in their access to the media.***
- 2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.***
- 3. The Parties shall not hinder the creation and the use of printed media by persons belonging to the national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.***
- 4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.***

Constitutional provisions

Pursuant to Article 45 of the Constitution (RT 1992, 26, 349) everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture and other means. This right may be restricted by law in order to protect public order or morals, or the rights and freedoms, health, honour and good name of others. This right may also be restricted

by law for state and local government civil servants, to protect a state or business secret or information received in confidence, which has become known to them by reason of their office, and the family and private life of others, as well as in the interests of justice. There is no censorship.

Article 44 of the Constitution stipulates that everyone has the right to freely obtain information disseminated for public use. At the request of an Estonian citizen, and to the extent and in accordance with procedures established by law, all state agencies and local governments, and their officials are obliged to provide information about their activities, with the exception of information the disclosure of which is prohibited by law, and information which is intended for internal use only.

Every Estonian citizen has the right to access information about himself or herself held in state agencies and local governments and in state and local government archives, pursuant to procedure established by law. This right may be restricted pursuant to law to protect the rights and freedoms of others or the confidentiality of a child's parentage, and in the interests of preventing a criminal offence, apprehending a criminal offender, or ascertaining the truth in a criminal proceeding (Article 4 of the Constitution).

Legislation

The Constitution allows for restrictions to freedom of expression only on the basis of the law. The Criminal Code (RT 1992, 20, 287 and 288) provides such restrictions for the protection of national defence, or the rights, reputation, health or morals of others. The restrictions imposed by the Criminal Code can be considered as necessary in democratic society and non-discriminatory. For example, the Criminal Code establishes that the incitement of national, racial, religious or political hatred, violence or discrimination shall be punished by a fine or arrest or deprivation of liberty for up to one year (subsection 1 of section 72).

Estonian legislation does not regulate press or publishing, there is no law on the press as such in Estonia; cases regarding libel are covered by civil and criminal codes.

Currently, everyone may freely publish newspapers, periodicals or books, whereby the Criminal Code prohibits the printing of certain publications, such as those containing war propaganda or inciting racial or religious hatred. Restrictions to the freedom of expression in relation to the prohibition of incitement of discrimination can also be found in the Advertising Act (RT I 1997, 52, 853), which came into force on 1 January 1998, and which establishes the prohibition of offensive advertising (in section 5):

- an advertisement is offensive if it is contrary to good morals and customs, calls on people to act unlawfully or to violate prevailing standards of decency, or if it contains such activities. Offensive advertising is prohibited.
- an advertisement is considered offensive in particular of the advertisement: presents, incites or endorses discrimination on the grounds of nationality, race, colour, sex, age, language, origin, religion, political or other opinion, and financial or social status or other circumstances.

The activities of electronic media in the Republic of Estonia are regulated by the Broadcasting Act (RT I 1994, 42, 680) which came into force on June 15, 1994. According to this Act everybody can obtain the permission to broadcast.

Pursuant to Section 1 of the Act, one of its objectives is to regulate the procedure for broadcasting information and the principles of the broadcasting activities.

Section 2 of the Act gives the following definition of broadcasting: "Broadcasting means the transmission over the air (including that by satellite) or via a cable network, in unencoded or encoded form, of radio or television programme services intended for reception by the public with commonly used receivers". Pursuant to subsection 3 (1), for the purposes of this Act, a broadcasting transmitter is a set of technical means, by which a television or radio signal carrying broadcasting information is transmitted into open space.

The principles of broadcasting activities are provided in Chapter II. A broadcaster has the right, in compliance with law and the conditions of a broadcasting licence, to freely decide on the content of its programmes and programme services (subsection 1 of section 6). Thus, it is prohibited for the broadcasters to transmit programmes, the content of which is in conflict with the principles of the Constitution or laws prohibiting discrimination or incitement of discrimination. This prohibition is established by section 9, which is to guarantee the standards of decency and the legality as follows: "Broadcasters shall not transmit programmes the content of which is immoral or in conflict with the Constitution or laws".

Pursuant to section 13, the broadcasters shall appoint executive producers or equivalent persons for programmes and programme services, who shall be responsible for ensuring, *inter alia*, that respective programmes or programme services meet the requirements of law and observe the principle of freedom of expression.

For the purposes of the Broadcasting Act, *Eesti Raadio* (Estonian Radio) and *Eesti Televisioon* (Estonian Television) are broadcasting organisations in public law. Section 25, which establishes the functions of *Eesti Raadio* and *Eesti Televisioon*, states, *inter alia*, the responsibility to satisfy the information needs of all nationalities, including national minorities. Section 26 stipulates basic requirements for programmes and programme services of *Eesti Raadio* and *Eesti Televisioon*, and pursuant to subsection 2 of section 26, the programmes and programme services of *Eesti Raadio* and *Eesti Televisioon* shall influence everyone to respect human dignity and observe laws considering the moral, political and religious beliefs of different nationalities.

Licensing of electronic media

The Broadcasting Act stipulates (in subsection 2 of section 23 and in section 37), that persons in private law are allowed to operate on the basis of a broadcasting licence. This is a state document for which fees are charged, and which grants the person specified in the licence the right to operate under the conditions specified in the licence.

The fee to be charged for broadcasting licence is determined by the Ministry of Culture. Broadcasting licence is revoked in cases stipulated by law, *inter alia*, when the person registered in the licence violates the requirements of the Broadcasting Act. Pursuant to section 43 the violation of Broadcasting Act results in disciplinary, civil or administrative liability established by laws.

Supervision

The activities of the press are supervised by the Press Council. It is a self-regulating body for press, which operates in two main fields: protection of free word against any restricting attacks and public complaints against the press. Self-regulation means that the press supervises and disciplines itself, without waiting for interference from outside (the state power, the courts). This is essential from the point of view of increasing the liability of the media which goes with the freedom of expression, openness of society and, most importantly, with the well-informed public.

Factual

Estonia has a liberal policy regarding the print media: no licence, permit or registration is required to set up a newspaper. The same applies for using the services of a printing plant or the distribution of a publication.

Access of national minorities to the media is expressly guaranteed by Estonian legislation. The state may not interfere with the planning of radio or TV programs and may not decide on the content of articles in the press.

The number of Russian-language newspapers has grown considerably over the past eight years.

The Russian - speaking population of Estonia can choose between the following Russian-language newspapers:

- Vechemiye Novosti (daily)
- Estonija (daily)
- Molodjozh Estonii (daily)
- Sevemoje Poberezhje (daily)
- Narvskaja Gazeta (daily)
- Vesti Nedelja-Pljuss (weekly)
- Russikiy Telegraf (weekly)
- Sillamaeskiy Vestnik (weekly)
- Den za Dnjoln (weekly)
- Delovoje Vedomosti (weekly)
- Pjarnuskiy Vestnik (weekly)
- Narvskaja Nedelja- Kreenholm (weekly)
- Infopress (weekly)
- Shahtjor Estonii (monthly)
- Utshitel (monthly)

Publishing of national minority periodicals constitutes a specific area. Every year, based on submitted projects, subsidies are granted directly from the state budget for the publishing of minority periodical publications such as "Raduga", "Tallinn", "Vosgorod" and "Sem".

The breakdown of Estonian and Russian-language print media is as follows:

PRINT MEDIA	1980	1985	1990	1994	1995	1996	1997	1998
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Books and Brochures								
No. of titles	2 120	1 976	1 628	2 291	2 635	2 628	3 317	3 090
In Estonian	1 304	1 253	1 080	1 863	2 254	2 243	2 767	2 558
Periodical publications								
No. of titles	105	103	434	470	501	517	572	578
In Estonian	72	70	334	393	426	440	496	492
Newspapers								
No. of titles	43	49	165	196	146	119	102	109
In Estonian	31	35	110	156	110	86	74	78
Including daily papers	...	...	11	15	19	15	15	16
In Estonian	...	...	...	11	14	11	11	12

Sources: Statistical Office of Estonia

Estonian Radio as a broadcasting organisation in public law transmits programmes also in minority languages. Russian language programmes promote awareness about different ethnic groups, including national minorities (for example programme "*Hobeniit*").

Russian-language radio-station *Raadio 4* broadcasts several programmes in minority languages, such as Armenian, Ukrainian and Byelorussian. See also Article 6.

Non-Estonian speaking television audience can choose between various Russian and Estonian channels broadcasting in the Russian language. According to viewer polls, the preferences are as follows:

Ostankino (Moscow) 40%
RTR (Moscow) 14%
Kanal 2 (Tallinn, private) 9%
ETV (Estonian Television) 5%
TV3 (Tallinn, private) 4%

Estonian Television, which, as mentioned above, is a broadcasting organisation in public law, has a daily Russian news programme and a half-hour magazine programme ("*K svedeniju*", "*Sudbo*", "*Mozaika*" etc.). A daily Russian news programme is also offered by the private TV station TV1. Longer shows and special programmes in minority languages are broadcast regularly on weekends, such as "*Vene Videokanal*" (ETV), "*Pokolenije- 2000*"(ETV), "*Subboteja*"(Kanal 2) and "*Persona*"(Kanal 2).

The share of Russian-language programme services transmitted by radio and television is as follows:

RADIO	1993	1994	1995	1996	1997	1998
No. of broadcasters	16	21	24	22	25	27
Public-law	1	1	1	1	1	1
Private-law	8	17	20	20	23	24
Other	7	3	3	1	1	2
Whole quantity of programmes (hours)	65,619	104,597	125,929	155,439	214,009	234,734
In Estonian	79.6	83.9	85.4	81.4	83.7 %	85.3
In Russian	6.4	11.8	13.5	17.9	15.9 %	13.5

Sources: Statistical Office of Estonia

TELEVISION	1993	1994	1995	1996	1997	1998
No. of broadcasters	8	7	9	7	7	7
Public-law	1	1	1	1	1	1
Private-law	7	6	8	6	6	6
Whole quantity of programmes (hours)	3315	6457	8800	8767	20,640	23,489
In Estonian	71.3	87.9	89.5	93.0	87 %	92.5
In Russian	12.9	7.9	12.0	10.8	6.6 %	5.6

Sources: Statistical Office of Estonia

It has been argued that the consumption of information per inhabitant can be regarded as an indicator of almost the same generalising quality as the gross domestic product per inhabitant. The following shows the consumption of categories of media by Estonians and non-Estonians.

CONSUMPTION OF MEDIA										
Consumption of media in Estonia in 1993-1997										
	Estonians					Non-Estonians				
	1993	1994	1995	1996	1997	1993	1994	1995	1996	1997
No. of people enquired	918	1016	1026	1016	1051	613	579	585	557	516
Average no. of newspapers read*	8.7	7.7	7.3	6.3	6.3	3.9	3.7	4.3	3.8	3.1
Do not read newspapers (%)	-	3	2	2	2	-	15	8	9	13

Average no. of magazines read*	4.7	4.2	4.3	5.1	5.4	0.8	0.8	0.6	0.7	1.0
Do not read magazines (%)	-	28	24	19	16	-	74	79	74	55
Average no. of newspapers subscribed	2.7	2.2	2.0	1.9	1.8	0.5	0.4	0.4	0.3	0.3
Average no. of TV stations watched	3.4	3.8	4.1	3.5	3.8	3.2	3.8	4.5	3.4	4.8
Do not watch TV	-	6	5	4	4	-	10	5	6	5
Average time spent watching TV per day (min.)	183	176	190	214	215	237	218	244	262	261
Average no. of radio stations listened to	2.6	2.6	2.8	3.1	3.2	2.9	3.0	2.6	2.4	2.6
Do not listen to the radio (%)	-	1	2	2	2	-	6	8	10	9
Average time spent on listening to the radio per day (min.)	265	269	282	243	230	174	193	197	162	162*

* both regular and occasional reading.

Source: Baltic Media Facts (BMF). Surveys representative of the population aged between 15-74 years, conducted in October - November of the pertinent year.

The number of Internet users in Estonia has increased in four years by more than ten times. In the autumn of 1998 the percentage of Estonians among Internet users was 79, the percentage of non-Estonians was 21.

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Paragraphs 1 and 2

Constitutional provisions

According to Article 6 of the Estonian Constitution (RT 1992, 26, 349) the official language of Estonia is Estonian.

Pursuant to article 51 of the Constitution everyone has the right to address state agencies, local governments, and their officials in Estonian and to receive responses in Estonian. In localities where at least one-half of the permanent residents belong to a national minority, everyone has the right to also receive responses from state agencies, local governments, and their officials in the language of the national minority.

Article 52 stipulates that the official language of state agencies and local governments shall be Estonian. Section 2 of the same article further establishes that in localities where the language of the majority of the residents is not Estonian, local governments may, to the extent and pursuant to procedure provided by law, use the language of the majority of the permanent residents of the locality as an internal working language. The use of foreign languages, including the languages of national minorities, in state agencies and in court and pre-trial procedure shall be provided by law.

Legislation

Every person belonging to a national minority has the right to use his or her minority language freely and without interference, in private or in public, orally and in writing. The state does not interfere with this right except for the relations with public authorities.

The National Minorities Cultural Autonomy Act (RT I 1993, 71,1001) clearly states that persons belonging to a national minority have the right to preserve their ethnic identity, cultural traditions, language and religious beliefs. Article 4 of the Act provides national minorities with the right to circulate and exchange information in their mother tongue and allows for the use of the minority language in dealings within the limits established by the Language Act (RT I 1995, 23, 334).

The use of foreign languages, including the language of national minorities in state agencies and local governments is prescribed by the Local Government Organisation Act (RT I 1993, 37, 558) and the Language Act.

According to section 41 of the Local Government Organisation Act the working language of local government bodies is Estonian and everyone has the right to address a local government and its officials in Estonian and to receive responses in Estonian. Subsection 2 of the same section further stipulates that the use of foreign languages including languages of national minorities shall be provided for in the Language Act.

Section 8 of the Language Act stipulates that in oral communication with employees of state agencies and local governments, persons who are not proficient in Estonian may, by agreement of the parties, use a foreign language which these public servants and employees know. If no agreement is reached, communication shall take place through an interpreter or translator, and the costs shall be borne by the person who is not proficient in Estonian.

The use of the language of a national minority is dealt with in sections 10 to 15 of the Language Act.

Section 10 of the Act stipulates that, in a local governments where at least half of the permanent residents belong to a national minority, everyone has the right to receive answers from state agencies and corresponding local government and the officials thereof besides Estonian also in the language of the national minority.

Section 11 of the Act addresses the use of the language of national minority as language of public administration, stating that besides Estonian the language of the national minority constituting the majority of the permanent resident of the local government may be used as the internal working language of the local government on the proposal of the corresponding local government council and by a resolution of the Government of the Republic, if Estonian is not the language of the majority of permanent resident in a local government.

Section 12 further stipulates that in local governments where besides Estonian the language of a national minority is the internal working language, all correspondence with state agencies and other local governments shall be in Estonian.

Section 13 establishes that in local governments where besides Estonian the language of a national minority is the internal working language, seals, rubber stamps and letter-heads shall be in Estonian. Subsection 2 of the same section provides for the right to append a translation into the corresponding language of the national minority to invitations, announcements and notices.

Sections 14 and 15 of the Act prescribe the use of the language of a national minority in the cultural autonomy bodies of a national minority.

Section 14 establishes that the cultural autonomy bodies of a national minority may use the language of the national minority as the internal working language.

Section 15 establishes the Estonian language as the language of seals of cultural autonomy bodies, adding that official letterheads, announcements, notices and seals may be appended with a translation into the corresponding language of the national minority.

Practice

To date there have been no requests for the use of the language of a national minority as an internal official language from local government units where persons belonging to a national minority constitute the majority of permanent residents. However, in practice, several local government units, where the majority of the population is of immigrant origin and does not command the Estonian language, have benefited from this provision and are using the Russian language as an internal working language in parallel to the official language. This is the case, for instance, in Narva, Kohtla-Jarve and Sillamae.

Control functions

The inspectors of the Language Inspection are entrusted with the control functions regarding the implementation of the Language Act and linguistic supervising in general. In cases of violation of the provisions of the Language Act the language inspectors are authorised to apply influential

remedies provided for in the Code of Administrative Offences. Language inspectors shall also monitor the observance of the requests to use the foreign languages in professional communication and in forwarding information.

Paragraph 3

Legislation

Article 21 of the Constitution stipulates that everyone who is deprived of his or her liberty shall be informed promptly, in a language and manner which he or she understands, of the reason for the deprivation of liberty and of his or her rights, and shall be given the opportunity to notify those closest to him or her. A person suspected of a criminal offence shall also be promptly given the opportunity to choose and confer with counsel. The right of a person suspected of a criminal offence to notify those closest to him or her of the deprivation of liberty may be restricted only in the cases and pursuant to procedure provided by law to prevent a criminal offence or in the interests of ascertaining the truth in a criminal proceeding. No one shall be held in custody for more than forty-eight hours without the specific authorisation of a court. The decision of the court shall be promptly communicated to the person in custody in a language and manner, which he or she understands.

The language of a criminal proceeding is Estonian. Upon a mutual agreement between the court and the parties the proceedings may be conducted in other language understood by everyone (section 16 subsection 1 of the Criminal Code).

Subsection 2 of section 16 of the Code of Criminal Procedure (RT I 1995, 6-8, 69) establishes furthermore, that parties to the proceedings and other persons involved in criminal proceedings who do not understand the language of the proceeding, are entitled to submit petitions, give statements and testimony, appear in court and submit applications through an interpreter or translator in the person's native language or in a language in which the person is proficient.

In criminal proceedings the assistance of the interpreter is guaranteed at the expense of state (subsection 1 of section 89 of the Code of Criminal Procedure, and section 8 of regulation no. 197 of the Government of the Republic (RT I 1998, 80,1331)).

In administrative proceedings persons are also entitled to free assistance of an interpreter (subsection 3 of section 351 of the Code of Administrative Offences (RT 1992, 29, 396), and section 8 of regulation no. 197 of the Government of the Republic).

Pursuant to subsection 1 of section 7 of the Code of Civil Procedure (RT I 1998, 43/45, 666) the language of civil proceedings is Estonian. With the consent of the court and the participants in a proceeding, the proceeding may be conducted in another language if the court and the participants in the proceeding are proficient in that language. Pursuant to second subsection of the same section a participant in a proceeding and other persons who do not understand the language of the proceedings have the right to submit petitions, give statements and testimony, appear in court and submit applications through an interpreter or translator in the person's native language or in a language in which the person is proficient.

In civil proceedings, as a rule, the interpreters' and translators' fees are paid by one of the parties. Fees are not paid to interpreters or translators who are employees of the court concerned (subsection 1 of section 53 of the Code of Civil Procedure).

Factual

There are 64.5 positions of interpreters or translators in the courts, only 50 of which are presently filled (as of 1 September 1999).

No official statistics concerning the use of other than the official language in the criminal procedure - as allowed by the Code of Criminal procedure - is being gathered. Still, on the basis of information submitted by courts it is possible to state that in the first instance courts of the regions where the majority of inhabitants are non-Estonians, criminal proceedings are usually conducted in the Russian language (e.g. in Narva and Sillamae courts).

Article 11

1. The Parties undertake to recognise that every person belonging to 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.

2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Personal names

In Estonia there are no obstacles for the members of national minorities to use their minority-language names or to give children minority-language names.

The giving, changing and orthography of names in Estonia is regulated by Family Law Act (RT I 1994, 75,1326), Surnames Act (RT 1934, 91, 735) and Language Act (RT 1995, 23, 334).

Pursuant to subsection 1 of section 46 of the Family Law Act a child is given a name by agreement of the parents. The only restriction is that the name should not be contrary to good morals or customs. Pursuant to section 47 of the same Act a child is given the surname of the parents. State has no right to interfere into this.

In Estonia it is allowed to change both the first name and the surname. Subsection 1 of section 140 of the Family Law Act stipulates that the provisions of the Surnames Act, established by decree of the head of State of the Republic of Estonia on 22 October 1934 apply to the change of names. Under subsection 2 of the same section, until enactment of the Names Act the change of name of a person is subject to the approval of the Minister of Internal Affairs. Application for the change of name must be submitted to the local vital statistics office. The restrictions on

changing surnames are stipulated in section 11 of the Surnames Act. Pursuant to the provision a new family name may not be surname of a well-known figure or a family name of a generally known family (clan), or a surname which has bad or vulgar meaning, which sounds bad or is too widely used. Certain restrictions are foreseen for persons of Estonian origin. Namely, an Estonian's new surname may not have a foreign-language form. People of other ethnic origin may freely take a foreign language name. Consequently, persons belonging to national minorities may, if necessary, take back their native language name, if this has been changed for some reason or other.

Pursuant to section 20 of the Language Act the official form of names of Estonian citizens shall be written using Estonian-Latin letters. For the purposes of writing foreign-language personal names in the documents issued by Estonian state agencies and local governments, and registering in databases of state and local governments, the Government of the Republic has established transcription rules (regulation no. 6 of the Government of the Republic (RT I 1998, 31, 427)). Pursuant to these rules foreign names in Latin letters shall be written on the basis of the original document without any changes and with all original additional signs. Russian personal names in Cyrillic alphabet shall be transcribed or transliterated according to an appended table, and if in the original document the name of the person is written in non-Latin letters, concerning which there is no transliteration table, the name shall be transcribed by an expert of names of a confidential agency.

In practice (according to vital statistics department of the Ministry of Internal Affairs) the vital statistics offices register person's foreign-language name, upon request by the person, in the documents issued by those offices, also in non-Latin letters. This is being done in order to avoid misunderstandings caused by transcription and transliteration of names using different letter-tables.

Information of a private nature visible to the public

Estonian legislation does make use of the term "information of a private nature visible to the public". Thus the use of language concerning such information is not regulated.

The Language Act establishes the procedure for the use of language for information purposes, and pursuant to the Act public signs, signposts, announcements, notices and advertisements shall be in Estonian (subsection 1 of section 23). The Act allows for certain exceptions. Thus, in accordance with section 18 of the Language Act the Government of the Republic has issued regulation no. 32, dated 29 January 1996, regulating the use of foreign languages for forwarding information to consumers of goods and services (RT I 1996, 8, 169). Under the regulation, in undertakings providing services and catering and the like, in addition to Estonian language it is allowed to use translations into foreign languages while forwarding public information (signs, signposts, announcements, notices, menus, price-lists, catalogues).

Place names

Issues related to place names have been regulated by the Language Act and by the Place Names Act (RT I 1997,1, 3).

Pursuant to subsection 1 of section 19 of the Language Act and subsection 1 of section 14 of the Place Names Act the place names in Estonia shall be in Estonian. Exceptions to this rule are permitted if they are justified historically.

Subsection 2 of section 14 of the Place Names Act specifies the possible exceptions. Pursuant to the provision exceptions are made taking into account the language of the long-term inhabitants of the place who resided there as of 27 September 1939 (the permissibility of traditional foreign language names is stressed).

The Minister of Internal Affairs, in consultation with the council of place names, shall give his or her approval to use a foreign language place name (subsection 3 of section 14 of the Place Names Act). A place may be given a traditional foreign language name as its main (generic) name or as a parallel name to the Estonian language name.

Upon defining a traditional foreign language name the choice of main name or parallel name is based on the following: if the majority of inhabitants of the location as of 27 September 1939 were traditionally foreign language speaking, the traditional foreign language name shall remain the place name; if not, the name shall be in the Estonian language (subsection 3 of section 16 of the Place Names Act).

If a place has been given a main name and a parallel name, both are to be used in the documents, maps, public signs, signposts and announcements of state agencies and local governments (subsection 4 of section 21 of the Place Names Act).

During the years 1997 - 1998, in accordance with the Place Names Act, the names of all settlements of Estonia have been revised and historical village names have been restored.

In the traditional settlements of the Estonian Swedes, i.e. in the Noarootsi and Vormsi rural municipalities, for historical and cultural reasons the Swedish language forms of village names have officially been established. In the rural municipality of Noarootsi the village names are bilingual: the main name is in Estonian and the parallel name is Swedish. In the rural municipality of Vormsi the majority of village names have officially been registered in the Swedish language. In these rural municipalities the Swedish language village names are to be found on signposts, bus-stop signs, information materials, etc.

Article 12

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

Fostering the knowledge of culture and language of national minorities and of the majority

As regards measures to foster knowledge of the culture, history, language and religion of national minorities as well as the majority, the subject has been dealt also with in the context of article 6.

Pursuant to section 9 of the Basic and Upper Secondary Schools Act (RT I 1993, 63, 892) teaching of the Estonian language beginning in grade 3 is compulsory in such schools and classes where Estonian is not the language of instruction. On 12 October 1999 the *Riigikogu* passed an amendment to the law, pursuant to which from 1 September 2000 teaching of the Estonian language shall be compulsory from the first grade on.

In the academic year of 1997/98 in Russian-medium schools 88% of pupils studied Estonian. Estonian has been introduced as a subject to all Russian-language schools. Also, selected subjects are being taught in Estonian, the most widespread among these in primary schools are physical education, music and arts, and knowledge of Estonian country; in basic schools Estonian geography, history and literature are added to these. In some schools (Tallinn Ehte Humanitarian Gymnasium, Tartu Raadi Gymnasium, etc.) mathematics, economics and cultural history are also taught in Estonian.

On parents' request Estonian language classes have been organised for pupils who do not speak Estonian at home. A number of pupils have continued their studies in Estonian language schools, as the pupils and teachers have been found fit to cope with the task.

Foreign languages, including those of national minorities, are taught pursuant to approved curricula. Schools are entitled to choose foreign languages to be taught in accordance with the national curriculum approved by the Government of the Republic. In many schools selected subjects are being taught in Russian, German, English, Finnish and other languages. In the Noarootsi Upper-Secondary School, which was founded in 1990, the pupils can learn the Swedish language and culture.

The European Union PHARE language teaching programme is aimed at supporting the official language studies of the non-Estonian speaking population of Estonia. About 22 million kroons have been allocated for implementation of programmes supporting the language studies of both, the adults and children.

In 1999 the PHARE programme financed the acquisition of additional Estonian language study materials for the libraries of Russian medium and bilingual schools. The committee for the implementation of the programme consulted the official language teachers and leading teachers, and drew a list of the most needed study aids, to support teaching of Estonian and Estonian culture in non-Estonian medium schools (dictionaries, handbooks, anthologies, etc.).

In co-operation between the Ministry of Education and the Nordic/UNDP project a competition was carried out in Estonian higher education establishments to find ways to arrange for intensive teaching of Estonian. The purpose of intensive teaching is to raise the command of Estonian of the pupils of non-Estonian medium schools to a level enabling them to continue their studies in Estonian. Intensive teaching is also meant to be an additional subject to the obligatory Estonian language teaching prescribed by curricula. The competition contributes to the implementation of regulation no. 28 of the Minister of Education (adopted on 18 May 1999) in the academic year of 1999/2000, enabling the higher education establishments to develop and test study plans and materials necessary for in-depth studies of the Estonian language. The regulation provides for the conditions and procedure for applying for state budget funds to organise in-depth teaching

of Estonian to students who do not command Estonia. Contracts were made with the Faculty of Economics of Tallinn Technical University, Estonian Agricultural University and Estonian Academy of Arts, with Tartu Pedagogical College and Tallinn Pedagogical University.

The Open Estonia Foundation has assisted the implementation of several projects aimed at fostering the dialogue and mutual understanding between different ethnic groups. Several student exchange projects have been implemented (between Saaremaa and Sillamae schools, Tartu and Narva schools, Estonian and Russian schools in Haapsalu).

Language camps and family looming are being organised. In 1999 PHARE and the Nordic/UNDP project supported all together 25 language camps and programmes for family looming all over Estonia with approximately 2000 participants (Summer camp of Sindi Upper-Secondary School for Estonian-Russian groups, language camps of Kaapa and Kaali Basic Schools, etc.).

The Ministry of Education and Tartu University have supported schools in Ida- Virumaa County in teaching pupils Estonian language and culture.

Local governments support the concerts, exhibitions of artists and craftsmen etc. organised by cultural societies of national minorities.

An Ida-Virumaa County newspaper "*Severnoje Poberezhje*" issues a supplementary paper titled "Istoki"(The Sources), wherein the Ida-Virumaa roundtable of national cultural societies has its own page.

In 1998 a collection entitled "Istoki" was published, containing information on the history and culture of minorities residing in Ida-Virumaa. The book is remarkable in the sense that all materials are in pertinent native language, supplemented with translations in Estonian, Russian and English.

The Open Estonia Foundation has helped the Kohtla-Jarve Union of Open Education Centre in Ida-Virumaa to organise a series of course "Know and respect the culture and history of the people of the country you live in".

In-service training of teachers

The in-service training of teachers is regulated by the Education Act (RT I 1992,12, 192), Adult Education Act (RT I 1998, 61, 988), Private Schools Act (RT I 1998, 57, 859) and regulations of the Minister of Education entitled "Procedure for improving professional skills of teachers and instructors" (RTL 1999, 9, 102), "Qualification requirements of teachers" (RTL 1998, 163/164, 615), and "Requirements of and procedure for the evaluation of teachers" (RTL 1999, 9,103).

Pursuant to section 13 of the Adult Education Act the expenses of professional training of teachers shall be covered from state budget. (Professional training is meant for giving and improving vocational or professional knowledge, skills and experience, as well as for re-training either at the place of work or in a training establishment).

In 1998 2 million kroons were allocated from state budget for teaching the official language to and compiling and publishing study materials for adult non-Estonians, 950,000 kroons were

allocated for in-service training in official language teaching, and 3 million kroons for teaching Estonian to teachers of Russian medium schools.

State has also supported the language studies of national minorities' cultural societies (in 1998 by 150,000 kroons).

Department of education and culture of Ida-Viru County government has, for several years, been organising a multilevel seminar "Multiethnic school". Within the framework of the seminar the representatives of county and municipal governments and directors of Sunday schools have been informed of the experience of Finland and Sweden in teaching immigrants.

Since 1999 the Narva College offers in-service training for teachers of history.

In co-ordination with state institutions several projects have been carried out, namely: teachers of Russian medium schools have been involved into seminars titled "Original school" together with teachers of Estonian medium schools and into follow-up projects related to issues of curricula.

The Union of Open Education has, in co-operation with Open Estonia Foundation, organised several seminars for teachers on "Bilingual schools and language immersion".

The training of teachers of civics has been organised by Jaan Tonisson Institute.

Equal opportunities for access to education at all levels

Pursuant to Article 37 of the Constitution (RT 1992, 26, 349) everyone has the right to education. Section 4 of the Education Act establishes that the state and local governments have the obligation to ensure to everyone in Estonia the possibility to attend school and engage in continuous education under conditions and pursuant to procedure provided by legislation. On the territory of Estonia the state and local governments guarantee the possibility to acquire Estonian language education in public education establishments and universities at all levels. Also, teaching of the Estonian language in all non-Estonian-medium education establishments and non-Estonian language study groups has been ensured.

Section 8 of the same Act establishes that school-aged children have the obligation to attend school to the extent provided for by legislation, and free of charge in the general education schools of state and local governments. A child who has attained seven years of age by 1 October of current year, is obliged to attend school. Children of citizens of foreign countries residing in Estonia and stateless children, except the children of the representatives of foreign states, are obliged to attend school. A pupil is a compulsory school attendant until the acquisition of basic education or until he or she attains 17 years of age.

In 1996 the national curriculum for Estonian basic and secondary education (RT I 1996, 65,1201) was passed, Chapter III of which establishes equal opportunities for acquiring education as follows: "in organising teaching and choosing the subjects national, local, age-related, sex-related and individual peculiarities shall be taken into account". National curriculum values Estonian national identity, culture and traditions, as well as aspirations for identity and culture of other ethnic groups living in Estonia.

Article 13

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2. The exercise of this right shall not entail any financial obligation for the Parties.

The establishment and activities of private schools in Estonia is regulated by Private Schools Act (RT I 1998, 57, 859). Pursuant to this a private school is an establishment based on the ownership of a natural person or of a legal person in private law (subsection 1 of section 2). The Private Schools Act does not restrict founding of private schools on the basis of national origin. Thus, on the basis of the Act persons belonging to national minorities have the right to found and operate private schools. The language of instruction in a private school is to be determined by the by-laws of the school (subsection 1 of section 15).

In addition to the aforesaid it has been stipulated in subsection 1 of section 4 of the National Minorities Cultural Autonomy Act (RT I 1993, 71, 1001) that a person belonging to a national minority has the right to found and support national cultural and education establishments and religious congregations.

Private schools by the language of instruction in 1998/99:

	Total	Estonian	Russian	Other
General education schools	28	16	11	1 (English)
Vocational schools	16	11	5	
Applied higher education establishments	13	*	*	*
Universities	6			1 (English)

* No data available

Source: Ministry of Education

Article 14

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Background

In pre-war Estonia the educational policy of the state set bilingualism as an objective for educating children from minority groups. A programme to protect and promote the use of minority languages was introduced guaranteeing native language tuition until graduation from the secondary school. The overwhelming majority of children were educated in their native language. Apart from monolingual schools, there were mixed- language schools, where two or even three languages were used as a language of instruction (Estonian-Russian, Estonian-German, Estonian-Swedish, Latvian-Russian, Jewish-German-Russian schools). In 1938/39, 86.9% of primary school pupils studied in Estonian schools, 6.9% in Russian schools, 0.8% in German schools and 3.5% in Estonian-Russian mixed schools. 84.8% of schoolchildren attended Estonian secondary schools (gymnasiums), 5.8% Russian secondary schools, 8.2% German secondary schools and 0.5% Swedish secondary schools. 0.7% of pupils attended the Hebrew-language school.

To sum up, we can say that in 1918-1940 the educational needs of minority groups were fully taken into account. This guaranteed the preservation of minority languages. At the same time, as a result of carefully planned state programme for the teaching of Estonian implemented and monitored by the Ministry of Education, the graduates of non-Estonian schools were able to speak and write Estonian fluently. Thus, conditions were created for children from minority families to succeed in life and be able to apply their potential in their future careers on an equal basis with the majority population.

The Second World War and the subsequent Soviet occupation resulted in the radical dismantling of Estonian educational system. It was modified to fit the Soviet system of education, designed to serve the communist ideology. Estonian and Russian became the only languages of instruction. The official policy in Estonian language schools aimed at Estonian-Russian bilingualism, a compulsory requirement at graduation, while Russian children were educated in Russian-language schools oriented to monolingualism. An assimilation programme was introduced for children of other minority groups. Their minority language schools were closed down and children had to continue their studies in either Estonian or Russian-language schools. It was not allowed to study one's minority language even as an optional subject.

For the above-mentioned reasons two distinct types of schools developed in Estonia - the Estonian-language school and the Russian-language school, which differed from each other both as regards the language of instruction and the content of education.

After regaining independence in 1991 Estonia was confronted with the difficult task of reforming its educational system to address the needs of an independent democratic state and to create a uniform system of education for everybody regardless of their ethnic origin.

As already mentioned earlier, the right of everyone to education is guaranteed by the Constitution. The principles, general structure and development foundations of the educational system are established by the *Riigikogu*. The Government is competent to adopt national educational programmes and guarantee the implementation thereof; regulate the establishment and closure of public educational institutions; establish tuition fees and student loans; establish the standard of higher education. The Ministry of Education arranges the drafting and implementation of national curricula and standards, issues and revokes activity licenses for legal persons engaged in education.

Local governments are responsible for the development and management of educational programmes within the territories under their administration. Local governments found local municipal educational establishments and ensure the financing thereof.

Legislation

Today, education in Estonia is being regulated by the following legislative acts:

- Education Act, adopted in 1992 (RT 1992,12,192), outlines the basic principles of Estonian educational system.
- Basic and Upper Secondary Schools Act, adopted in 1993 (RT I 1993, 63, 892), determines the legal status and organisation of the operation of the state and municipal basic and upper secondary schools.
- Private Schools Act, adopted in 1998 (RT I 1998, 57, 859), establishes the principles of foundation and the organisation of work of private schools; the new Private School Act was adopted on 3 June 1998.
- Pre-school Child Care Institutions Act, adopted in 1999 (RT I 1999, 27, 387), explains the objectives and arrangement of work of establishments for pre-school children.
- Adult Education Act, adopted in 1998 (RT I 1998, 61, 988), establishes legal guarantees for adults for their life-long education. The Act regulates issues related to achievement education, vocational education, job-related education and open education.

The requirements for basic and secondary education (standards of education) are established by national curricula, on the basis of which each school draws its own curriculum. The latter is the basic document of studies. National curricula determine the objectives of studies, teachers, the relations between national curricula and school curriculum, list of obligatory subjects, their duration and subject programmes; the possibilities and conditions for the choice of subjects, as well as achievement requirements per levels and for graduation. National curriculum is established by the Government of the Republic. It has been approved by regulation no. 228 of the Government, dated 1 September 1996.

According to the legislation in force the language of instruction in public educational institutions in general is Estonian, but it can also be some other language. In the case of municipal schools the decision regarding the language of instruction is made by a local government council and in state schools by the Ministry of Education. The language of a pre-school institution is determined by the local government council.

Policies

At present the major task in reforming the Estonian educational system is the integration of minority language schools into the unified Estonian educational system, under which all schools would follow the Estonian curricula, use Estonian textbooks and provide students with the level of Estonian necessary for coping in the Estonian society. The first steps toward the integration of Russian-language schools into the Estonian educational system have already been taken: Russian schools are step by step adopting the national curriculum, introduced in Estonian schools. The integration of Russian schools into the Estonian system of education means the

replacement of most of the textbooks and other teaching materials. Textbooks published in Estonia are being introduced, yet a number of textbooks still need to be replaced as a considerable part of the textbooks currently in use have been published in Soviet Union. Another major problem to be addressed is the poor knowledge or even lack of knowledge of Estonian of the teachers of Russian-language schools.

To achieve the goals of the reform, in January 1998, the Estonian government approved a policy document entitled "The Development Plan for Russian-medium Schools" outlining plans for the next ten years. The development plan foresees radical changes, including the introduction of bilingual education in schools and determines the duties of the state and the local government to this end. The programme pays special attention to the teaching of Estonian as, according to the Basic and Upper Secondary Schools Act, by the year 2007, all graduates from non-Estonian language basic schools should have sufficient knowledge of Estonian to enable them to continue their studies in the Estonian language.

Supervision

Pursuant to the Constitution the provision of education is supervised by the state. The Pre-school Child Care Institutions Act, the Basic and Upper Secondary Schools Act, as well as the Private Schools Act provide that state supervision over educational activities is carried out pursuant to the procedure established by the Ministry of Education. The procedure for the supervision of the educational activities of pre-school child care institutions, basic schools and upper secondary schools has been established by a regulation of the Ministry of Education.

The system of general education is assessed through state supervision by regular inspections; by external assessment through final examinations of gymnasiums, by national achievement tests, research, analyses, etc. This work is organised and co-ordinated by the Ministry of Education; supervision is carried out by the supervision division of the Ministry of Education and by the departments of education of county governments; administration of state examinations is the duty of the State Examination and Qualification Centre.

Factual

Strictly speaking, minority language education in Estonia means Russian-language education. Apart from Estonian, education throughout the state-run system is not provided in any other language but Russian. There are opportunities, if one should wish, to receive education in Russian from kindergarten to secondary school. Russian- language tuition is also available in vocational schools and universities as well as other higher educational institutions.

Preliminary education

The objective of the preliminary education in pre-school child care institutions is to assist parents in educational process and to prepare children for attending basic school. Local governments have to ensure the possibilities of preliminary education to all children of pertinent age either in pre-school child care institutions or preparatory groups. Both Russian and Estonian languages are used in pre-school child care institutions as the language of instruction.

The number of children attending pre-school child care establishments is decreasing and the proportion of these establishments in relation to total number of children is increasing. The decrease of the number of children attending pre-school child care establishments reflects the

negative trend in fertility rates observed since the end of the 1990s. A new form of pre-school education is being introduced at the request of parent, namely special children's groups have been formed at day-schools for those children who do not attend pre-school child care establishments.

	1995	1996	1997
Number of child care establishments	671	667	670
Number of children in these	58,743	57,020	55,077
Number of children in private child care establishments	122	144	280
Proportion of children attending Estonian medium groups, %	63.9	64.9	66.0

Source: Statistical Office of Estonia

One of the reasons behind the growth of the number of children attending Estonian medium groups is probably the fact that Russian children are often enrolled in Estonian medium groups.

Basic and secondary education

Basic education is the compulsory minimum level of general education. Acquisition of basic education creates preconditions and gives the right to continue studies to acquire secondary education. Basic education is acquired in basic schools, which includes forms I to 9. Secondary education is acquired in upper secondary schools, which includes forms 10 to 12. Secondary education is acquired on the basis of the basic education and gives the right to continue studies to acquire higher education.

In 1998/99, out of the total of 722 schools, 594 were Estonian, 110 Russian and 18 mixed-language schools (the latter including both Estonian- and Russian-language instruction). Out of the total number of schoolchildren (217,577) 29,29% or 63,729 studied in Russian.

Number of day schools of general education by language of instruction

Academic year	total	Estonian	Russian	Mixed
1990/1991	641	506	106	29
1991/1992	666	530	108	28
1992/1993	691	553	108	30
1993/1994	724	581	113	30
1994/1995	741	598	117	26
1995/1996	742	600	116	26
1996/1997	739	602	114	23
1997/1998	730	596	111	23
1998/1999	722	594	110	18

Source: Ministry of Education

Number of pupils in day schools of general education by language of instruction

Academic year	Total	Estonian medium		Russian medium	
	total	total	% of the total number of pupils	total	% of the total number of pupils
1990/91	218,807	138,288	63.20%	80,519	38.80%
1991/92	216,965	137,274	63.27%	79,691	36.73%
1992/93	210,191	137,133	65.24%	73,058	34.76%
1993/94	209,016	138,996	66.50%	70,020	33.50%
1994/95	212,375	142,151	66.93%	70,224	33.07%
1995/96	214,562	145,276	67.71%	69,286	32.29%
1996/97	215,661	148,316	68.77%	67,345	31.23%
1997/98	217,501	151,478	69.64%	66,023	30.36%
1998/99	217,577	153,848	70.71%	63,729	29.29%

Source: Ministry of Education

The majority of Russian-language schools are located in towns, country schools being attended only by 802 Russian children or 1.2% of all Russian schoolchildren. The largest number - 43.75% - of Russian schoolchildren attend schools in Tallinn where they make up nearly a half (47.4%) of all schoolchildren. 35.7% of Russian schoolchildren are concentrated in Ida-Virumaa. In the cities of Ida-Virumaa they form an absolute majority of pupils. For example, Estonians make up only about 1% of schoolchildren in Narva and Sillamae and less than a fifth in Kohtla-Jarve. Many children from other ethnic groups also attend Russian-language schools.

The following table shows the number of pupils in day schools in some major towns according to language of instruction.

Language of instruction	1996/97	%	1997/98	%
Total in Estonia	215,661		217,501	
Estonian	148,316	68.77	151,478	69.64
Russian	67,345	31.23	66,023	30.36
Tallinn	60,397		60,928	
Estonian	30,843	51.07	32,038	52.58
Russian	29,548	48.93	28,890	47.42
Narva	11,180		11,127	
Estonian	243	2.17	252	2.26
Russian	10,937	97.83	10,875	97.74
Sillamae	2,976		2,964	
Estonian	69	2.32	74	2.50
Russian	2,907	98.68	2,890	97.50
Kohtla-Jarve	7,653		7,575	

Estonian	1,077	14.07	1,094	14.42
Russian	6,576	85.93	6,481	85.58
Tartu	16,020		16,388	
Estonian	12,613	78.84	13,144	80.21
Russian	3,390	21.16	3,244	19.79
Parnu	8,187		8,373	
Estonian	6,421	78.43	6,644	79.35
Russian	1,766	21.57	1,729	20,65

Source: Ministry of Education

At vocational secondary schools, one third of the students studies in Russian.

The Jewish Gymnasium was opened in Tallinn in 1990 and announced to be the legal successor of the Jewish Gymnasium closed by the Soviet authorities in 1940. The language of instruction there is Russian, Hebrew is taught as a subject.

In 1992 a class in the Ukrainian language started work at Tallinn Secondary School No.48 (presently Tallinn Lasnamae Russian Gymnasium). However, after six years of operation it ceased to exist due to the lack of interest on the part of Ukrainian parents.

Higher education

Higher educational establishments have been categorised into four groups: universities, public and private applied higher education institutions in public and private law, and vocational institutions.

In 1998 in Estonia there were 6 public-law universities, 4 private universities, 8 state applied higher education institutions, 14 applied private higher education institutions and 4 state vocational schools, the curricula of which enable the acquisition of higher education. The total number of students on 1 September 1998 was 40,621. 11 per cent of the students studied in Russian language.

An overview of the possibilities to acquire higher education in Russian is presented in Appendix.

5. In addition to the information contained therein, it is important to note that this autumn the Tartu University opened a college in Narva whose main task is to prepare teachers for Russian-language schools. The college also provides in-service teacher training.

Sunday schools and other schools

The cultural societies of different ethnic groups, including national minorities, have organised Sunday schools and language courses for teaching their mother tongue, culture and history. The following ethnic groups operate their Sunday schools in Estonia: the Azerbaijanis, the Latvians, the Jews (in Tallinn, Tartu, Kohtla-Jarve, Narva), the Poles (in Tallinn, Narva, Kohtla-Jarve and Tartu), and the Tartars. These schools teach the respective native language, culture, literature, history, geography and music. Some Sunday schools are confessional. The majority of such

schools are free of charge. Language schools and courses also deserve to be mentioned: language courses of the Romania-Moldova Cultural Society, language courses of the Uzbek Cultural Society, and the Swedish language school of the Cultural Society of the Virumaa Swedes.

Resources originate from specific allocations, partly from the state budget, partly from local budgets, as well as from membership fees and donations from enterprises, organisations and private persons. Financial resources are also obtained through the embassies of mother countries and through the Association of Estonia's Peoples.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

The National Minorities Cultural Autonomy Act (RT I 1993, 71,1001) grants national minorities the right to form institutions of cultural self-governments enabling them to decide matters concerning their cultural needs and to exercise their cultural rights as guaranteed to them by the Constitution. *Ingerisoomlaste Liit* (The Union of Ingrian Finns) and *Slaavi Haridus- ja Heategevusühingute Liit* (The Union of Slavic Education and Charity Societies) have filed applications to start the necessary procedure and are currently drawing up their national registers.

The Fundamentals of the Estonian Cultural Policy, adopted by the *Riigikogu* on 16 September 1998 (RT I 1998, 81, 1353) establish that all members of the society, irrespective of their place of residence, gender and ethnic origin, have equal rights to participate in the cultural life. The state encourages cultural activities of the ethnic minorities and their cultural contacts with their ethnic homelands. The basic aims of Estonian cultural policy are to ensure the preservation of Estonian cultural traditions, to support the cultural autonomy of ethnic minorities and to maintain the vitality in all spheres of folk culture.

Cultural Council of National Minorities, which has been set up at the Ministry of Culture is responsible for addressing the cultural needs of national minorities and formulating proposals therein.

An important tool in creating conditions for participation of national minorities in public life, in particular those affecting them, is the Presidential Roundtable on National Minorities, founded in 1993. It is a standing conference operating under the auspices of the President of the Republic, the function of which is to discuss matters of political and public life, including ethnic, economic and social-political issues. The Roundtable operates pursuant to the Statute of the Presidential Roundtable on National Minorities (adopted on 11 February 1998, in Tallinn, at the Roundtable meeting), the preamble of which establishes: "Proceeding from the spirit of the Constitution of the Republic of Estonia; relying on the will of the Republic of Estonia to ensure respect for human rights in accordance with international treaties and conventions; endeavouring to promote stability, dialogue and mutual understanding between the different ethnic groups residing in Estonia, the President of the Republic of Estonia, on 10 July 1993 resolved to convoke a ROUNDTABLE - a standing conference of representatives of national minorities and stateless persons residing in Estonia and of political parties." The objectives of the activities of

the Roundtable are established in Section 7 of the Statute as follows: "The objective of the Roundtable is to work out recommendations and proposals concerning: 1) the formation of a stable and democratic society in Estonia, as well as the integration into Estonian society of all people who have linked their lives to Estonia or wish to do so; 2) the resolution of the socio-economic, cultural and legal problems of aliens and stateless persons permanently residing in Estonia as well as of national minorities; 3) support for persons seeking Estonian citizenship; 4) the resolution of questions related to the learning and use of the Estonian language; 5) the preservation of the cultural and ethnic identity of ethnic minorities residing in Estonia.

Reference should also be made to the Minister Responsible for Population Affairs who is entrusted with the task of implementing and supervising policies regarding national minorities. A counsellor directly in charge of questions relating to persons belonging to national minorities has been appointed by the Minister. Among others his tasks include establishing contacts with the representatives of national minorities and other ethnic groups and acting as a mediator between them and the relevant state authorities.

Article 16

The parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

In Estonia no measures have been taken which would alter the proportions of population in certain areas.

The alteration of boundaries of local governments is regulated by the Territory of Estonia Administrative Division Act (RT I 1995, 29, 356) and Local Government Organisation Act (RT I 1993, 37, 558).

Pursuant to subsection 2 of section 7 of the Territory of Estonia Administrative Division Act the boundaries of an administrative unit are altered in the following cases:

1. Alteration of administrative-territorial organisation;
2. Assignment of a part of the territory of one administrative unit to another administrative unit;
3. Alteration of the boundaries of the administrative unit according to land readjustment, building and planning needs.

The Government of the Republic or the councils concerned may initiate the alteration of the administrative-territorial organisation and boundaries of rural municipalities and cities, and changes to the names of rural municipalities and cities (subsection 3 of section 7).

Alteration of the administrative-territorial organisation of counties is decided by the *Riigikogu*, alteration of the administrative-territorial organisation of rural municipalities and cities is decided by the Government of the Republic. The Government is also competent to alter the boundaries and names of administrative units (section 7).

Irrespective of whether the alteration of administrative-territorial organisation or alteration of boundaries is initiated by the Government of the Republic or the interested local council, the Act establishes that the opinion of the residents of the rural municipality or city has to be determined (subsection 2 of section 8; subsection 3 of section 9).

As of November 11999 the boundaries of local government units have been altered in three cases, and there have been six mergers. All alterations were initiated by pertinent local councils. These alterations have not affected territories inhabited by persons belonging to national minorities.

Article 17

1. *The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.*

2. *The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.*

In Estonia no legislative or other obstacles are imposed on persons belonging to national minorities in establishing and maintaining contacts across frontiers with persons lawfully staying in other countries.

As a result of mutual agreement between Estonian and Russian Boarder-guards a simplified procedure for crossing frontiers is applied during the religious holidays (120 days a year) of the Setu people.

Local as well as foreign NGO-s have initiated and implemented projects to foster cross-border co-operation in the north-eastern and south-western border areas of Estonia. For example, the Centre for Trans-boundary Co-operation in co-operation with their Danish partners are currently carrying out a project "Community Development and Cross-Border Co-operation in the Estonian/Russian Border Area" in which Estonian, Russian and Danish communities are participating (see Appendix 6).

Several cultural societies of national minorities in Estonia have contacts with respective international umbrella organisations or similar cultural societies in other countries.

For instance, the Society of Poles in Estonia "Polonja" co-operates with Polish societies and associations in United Kingdom, Canada, Sweden and Russia. On international level it has close contacts with organisations "Wspolnota Polska" and "Europejska Rada Wspolnot Polonijnych".

The Union of Ingrian Finns co-operates with similar organisations in Sweden, Russia, particularly in Karelia.

The Jewish Community in Estonia is a collective member in European Council of Jewish Communities, World Jewish Congress and American Jewish Committee. The Estonian Lithuanian Community co-operates actively with the World Association of Lithuanians.

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