

APPENDIX

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

ECRI wishes to point out that the analysis contained in its third report on Estonia, is dated 24 June 2005, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, ECRI's draft report on Estonia was subject to a confidential dialogue with the Estonian authorities. A number of their comments were taken into account by ECRI, and integrated into the report.

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

“COMMENTS BY THE GOVERNMENT OF ESTONIA ON ECRI’S THIRD REPORT

The Government of Estonia welcomes the continued dialogue with ECRI and uses hereby the possibility to submit their comments as concerns some paragraphs of the ECRI’s third report where in the Governments opinion there is a further need for clarifications or additional information. In order to better reflect the current situation and developments in the field of combating racism and promoting tolerance and non-discrimination in Estonia the following remarks relating to individual paragraphs of the Report are made.

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ECRI has stated that there are currently only 4 minority groups that can benefit from the National Minorities Cultural Autonomy Act.

The Government would like to explain that according to the National Minorities Cultural Autonomy Act, cultural self-governments can be formed by persons of German, Russian, Swedish and Jewish national minorities (irrespective of the number of persons in the minority group) and also persons of other national minorities whose number exceeds 3000.

Therefore, in addition to the above four minorities, also Ukrainian, Belorussian, and Ingrian-Finnish national minorities have more than 3000 persons according to the data of the 2000 census, which makes a total of at least seven of such national minorities.

In 2004 the first national minority group - the Ingrian Finns - established a cultural autonomy. The example of the cultural autonomy of Ingrian Finns will give the best picture of the shortcomings of the law and, on this basis, proposals for amending the law will be made.

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ECRI has stated that border guards have been given practically unfettered rights in rejecting the applications of asylum seekers and denying them entry on the border and that therefore there is no overview of the actual number of people who have wanted to seek asylum in Estonia.

The Government would like to make a following comment: the Refugees Act clearly lists the actions and measures that the border guard authorities are allowed to carry out.

Persons who have submitted an asylum application at the border will not be allowed to enter the country and will be returned from the border only if the circumstances listed in the Refugees Act have been ascertained. The border guard authorities always have a possibility to involve the Citizenship and Migration Board in performing the initial actions. Moreover, the approval of the Citizenship and Migration Board is always required if the border guard wishes to reject the asylum application.

As the border guard authority must immediately inform the Citizenship and Migration Board when an asylum application has been submitted, all asylum applications submitted on the border are also reflected in the statistics.

The processing of asylum applications submitted both on the border and inside the country is in compliance with the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol as well as other relevant international standards.

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As concerns the ECRI's statement about the limited power of the administrative court when reviewing the rejected asylum applications the Government would like to offer a clarification in this regard.

A person whose asylum application was rejected can file an appeal to the administrative court against the decision of the relevant government agency. The administrative court can either completely or partly quash the decision of the government agency and require the agency to reconsider the matter and make a new decision. The person has the right of appeal against the administrative court's decision to the district court and against the district court's decision to the Supreme Court.

According to the Refugees Act a precept to leave Estonia issued on the basis of the decision to refuse the issuing of a residence permit is not subject to compulsory execution before the entry into force of the corresponding judicial decision. Therefore, contrary to the opinion of ECRI, an appeal against the refusal of an asylum application has a suspensive effect and this has been the constant practice of the Estonian authorities not to expel persons whose asylum applications have been rejected but who have appealed against the decision.

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ECRI was concerned about the high level of unemployment of Estonian Russian-speaking minority.

Hereby the Government would like to provide recent information about the developments in the field of employment demonstrating the improvements also in regard to better involvement of the Russian-speaking minority into the Estonian labour market. It is hereby clarified that the term Russian-speaking minority refers not only to ethnic Russians, but also to other persons with Russian as their mother tongue, such as many ethnic Ukrainians and Belorussians.

A public opinion survey¹ was carried out from 20 January to 1 February 2005 to assess the progress in integration process. As a main positive development the changes in the socioeconomic integration were reported.

Arising from the earlier labor market situation, the share of Estonian Russian-speaking minority in the industry and workers' positions remains higher compared to Estonians. At the same a new trend has developed: young persons belonging to Russian-speaking minority are occupying specialists' positions and take up jobs as skilled workers instead of the earlier unskilled and support workers. The share of skilled workers younger than 30 is larger than in the older age groups of Russian-speaking minority (skilled workers account for 42% of occupied persons younger than 30, 39% of persons in the 30-50 age group, and 36% of the oldest age group). Compared to Estonians of the same age, there are fewer persons belonging to Russian-speaking minority on customer attending positions (17% against 23%), and for the first time in this survey, the share of young people belonging to Russian-speaking minority occupied as specialists is close to the respective share of Estonians (19% against 21% of Estonians).

According to all indicators of economic status, the status of both Estonians and Russian-speaking minority has improved as regards subsistence, income and economic situation assessments. The largest shift has occurred in the subsistence level. While 8% of Estonians and 11% of Russian-speaking minority were in grave poverty in the year 2000, and the respective figure was 9% for both categories in 2002, the figures for 2005 were already 5% and 4%. The relative share of those who have no possibility to save and lack money for clothing has also decreased: from 57% and 63% among Estonians and Russian-speaking minority, respectively, in 2000, to about 40% in both groups today, while grave poverty mainly characterizes the unemployed.

¹ 2005 Integration Monitoring Report, Institute of International and Social Studies at Tallinn University (http://www.meis.ee/pictures/terve_aruanne.pdf, in Estonian only).

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ECRI has noted that the issue of stateless people continues to pose a great problem in the country.

The Government cannot agree with ECRI's assessment of the situation in Estonia. The dramatic decrease in the numbers of the persons with undetermined citizenship from 494 000 in 1992 and 174 000 in 2001 when the second ECRI report was presented to 134 000 in October 2005 demonstrate the huge improvement in last ten years.

Moreover, the authorities have never questioned the right of persons with undetermined citizenship to apply for citizenship in accordance with the provisions of the Citizenship Act. The naturalisation process has been simplified repeatedly, specifically keeping in mind the large number of persons with undetermined citizenship in Estonia. The number of persons with undetermined citizenship is decreasing steadily while the number of persons obtaining Estonian citizenship by naturalisation is increasing. The encouragement of persons with undetermined citizenship to apply Estonian citizenship has been the constant policy of the Estonian authorities especially since the adoption of the state integration programme which foresees special measures for this.

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ECRI has been concerned that the Government has not created a clear policy for the integration of Russian-speaking minorities in Estonian society.

The Government would like to assure ECRI that, on the contrary, the State Programme "Integration in Estonian Society 2000-2007" as a long-term Government policy (Steering Committee of the Programme has also initiated programming for 2008-2013), constitutes exactly the programme that ECRI has recommended. The programme covers all different aspects of integration in Estonian society, including the situation and needs of minorities, inter alia with regard to employment, education, maintenance of own culture and other aspects."