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**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Estonia.**

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## APPENDIX

ECRI wishes to point out that the analysis contained in its second report on Estonia, is dated 22 June 2001, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Estonia to engage in a process of confidential dialogue with ECRI on its draft text on Estonia and a number of her comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Estonian governmental authorities expressly requested that the following observations on their part be reproduced as an appendix to ECRI's report.

### **OBSERVATIONS PROVIDED BY THE AUTHORITIES OF ESTONIA CONCERNING ECRI'S REPORT ON ESTONIA**

*“The Government of Estonia welcomes the dialogue with ECRI which along with the visit to Estonia has greatly contributed to the understanding of the current situation and developments in the field of combating racism and promoting non-discrimination in Estonia. The authorities also appreciate the positive spirit in which the Committee considered the comments and proposals submitted by the Government to the draft ECRI report, while noting that this has not been adequately reflected in the conclusions contained in the Executive Summary. Hence, the Government will concentrate mainly on the points of concern raised in the Executive Summary, as well as provide additional information about recent developments in the areas covered by the report.*”

#### **Russian-speaking population and non-citizens:**

*Political participation: On 21 of November 2001 the Parliament (Riigikogu) decided to amend the Parliament Election Act and the Local Government Council Election Act abolishing the language requirements imposed upon citizens who stand for local and parliamentary elections, thus bringing the laws in conformity with international norms and standards, in particular with article 25 of the UN International Covenant on Civil and Political Rights. The Secretary General of the Council of Europe, the Presidency of the European Union and the High Commissioner for National Minorities of the OSCE have welcomed the abolition of the language requirements in the election laws. The amendments will have a positive impact on the integration process in Estonia granting equal opportunities to participate in political life to all citizens regardless of their knowledge of the official language.*

*Integration of minorities: Taking into consideration the positive developments over the past years and the goals of the state integration programme\* the Government wishes to non-citizens note that the expressions used by ECRI in describing the situation of non-citizens as for example in point 59 are not in conformity with the principles of integration, the aspirations of and practical steps taken by the Government.*

*The Government would have expected that more emphasis be laid on the positive impact of the State Integration Programme for the processes in Estonia. The report pays little attention to the possibilities and programmes created to facilitate the process of integration. For example the criticised language teaching and teacher training has been and will continue to be one of the main priorities of the integration programme. The state programme containing the Government priorities in this field, the Action Plans for the years 2000 - 2003 and the Government Report on the Implementation of the State Programme in 2000 are all available on the internet in Estonian, English and Russian (<http://www.riik.ee/saks/ikomisjon/>).*

### **Latest legislative steps in the field of combating racism and discrimination:**

*Although ECRI notes that new Penal Code was adopted, the Government would like to provide more information on the new provisions of the Penal Code. Chapter 10 of the Penal Code contains the following entities:*

*- Article 151: Indictment of social hatred*

*For the activities inciting public hatred or violence in connection of ethnicity, race, colour, sex, language, origin, and religion, political or other opinion, property or social status, with the punishment in the means of a fine or imprisonment up to 3 years.*

*- Article 152: Violation of equality of rights*

*For unlawful restriction of individual's rights or for establishing unlawful individual preferences depending on individual's ethnicity, race, colour, sex, language, origin, religion, political or other opinion, property or social status, with the punishment in the means of a fine or imprisonment up to one year.*

*- Article 153: Discrimination on the ground of heredity risks*

*For unlawful restriction of individual's rights or for establishing unlawful individual preferences depending on individual's heredity risks, with the punishment in the means of a fine or imprisonment up to one year.*

*Also, the Government would like to inform the Committee about the new important legislative initiatives:*

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*\* Estonia has followed a consistent inclusive policy to integrate non-Estonians into the Estonian society. The cornerstone of Estonia's integration policy is the State 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.*

*The Ministry of Justice has elaborated the draft **Equality Act**, which promotes and protects equality and prevents discrimination on the grounds of gender, race, ethnicity, age, disability, sexual orientation, religion or political opinion. The aim of the law is to ensure the equal opportunities in professional, educational and other spheres as defined in law. The Act foresees the establishment of a committee which would analyse and monitor the implementation of the principles of equality.*

*The draft law amending the **Aliens Act** and the **Refugees Act** is under discussion in the Parliament. The law was elaborated in the framework of Phare horizontal programme on asylum.”*