

# Minority Protection in Estonia

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# Minority Protection in Estonia

## I. Executive Summary

In recent years, the Estonian government has responded to constructive pressure from the EU and other international bodies by adopting measures to integrate the Russian-speaking minority.<sup>1</sup> Notwithstanding much progress to date, the legacy of restricted access to citizenship continues to limit the rights and opportunities of many Russian speakers.

Estonian public officials have largely abandoned the ethnocentric tone that dominated public discourse in the early nineties. Amendments to laws on education, language and the status of aliens, have earned the praise of the OSCE and the European Commission. Secondary level Russian language education will not be entirely discontinued as originally planned. Restrictive language requirements in employment must now demonstrate the “justified public interest” underpinning their imposition. And the discriminatory “immigration quota” which has severely limited applications for residence permits has been found partly unconstitutional by the Supreme Court. The Citizenship and Migration Board has been strengthened to deal more effectively with a lengthy backlog of applications, and an ombudsman branch office has been opened in the largely Russian-speaking region of Ida-Virumaa. Finally, a government “Integration Programme” has been launched and provided with funding in some areas, to plaudits from the European Commission and others.

There is thus little doubt that the process of accession to the EU has been, and can continue to be, a force for improvement of the situation of Estonia’s minorities. Many recent legal amendments, such as those facilitating citizenship for stateless children and the disabled, arose in response to Commission observations.<sup>2</sup> Through its Regular Reports, the Commission has registered concern that Estonia’s legal provisions regulating citizenship and language can operate to favour ethnic Estonians. The Commission remains critical of the electoral laws, cautious about the language laws and insistent that the government show commitment to the Integration Programme.

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<sup>1</sup> Depending on the context and/or the source of information, the terms “Russian-speaking minority”, “ethnic Russians”, and “ethnic minorities” are used variously in this report to refer to the large number of non-ethnic Estonians resident in Estonia, most of whom speak Russian as their first language.

<sup>2</sup> European Commission, *1999 Regular Report on Estonia’s Progress Towards Accession*, 1999, pp. 11–12.

Nevertheless, the efforts of the Commission and the broader international community to date have proven insufficient to secure full minority rights in practice for Estonia's large Russian-speaking population. There has been little criticism of the ban on the use of minority languages on public signs, even in areas predominantly inhabited by ethnic Russians, although the measure clearly contravenes international standards and causes immense difficulty for residents with poor Estonian language skills, particularly the elderly. The Commission's primary concern with regard to minority policy, that Estonia should "pursue integration of non-citizens in particular by extending [Estonian] language training programmes for non-Estonian speakers,"<sup>3</sup> appears, from the perspective of minority rights, modest.

A majority of Russian speakers remain without citizenship, and Estonia has restricted numerous entitlements and protective mechanisms to citizens only, including the provisions of the Framework Convention for the Protection of National Minorities. The most recent amendments to the Law on Language establish restrictions on non-Estonian speakers in the sphere of private employment. The scaling back of Russian language education, to begin in 2007, remains distinctly threatening to Russian speakers. Amendments of June 2001 to laws governing deportation appear to exert increased pressure on the 30,000–80,000 "illegal aliens" – mostly Russian speakers who are not in a position to regularise their status – to leave the country or pay prohibitive fines. No significant reduction in the numbers of non-citizens is expected in the near future. And the integration programme, for all the international support behind it, does not correspond entirely with the primary concerns of Estonia's minorities.

Meanwhile a dispensation allowing certain non-citizens to vote in local elections, while welcome, does not address the continuing discriminatory language requirements prohibiting candidates from standing if they cannot demonstrate a sufficient grasp of Estonian. In short, aspects of Estonia's legislative framework continue to discriminate against Russian speakers.

"Integration" is the guiding principle behind Estonian state policy towards minorities today. The Integration Programme regards the teaching of Estonian – both in schools and to adults – as a priority activity. To date the two of its four sub-programmes dealing with Estonian language teaching have received considerably more attention, planning and financing.<sup>4</sup> An EEK 49.1 million (c. € 3.14m.) Phare programme designed

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<sup>3</sup> European Commission, *1999 Accession Partnership*, pp. 4, 7, <[http://europa.eu.int/comm/enlargement/dwn/ap\\_02\\_00/en/ap\\_est\\_99.pdf](http://europa.eu.int/comm/enlargement/dwn/ap_02_00/en/ap_est_99.pdf)> (accessed 2 August 2001).

<sup>4</sup> Implementation of State Programme "Integration in Estonian society 2000–2007" in 2000, Report of the Government of Estonia, May 2001. p. 99, (hereafter "Government Integration Report 2001").

to support the Integration Programme likewise focuses specifically on Estonian language education.<sup>5</sup> Other sub-programmes, devoted to “social competence” and “the education and culture of ethnic minorities”, have received less attention.

While clearly of importance, teaching of the titular language cannot by itself ensure respect for and protection of Estonia’s Russian speaking minorities, and, in certain circumstances, may even disguise measures that in practice restrict minority rights.<sup>6</sup>

Other areas that could be usefully addressed include the creation of a functional legal framework for protection from racial and ethnic discrimination – currently lacking in Estonia. All efforts should be made to regularise the legal status of Estonia’s thousands of non-citizens. And the rights of Estonia’s Russian speakers, *inter alia*, to preserve their language and culture must be safeguarded as the process of integration goes forward. Creating meaningful opportunities for the participation of minority organisations and representatives in the design and implementation of government programmes would provide an important signal that Estonia’s minorities are not merely the objects of integration, but partners in a shared societal project.

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<sup>5</sup> *European Union Phare Estonian Language Training Programme*, <[http://www.meis.ee/eng/Phare/programme\\_information.htm](http://www.meis.ee/eng/Phare/programme_information.htm)> (accessed 24 July 2001): “Programme activities support the objectives of the State Integration Programme”.

<sup>6</sup> For example, the Minister of Education explained on 15 May 2001 that stringent linguistic regulations in private sector employment, which many Russian-speakers allege unduly impairs their access to the labour market, would encourage non-Estonians to learn Estonian. RFE/RL Newline, “Estonia Establishes Language Requirements for Private Sector Employees”, 16 May 2001.

## II. Background

The emphasis on integration in state policy and in the Commission's reports underlines the relatively high degree of separation between ethnic communities in Estonia – what one Estonian sociologist has termed “two societies in one country.”<sup>7</sup> Over the past decade, this ethnic division has been closely related to, and intertwined with, the question of citizenship. The government's approach to access by non-citizens to, on the one hand, citizenship and, on the other, legal status short of citizenship, including permanent and temporary residence, has profoundly shaped minority protection policy.

### *Access to Citizenship*

Legal partition of the population originated with the post-independence restitution of the 1938 Law on Citizenship,<sup>8</sup> in order to guarantee “the continuity of the Republic of Estonia as a subject of international law.”<sup>9</sup> The move immediately disenfranchised the majority of the Russian-speaking minority.<sup>10</sup> In the words of one Estonian scholar, “it was a desire to obtain or at least to approximate ethnic purity, [...] not consideration of legal consistency, that led to such an approach towards the citizenship question in Estonia.”<sup>11</sup>

A decade on, Estonian society remains divided along lines of ethnicity and legal status. As of 1 January 2000, ethnic non-Estonians comprised just over a third of the total Estonian population of 1.3–1.4 million.<sup>12</sup> A full 28 percent of Estonian inhabitants are ethnic Russians.<sup>13</sup> An estimated 21 percent of the Estonian population still lack

<sup>7</sup> M. Heidmets, “Options for Estonia in 1998”, in M. Heidmets (ed.), *Vene Kõsimumus ja Eesti Valikud*. (“Russian Minority and Challenges for Estonia.”) Tallinn, Tallinna Pedagoogikauilukool, 1998, p. 288.

<sup>8</sup> *Riigi Teataja* (RT) 1992, 7, 109. (*Riigi teataja* is the official state journal.)

<sup>9</sup> See “Resolution on National Independence”, adopted on 20 August 1991, at preamble, RT 1991, 25, 312.

<sup>10</sup> A comparison of voting polls in two referendums, before and after independence, illustrates the effects. The independence referendum of March 1991 registered 1,144,309 voters. The constitutional referendum of 1992, shortly after adoption of the Law on Citizenship, reported only 689,319 voters, about 60% of the 1991 figure. Thus, 454,990 adults in Estonia had been disenfranchised. A. Semjonov, *Estonia: Nation Building and Integration. Political and Legal Aspects*, COPRI Working papers No. 8, 2000, p. 15.

<sup>11</sup> R. Müllerson, *International Law, Rights and Politics, Developments in Eastern Europe and the CIS*, London, 1994, pp. 147–148.

<sup>12</sup> Preliminary results of the 2000 census, put the population at 1,369,279 residents. Updated 2001 data based on the 1989 census shows the larger figure of 1,436,633. Statistical Office of Estonia, <[http://www.stat.vil.ee/pks/rhvi/rhv\\_loendus/index.html](http://www.stat.vil.ee/pks/rhvi/rhv_loendus/index.html)> (accessed 17 July 2001).

<sup>13</sup> See the Statistical Office of Estonia, <<http://www.stat.vil.ee/pks/rahvusi/index.html>>, (accessed 17 July 2001).

citizenship,<sup>14</sup> of whom Russian-speaking minorities comprise the great majority. Today roughly 275,000 individuals, including an estimated 62 percent of the minority population, are without Estonian citizenship. Some of these persons are citizens of another country, while some 175,000 (including 43 percent of Estonia's minorities) are stateless.<sup>15</sup>

Estonian laws rarely refer directly to ethnicity (although certain laws distinguish between "Estonian citizens" and "Estonians"). Nevertheless, numerous restrictions on the basis of citizenship and language have the cumulative effect of depriving Russian-speaking minorities of equal treatment under Estonian law.<sup>16</sup> In the words of the Council of Europe's European Commission against Racism and Intolerance (ECRI), "many of the current problems faced by Estonia as regards minority groups are connected in one way or another to the citizenship issue."<sup>17</sup>

*Table 1*  
**Ethnic Composition of Residents and Citizens of Estonia [%]**

	Residents (2000)	Citizens (1999)
Estonians	65.27	81
Russians	28.07	14
Ukrainians	2.53	1
Others	4.13	4

SOURCES: *Statistical Office of Estonia; Citizenship and Migration Board*<sup>18</sup>

<sup>14</sup> Government Integration Report 2001, p. 65.

<sup>15</sup> Calculations of the Estonian NGO, Legal Information Centre for Human Rights (LICHR), on the basis of data provided by the Estonian Citizenship and Migration Board. See also UNDP, *Estonian Human Development Report, 1999*, section 2.3, online at: <<http://www.undp.ee/nhdr99/en/2.3.html>> (accessed 17 July 2001). (Hereafter "UNDP 1999"). Government Integration Report 2001, p. 65. Former Soviet citizens without citizenship in Estonia are officially referred to as "persons with undetermined citizenship." In this report, "stateless" refers to all persons without citizenship.

<sup>16</sup> See E. A. Andersen, *An Ethnic Perspective on Economic Reform. The case of Estonia*. Aldershot/Brookfield: Ashgate, 1999.

<sup>17</sup> Council of Europe, European Commission against Racism and Intolerance, *Country by Country Approach: First Round Report on Estonia*, November 1998.

<sup>18</sup> Communication from the Citizenship and Migration Board of 22.04.1999, No. 10-4/4277.

A new Law on Citizenship, which entered into force in 1995, required aspirant citizens to demonstrate knowledge of the Constitution and of the Law on Citizenship itself, in addition to existing requirements of residency and proficiency in Estonian.<sup>19</sup> This appears to have contributed to an immediate slowdown in the pace of naturalisation, from 22,773 in 1995–96 to 8,124 in 1996–97.<sup>20</sup> Altogether, in the period 1992–2000, about 114,000 persons have been naturalised.<sup>21</sup>

The slow pace does not appear to result from reticence on the part of non-citizens to regularise their status. According to a 1996 survey, a mere seven percent of stateless persons (and 30 percent of those with Russian citizenship) expressed disinterest in applying.<sup>22</sup> However, doubts among non-citizens about their Estonian language skills are an impeding factor.<sup>23</sup> According to surveys, “50–70 percent of stateless adults are not, in their opinion, able to fulfil the language requirements.”<sup>24</sup> The UNDP notes that current naturalisation patterns “exclude a substantial reduction of statelessness in the coming 15–20 years.”<sup>25</sup> Despite this, the current government has stated that citizenship and migration policy is to remain unchanged for the foreseeable future.<sup>26</sup>

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<sup>19</sup> Requirements are set out in the Law on Citizenship, and in various decrees. Since 2000, the language exam is equivalent to a professional language exam (relevant decree published RT I 2000, 54, 657). Persons born before 1 January 1930 are exempted from the written language exam (Art. 34); those educated (to any level) in the Estonian language are entirely exempted (Art. 8.5), as are, since June 2000, some disabled persons (amendment published RT I 2000, 51, 323).

<sup>20</sup> UNDP 1999, Section 2.3, Figure 2.5.

<sup>21</sup> This figure includes 3,425 person naturalised during the year 2000. Of these, 1,297 naturalised by passing the required exams. Baltic News Service information of 27 December 2000.

<sup>22</sup> International Organisation for Migration, *Estonia's Non-Citizens: A Survey of Attitudes to Migration and Integration*, 1997.

<sup>23</sup> UNDP 1999, Section 2.3: “The citizenship policy chosen in Estonia would have presumed the existence of a massive language learning program, and its financing. Since such a massive language instruction program did not have state support, there has been silent agreement that the official language requirement will in itself restrict the growth in the citizen body.”

<sup>24</sup> UNDP 1999, Section 2.3. See also, “About Non-Estonians integration into the Estonian society, Materials of Sociological Studies”, Tartu Ulikooli Turu-uurimisruhm, Tallinn, 1997, according to which only 14 percent of Russian citizens and 30 percent of stateless persons judged themselves able to pass the citizenship test.

<sup>25</sup> UNDP 1999, Section 2.3.

<sup>26</sup> Coalition Agreement of the Reform Party, Pro Patria Union and Moderates, 17 March 1999: “The government will not change the current laws on citizenship and non-citizens”. (Hereafter “Coalition Agreement”), <<http://www.riik.ee/en/valitsus/agreement.html>> (accessed 20 July 2001).



*Access to Other Legal Status, Including Permanent and Temporary Residence*

Of similar importance to minority protection policy is the ability of non-citizens who do not apply for, or have not been granted, citizenship to secure other forms of legal status, including permanent and temporary residence permits.

The 1993 Law on Aliens grants legal status to many of Estonia's non-citizens, whom the law terms "aliens", and regulates allocation of permanent and temporary residence permits.<sup>27</sup> Some Russian-speakers have complained that the Law and its application frustrate, rather than promote, access to residence, in a number of ways.

Thus, the Law specifies a list of circumstances precluding the right to obtain a residence permit, using wording that leaves some scope for subjective interpretation.<sup>28</sup> The law further established deadlines for applications for both temporary permits (12 July 1995, extending an original 1994 deadline),<sup>29</sup> and, on successful application, permanent permits three years later. This subjected applicants to onerous and repeated bureaucratic procedures, as the Citizenship and Migration Board struggled to deal with the overwhelming demand created by these stipulations. The process also imposed high financial costs on Estonia's non-citizens residents.<sup>30</sup>

Additionally, the Law establishes an annual "immigration quota" (non-applicable to Soviet era settlers) for permit applications of no more than 0.05 percent of the "permanent population."<sup>31</sup> Ethnic Estonians were initially exempted from this quota, and subsequent exemptions were extended to citizens of EU member states and certain other countries, but not Russia.<sup>32</sup> The clearly discriminatory nature of these selective exemptions has been criticised by the UN Committee on the Elimination of Racial Discrimination (CERD) and the European Commission.<sup>33</sup> A minor amendment in

<sup>27</sup> The primary difference is that persons with temporary permits can work only with a work permit. See UNDP 1999, Section 2.3. Law on Aliens, RT I 1993, 44, 637, Art. 13.

<sup>28</sup> Law on Aliens Art. 12(4). Since 1 October 1999, the wording used throughout is "if there is information or good reason to believe."

<sup>29</sup> Law on Aliens, Art. 20.

<sup>30</sup> From 1991–1999, non-ethnic Estonians spent on average approximately 1,199 EEK (c. € 76.67) on official procedures of the Citizenship and Migration Board. Estimate of the LICHR.

<sup>31</sup> Law on Aliens, RT I 1993, 44, 637, Art. 6(1). The original quota of 0.1 percent was halved following the introduction of exemptions for citizens migrating from certain specified countries.

<sup>32</sup> Amendment to the Law on Aliens, RT I 1997, 73, 1202.

<sup>33</sup> *Concluding Observations by the Committee on the Elimination of Racial Discrimination: Estonia. 19/04/2000. CERD/C/304/Add.98 (Concluding Observations/ Comments)*, para. 11: "It is recommended that the quota system be applied without discrimination based on race or ethnic or national origin."

April 2000 exempted certain special categories, such as spouses of Estonian citizens and couples with children, from the quota under specific conditions. Nevertheless, on 18 May 2000 the Supreme Court ruled that the quota was in breach of the right to family life, as provided for in both the Estonian Constitution and the European Convention on Human Rights and Fundamental Freedoms (ECHR).<sup>34</sup> Since then, the quota has not been invoked in cases involving family reunification, but there have been no subsequent initiatives to amend or rescind it.

Partly as a result of the foregoing difficulties in securing access to formal legal status, between 30,000–80,000 non-citizens have no legal status in Estonia whatsoever.<sup>35</sup> These persons – whom the government terms “illegal aliens”<sup>36</sup> – enjoy little protection of any kind. Their position has been made recently more vulnerable by the introduction of June 2001 amendments to the Law on the Obligation to Leave the Country and Refusal of Entry, which gives certain privileged groups ninety days to regularise their status or risk the imposition of large fines (termed “compulsory money”). The procedure of regularisation generally takes at least one year.<sup>37</sup> In the framework of this legislation a considerable number of illegal aliens will not be able to regularise their status and face the threat of expulsion.

### *The Long Road to Integration*

A slow change in attitudes is visible in the media since the mid-nineties. At that time, according to a survey of newspapers from the period 1991–1996, the principle of state restoration socially transformed “[f]ormerly legitimate (although often disliked) and fully valued members of the society... into illegitimate and inferior state subjects.”<sup>38</sup>

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<sup>34</sup> Minelres, “Legal developments in Estonia concerning family reunification,” 25 May 2000, <<http://racon.riga.lv/minelres/archive//05252000-10:55:19-19641.html>> (accessed 23 July 2001). See also press releases of the UN CERD, 15 and 17 March 2000, on the Report submitted by the Government of Estonia.

<sup>35</sup> The exact figure is unknown. The government estimates 30,000–40,000 (presentation of Minister of Population Affairs Ms. Katrin Saks at the international seminar “Accession to the European Union and National Integration in Estonia and Latvia,” Tonder, Denmark, 7–10 December 2000); the European Commission cites 30,000, *2000 Regular Report from the Commission on Estonia’s Progress towards Accession*, p. 18 (hereafter *2000 Regular Report*). Independent sources say the figure may be as high as 80,000. In 2000, 157 illegal residents addressed the Legal Information Centre for Human Rights. Among them were 96 Russians, ten Ukrainians, four Byelo-russians and two Estonians.

<sup>36</sup> Government Integration Report 2001, p. 99.

<sup>37</sup> Amendment published RT I 2001, 58, 352. See Minelres, “Estonia restricts attitudes towards ‘illegal residents,’” 21 July 2001.

<sup>38</sup> M. Raudsepp. “Rahvusküsimus Ajakirjanduse Peeglis’ (“Representations of Interethnic Relations in the Media”), in Heidmets 1998, p. 126.

The study pointed to a “normalisation of ethnocentrism” in the Estonian media during this period, by which Russian-speakers (and Russians) were consistently depicted as an inherent threat to Estonians, irrespective of their actual activities or attitudes as reflected in opinion polls, while Estonians were depicted as innocent victims of history.<sup>39</sup>

Since then, the process of EU accession, and the adoption of the integration programme in 1998, has prompted a more “integration-oriented” discourse among Estonian officials and press organs, often promoted by those responsible for integration policies and academics. Media discourse has gradually shifted focus from the perceived threat of non-Estonians to their efforts at integration.<sup>40</sup> Russian language television broadcasting is reportedly supportive of integration.<sup>41</sup>

Nevertheless, polls show great gaps between Estonia’s ethnic groups today in attitudes concerning the future development of the country and the nature of integration.<sup>42</sup> “Tolerance” is of primary importance to non-Estonians, whereas consolidation of the Estonian language is more important to Estonians. Only seven percent of Estonians consider “the participation of non-Estonians in common cultural life” to be important. Significantly, “compliance with EU norms” is of greater importance to non-Estonians than to Estonians. In the government’s view “one must take into consideration the different meaning of a multicultural Estonia for Estonians. In the opinion of Estonians such a society can arise only on the basis of Estonian language proficiency and knowledge of Estonian culture.”

Observers have noted that the Estonian press has continued to highlight two purported “barriers separating Estonians and non-Estonians [...] the question of (dis)loyalty, and [...] the incompetence of non-Estonians in mastering the national language.”<sup>43</sup> Some Estonian politicians continued to employ anti-Russian rhetoric during the 1999 elections. One candidate asserted that “[c]olonists should feel like they are enduring an earthquake: they should feel very unpleasantly in Estonia...”<sup>44</sup> There was no official response to this statement.

<sup>39</sup> Raudsepp, p. 130.

<sup>40</sup> See e.g., K. Korts and R. Kouts, “Media as the Open Forum of Integration,” in *Integration of Estonia Society, Monitoring 2000*, Integration Foundation, p. 49 (hereafter “Integration Monitoring”).

<sup>41</sup> Government Integration Report 2001, p. 64.

<sup>42</sup> Information in this paragraph is taken from Government Integration Report 2001, pp. 34–35.

<sup>43</sup> P. Tammepuu, “Tolerance and Interethnic Relations in the Estonian Press,” in *Integration Monitoring 2000*, p. 66.

<sup>44</sup> Statement of Mr. Kalu Podver, candidate for the Assembly of Peasants, “Vikkerraadio”, 3 February 1999.

More recently, on 23 August 2000 the Director of the Foreigners' Department of the Ministry of Interior, asserted in the biggest national daily, "Postimees", that the state should support the repatriation of 50,000 persons to the Russian Federation, because "a reasonable economic and social policy requires a comparatively homogenous society as a precondition." The ministry later issued a statement to the effect that Mr Valge's assertion did not represent official policy.

### III. Minority Protection: Law and Practice

Estonia is party to the majority of international instruments aimed at combating racial and ethnic discrimination.<sup>45</sup> Furthermore, according to the Constitution, “if Estonian laws or other acts are in conflict with foreign treaties ratified by the Parliament, the articles of the foreign treaty shall be applied.”<sup>46</sup> However, a number of international treaties relating to issues of specific importance in Estonia – mass-statelessness, minority education and the use of minority languages – have not been signed.<sup>47</sup>

Estonia has no general anti-discrimination legislation, and no detailed discrimination-related provisions in Civil and Administrative Codes. Estonia’s Constitution contains provisions prohibiting discrimination, stipulating that “[t]he 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,<sup>48</sup> and that “[e]veryone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds.”<sup>49</sup> General provisions regarding non-discrimination are set forth in the Law on Employment Contracts<sup>50</sup> and the Law on Cultural Autonomy of National Minority.<sup>51</sup>

The Criminal Code prohibits “direct or indirect restriction of individual’s rights [and] direct or indirect preferences for an individual on the basis of his/her ethnicity, race, colour, sex, language...”<sup>52</sup> There has been only one case in which this article has been used.<sup>53</sup>

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<sup>45</sup> See Appendix A to overview report.

<sup>46</sup> Estonian Constitution (hereafter ‘Constitution’), adopted 28 June 1992, Article 123. RT 1992, 26, 349.

<sup>47</sup> Estonia has not signed or ratified the European Charter for Regional or Minority Languages (1992); the UN Convention of the Status of Stateless Persons (1954); the UNESCO Convention against Discrimination in Education (1960); the UN Convention on the Reduction of Statelessness (1961); the European Convention on the Participation of Foreigners in Public Life at Local Level (1992); nor the European Convention on Nationality (1997).

<sup>48</sup> Constitution, Art. 9.

<sup>49</sup> Constitution, Art. 12.

<sup>50</sup> RT 1992, 15/16, 241.

<sup>51</sup> RT I 1993, 71, 1001.

<sup>52</sup> Criminal Code, Art. 72<sup>1</sup>.

<sup>53</sup> See *Report Submitted by Estonia Pursuant to Article 25, paragraph 1 of the Framework Convention for the Protection of National Minorities*, received on 22 December 1999. (Hereafter “FCNM Report 1999”).

There is no system in place for monitoring and registering reports of violence and discrimination against minorities.

### *Implementation*

The existence of racial discrimination is generally not recognised in Estonia. Courts do not refer to motivations based on race, and national authorities make no efforts to monitor or enforce existing provisions. State agencies do not register information on ethnic origin in any field where it might be relevant to recording violations of minority rights. Reports of official bodies such as the Legal Chancellor (the Estonian Ombudsman)<sup>54</sup> and the National Labour Inspectorate reflect a similar approach.<sup>55</sup> In the 1999 report of the quasi-governmental Estonian Institute of Human Rights, a chapter devoted to national minorities finds no discrimination against Russian-speakers. The report notes instead that, “to this day [...] different languages, cultures, religions, political beliefs and values have not enriched Estonian society but, just the opposite, contributed to barriers.”<sup>56</sup> The report continues, “if the Russian language was granted a special status, it would mean discrimination of the other non-Russian minorities and continuation of the Soviet Russification policies in respect of them.”

The general consensus is that discrimination and racism are not problems in Estonia, and no special measures are required. Minister of Foreign Affairs Toomas Hendrik Ilves claimed, replying to questions in Parliament on possible steps regarding Estonian measures resulting from the Race Equality Directive: “I believe that in Estonia, there are considerable guarantees against discrimination in the workplace on the basis of nationality or race.”<sup>57</sup> Estonian MP and chairperson of the Estonian delegation to the Parliamentary Assembly of the Council of Europe (PACE) Ms. Kristiina Ojuland stated recently that “many important institutions have been established in Estonia to promote equality in rights and to protect citizens against discrimination [...] Groups of possibly discriminated inhabitants have relatively easy access to the media and they can draw public attention to their problems.”<sup>58</sup>

<sup>54</sup> According to Reports of the Legal Chancellor for 1999 and 2000, only one discrimination-related complaint was registered in 1999, related to allegations of discrimination on the basis of sexual orientation. Communication from the Legal Chancellor’s Office of 5 January 2001, No. 1–14/328.

<sup>55</sup> For the period 1999–2000 the Labour Inspectorate recorded no violations related to minority rights or discrimination on the basis of race, colour, descent, national or ethnic origin, and not a single such claim was reviewed by the Commission on Labour Disputes. Communication from the Commission on Labour Disputes, 28 December 2000, No. 6–5/591v.

<sup>56</sup> Estonian Institute of Human Rights, *Overview of the Status of Human Rights in Estonia in 1999*, 17 March 2000, p. 15. See <<http://www.eihr.ee/texts/ulevaade1999i.html>>, (accessed 24 July 2001).

<sup>57</sup> Minutes of the IX Riigikogu, V Session, 3 May 2001.

<sup>58</sup> Cited from the presentation by Ms. Kristiina Ojuland “Obligations of Non-discrimination of the Republic of Estonia” on the international seminar “Non-discrimination, minority rights and integration in Estonian society”, Tallinn, Estonia, 11–12 January 2001.

Unsurprisingly, therefore, statistics on ethnic discrimination and minority rights are generally absent. A recent report by the UN CERD requested information from the state on a range of areas, including penalties imposed on convictions for acts of racial discrimination, and breakdowns by ethnicity of, *inter alia*, access to naturalisation as well as “to secondary education, employment, medical care and housing.”<sup>59</sup> More comprehensive yardstick mechanisms seem necessary in light of the recent adoption of the European Union’s “Race Equality Directive” in particular – closer integration with Europe ultimately demands better statistics for monitoring minority rights and the principle of non-discrimination.

In the absence of official statistics, reports of a number of monitoring organisations, both domestic and international, detail serious concerns regarding Estonia’s non-citizen population.<sup>60</sup> An independent domestic NGO, the Legal Information Center for Human Rights (LICHR),<sup>61</sup> by contrast, reports receiving complaints and requests for assistance from 473 ethnic Russians in 2000 (295 in 1999). Among these applications, 136 (47 in 1999) violations were identified, 76 of which have led to court submissions (45 cases were successfully brought in 1999).

*Table 2*  
**Alleged violations of human rights reported to LICHR**

Type of Violation Identified	Ethnic Russians/ Total in 2000	Ethnic Russians/ Total in 1999
Citizenship/statelessness	7/14	5/6
Freedom of movement and choice of place of residence	46/86	18/29
Protection of foreigners from arbitrary expulsion	2/9	2/3
Rights to family and private life	78/120	22/32
Public rights, including access to public service	1/1	—/—
Particular rights of ethnic or language minorities	2/3	—/—

SOURCE: *Legal Information Center for Human Rights, 2001*

<sup>59</sup> CERD/C/304/Add.98, 19 April 2000, paras. 11, 13, 14.

<sup>60</sup> See e.g. International Helsinki Federation, *Human Rights Report 2000*, p. 133. See also the U.S. Department of State, *1999 Country Report on Human Rights Practices in Estonia*.

<sup>61</sup> The LICHR is a non-governmental organization based in Tallinn, the capital of Estonia, with branches in Narva, Sillamae and Kohtla-Jarve, which provides legal counselling, assistance and analysis in the sphere of human and minority rights.

## 1. Identity

Although there are no specific restrictions on national identification in Estonian law,<sup>62</sup> existing protection for national minorities is limited to citizens.<sup>63</sup> Thus Estonia effectively excludes the majority (62 percent) of its minority population from legal protection relating to their minority status. Both the OSCE High Commissioner for National Minorities and the UN CERD have expressed concern about this restrictive application of minority protection.<sup>64</sup>

A Law on Cultural Autonomy of National Minorities allows persons belonging to a recognised national minority to establish cultural self-governments to promote their constitutional rights in the field of culture, and to establish minority cultural and educational institutions.<sup>65</sup> German, Swedish, Jewish or Russian cultural self-governments may be formed, and other ethnic groups of more than 3,000 citizens may also apply.<sup>66</sup> Aliens residing in Estonia can participate in the activities of these institutions but may not take part in elections of leaders or stand for election themselves.<sup>67</sup> However, the law specifies no positive commitment of the state to fund, even partially, these institutions. To date, no “cultural autonomous bodies” have been established in Estonia. Reportedly, the procedure required to establish such bodies is prohibitively cumbersome and expensive, and minorities see few advantages to be derived from doing so.

## 2. Language

Although an estimated 35 percent of the population speak other languages, Estonian is the sole official language in Estonia; its privileged status is safeguarded in a series of legal provisions in addition to a Constitutional declaration.<sup>68</sup> Some level of proficiency in Estonian is required of minorities as a prerequisite for citizenship, political candidacy,

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<sup>62</sup> Constitution Art. 49: “everyone has the right to preserve his or her national identity.”

<sup>63</sup> For example, the Law on Cultural Autonomy of National Minorities, RT I 1993, 71, 1001.

<sup>64</sup> See Letter of the OSCE High Commissioner for National Minorities (HCNM), Mr. Max van der Stoep, to the Minister for Foreign Affairs of the Republic of Estonia, Mr. Siim Kallas, REFHC/1/97, <<http://www.osce.org/hcnm/documents/recommendations/estonia/1996/41hc17.html>> (accessed 9 August 2001); See also CERD/C/304/Add.98, 19 April 2000, para. 9. See also *Concluding Observations of the Human Rights Committee: Estonia*, 09/11/95. CCPR/C/79/Add.59, para. 12.

<sup>65</sup> Law on Cultural Autonomy of National Minority, Art. 5.

<sup>66</sup> Law on Cultural Autonomy of National Minority, Art. 1, Art. 2(2).

<sup>67</sup> Law on Cultural Autonomy of National Minority, Art. 6.

<sup>68</sup> Constitution, Art. 6.



and a range of employment possibilities. A 1999 amendment to the Law on Language introduced a new system specifying three levels of linguistic proficiency,<sup>69</sup> and required those who had not pursued their education through Estonian to take language exams by 1 July 2002, notwithstanding exams already passed under the previous system. Some advocates for the rights of Russian-speakers claim that the time, effort and cost involved will discourage many non-Estonian speakers from sitting examinations a second time.

The 1995 Law on Language consolidates Estonian as the state language, and further regulations define areas in which Estonian must be used “in the public interest.” On 9 February 1999, the Parliament amended the Law on Language, requiring proficiency of all public servants, service personnel, and sole proprietors. Secondary legislation on language requirements in the public sector was adopted in August 1999,<sup>70</sup> according to which, for example, teachers in public schools, including minority establishments, must demonstrate a stringent “intermediate” level of proficiency. Most recently, legislative changes introduced on 16 May 2001 require management and teaching staff in private schools and universities to demonstrate “middle level” Estonian-language proficiency, if they are “responsible for guaranteeing the security of pupils and students.”<sup>71</sup> The lowest level of proficiency is required for anyone working in a service position involving interaction with the public. These regulations are in line with current government policy to “protect the Estonian language and promote its use.”<sup>72</sup>

Languages spoken by minorities are defined in the Law on Language as “foreign language[s] which Estonian citizens who belong to a national minority have historically used as their mother tongue in Estonia.”<sup>73</sup> The Law on Language sets forth provisions regulating the use of minority languages in respect of communications with public authorities, in public advertisements and signs, and in public and private employment.

#### *Communication with Public Authorities*

In many urban areas of Estonia, Russian-speakers constitute a majority of residents, and thus the right to speak Russian in dealings with public and municipal authorities is especially significant. Official communications in Russian are generally tolerated in Estonia, although the right to use minority languages as internal languages in local self-governments has never been officially approved.

<sup>69</sup> RT I 1999, 16, 275. The previous system specified six levels of language proficiency. Under the current system, the “intermediate level” requires oral and limited written proficiency in Estonian; the “highest level” requires oral and written proficiency in Estonian.

<sup>70</sup> RT I 1999, 66, 656.

<sup>71</sup> RT I 2001, 48, 269.

<sup>72</sup> Coalition Agreement, 1999.

<sup>73</sup> Law on Language, Art. 2 (2). RT I 1995, 23, 334.

Estonian legislation allows “persons not proficient in Estonian” to communicate orally with state authorities in a language both understand.<sup>74</sup> In those localities in which at least 50 percent of permanent residents belong to a given national minority, members of that minority are constitutionally guaranteed the right to receive responses from officials in the minority language.<sup>75</sup> This applied formally to citizens only, given the definitions of “national minority” in Estonian legislation (see above). The Law on Language extends this right to all permanent residents of Estonia.<sup>76</sup> However, neither the Constitution nor the Law on Language stipulates the right of minority individuals to *address* state agencies or local governments in minority languages.<sup>77</sup>

A minority language may be used alongside Estonian as the internal working language “in local governments where the majority of permanent residents are non-Estonian speakers.” Implementation requires approval from the central government to a formal proposal by the local government.<sup>78</sup> Although a number of local government have made such requests, approval has never been granted. However, the central government has twice rejected an appeal by the city council of Sillamäe (95 percent Russian-speaking) to use Russian officially as an internal working language.<sup>79</sup> More recently, in August 2001 after four deputies on the Narva city council submitted a proposal, the Minister of Population Affairs reportedly stated that the Estonian government would have to ensure fulfilment of the language law requirement that officials be fluent in Estonian at the required level before it could approve the proposal.<sup>80</sup> Nevertheless, in practice Russian is widely used in communications with public administration officials in areas where large numbers of Russian speakers live. In 2000, there were sixteen spot-checks and one recorded violation (on the basis of a citizen’s complaint) of the requirement to use Estonian in local self-government institutions.<sup>81</sup>

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<sup>74</sup> Law on Language, Art. 8.

<sup>75</sup> Constitution, Art. 51.

<sup>76</sup> Law on Language, Art. 10.

<sup>77</sup> Law on Language, Art. 10. Constitution, Art. 51: “Everyone has the right to address state agencies, local governments, and their officials in Estonian and to receive responses in Estonian.”

<sup>78</sup> Law on Language, Art. 11. See also Constitution, Art. 52.

<sup>79</sup> Statement of Mr. Ilmar Tomusk, Director General of the National Language Inspectorate. V. Poleshchuk, “*Accession to the European Union and National Integration in Estonia and Latvia*,” Tønder, Denmark, 7–10 December 2000, ECMI February 2001, p. 17

<sup>80</sup> RFE-RL Newline, “Deputies in Estonian City Seek Equal status for Russian Language”, Vol. 5, No. 151, Part II, 10 August 2001.

<sup>81</sup> Communication from the National Language Inspectorate, of 31 January 2001, No. 1–5/38.

*Public Signs, Advertisements, Place-Names*

The Law on Language requires use of the Estonian language in consumer information and in all official reporting of agencies, companies, non-profit associations and foundations registered in Estonia.<sup>82</sup> Implementation of the Law has resulted in a lack of consumer information in the Russian language.

Geographical place names must be written in Estonian, using Estonian-Latin letters.<sup>83</sup> Likewise, for official purposes, the names of Estonian citizens must be written using the Estonian-Latin alphabet.<sup>84</sup> In practice, Russian-speaking Estonian citizens cannot use the patronymic form as part of the official name. This practice contravenes Estonia's obligations under the FCNM.<sup>85</sup>

Public signs, signposts, announcements, notices and advertisements must all be only in Estonian.<sup>86</sup> This article has been interpreted to extend even to the posting of electoral advertisements.<sup>87</sup> Even in regions where Russian-speakers comprise the majority it is illegal to post public notices, signs and advertisements in Russian – a serious disadvantage for the local non-Estonian population (particularly elderly Russian-speakers, who in general are not fluent in Estonian). This too constitutes a violation of principles outlined in the FCNM.<sup>88</sup>

Existing exceptions to these rules regulating public signs and advertisements have not added significantly to the enjoyment of this right in practice.<sup>89</sup>

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<sup>82</sup> Law on Language, Art. 16 and 17.

<sup>83</sup> Exceptions may be permitted in place names if they are justified for historical or cultural reasons, but “each place in Estonia shall have only one official name. The original form of Estonian place names shall be written using Estonian-Latin letters.” Law on Language, Art. 19.

<sup>84</sup> Law on Language, Art. 20.

<sup>85</sup> FCNM (1992), section 1 of Art. 11. Entered into force in Estonia 1 February 1998 (RT II 1996, 40, 154).

<sup>86</sup> Law on Language, Section 1 of Art. 23.

<sup>87</sup> I. Tomusk, Director General of the National Language Inspectorate, “Kakskeelsus valimisreklaamis” (“Bilingualism in Electoral Advertising”), *Postimees*, 1 November 1999.

<sup>88</sup> FCNM, Section 2 of Art. 11 and Section 1 of Art. 9.

<sup>89</sup> There are four exceptions. Local governments that have been granted the right to use a minority language alongside Estonian as an internal working language may use the language on announcements and notices – but no local governments have been granted this right (Law on Language Art. 13.2). “Cultural self-governments” have similar rights (Law on Language Art. 15.2), but none have been established. Third, regulations regarding consumer information allow for service provision in “foreign languages”, but only to “foreign guests” (Decree of 29 January 1996. RT I 1996, 8, 16). Lastly, languages other than Estonian may be used at international events and by/at foreign embassies (Law on Language, Art. 23).

Adherence to the above regulations is monitored by a National Language Inspectorate, under the Ministry of Education. The Inspectorate conducts spot-checks, and has imposed administrative charges for violations in a number of areas, including the use of foreign languages in advertisements and signs, violation of consumer's rights (not providing translation in Estonian) and the written norms of the Estonian language in, for instance, official correspondence. Between 1997–2000, the Inspectorate conducted 6,861 spot-checks (2,667 in 2000 alone) and established 4,030 violations of the Law on Language (1,498 in 2000).<sup>90</sup>

### *Criminal Procedure*

During criminal investigation and criminal, administrative and civil trials, the status of minority languages is equal to the status of all other foreign languages: they can be used if other officials or participating parties understand it or with the assistance of an interpreter. All official documents in the process should be translated into Estonian.<sup>91</sup> In criminal procedure, upon making a judgement of conviction, a court shall collect the legal costs from the convicted offender – except for amounts paid or payable to interpreters or translators.<sup>92</sup>

### 3. *Education*

Publicly-funded education in the Russian language is currently available from kindergarten through secondary school, as well as in vocational schools.<sup>93</sup> However, the liberal access to minority education enjoyed by Russian-speakers heretofore is set to diminish beginning in 2007. Legal provisions have been introduced that may reduce the number of Russian language educational institutions in Estonia. The current government further

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<sup>90</sup> Communication from the National Language Inspectorate, 31 January 2001 No. 1-5/38. Spot-checks may be conducted at any time upon receipt of a complaint or upon the initiative of the Language Inspectorate. The statute of the Inspectorate published RTL I 1998, 2/3, 10.

<sup>91</sup> Code of Civil Procedure, Art. 7, RT I 2, 43/45, 666. Code of Criminal Procedure, Art. 16, RT I 2000, 56, 369. These rules are applicable in the administrative code procedure following the general rule established in Art. 5(1) of the Code of Administrative Court Procedure, RT I 1999, 31, 425 (“in matters not regulated by this Code, administrative courts shall take guidance from provisions of civil procedure”).

<sup>92</sup> Code of Criminal Procedure, Art. 89(1).

<sup>93</sup> Certain other minority languages are also supported. In some state and municipally funded schools, one or several subjects are taught in German, Swedish, Hebrew or Ukrainian. In two secondary schools all subjects are taught in German to some classes. Information from the Director General of the National Language Inspectorate. Poleshchuk 2001, p. 17.

includes as an objective that “Russian language schools will be supplied with Estonia-centered instruction material.”<sup>94</sup>

The transition to a new curriculum began in Russian-language schools in autumn 1998 with the introduction of new textbooks, a large number of which were translated or adapted from Estonian. The quality of new textbooks is reportedly low;<sup>95</sup> some contain a number of mistakes, misprints and inaccurate translation of terms.<sup>96</sup> Ethnic Russian representatives have criticised the interpretation of certain historical events and of the historical role of Russians. The use of textbooks printed in the Russian Federation is not welcomed and is unofficially prohibited.<sup>97</sup>

The 1997 Law on Basic and Secondary Schools established that all secondary schools would become “Estonian language institutions,” and that the “transition to instruction in Estonian shall be started in state and municipal upper secondary schools not later than in the academic year 2007/2008.”<sup>98</sup> The severity of this provision was somewhat modified following concerns raised by international and other monitors<sup>99</sup> – an amendment of April 2000 allows for schools wherein 60 percent of the curriculum is taught through Estonian to be considered “Estonian language institutions.”<sup>100</sup> Thus in practice, from 2007 all secondary level schools will be Estonian language institutions, but some may still offer up to 40 percent instruction in other languages. This will apply even in areas where Russian speakers form the great majority of residents.<sup>101</sup>

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<sup>94</sup> Coalition Agreement, 1999.

<sup>95</sup> Thus, Russian language textbooks for grades one and three by A. Poleva, and for grade seven by E. Florenskaja are considered below standard.

<sup>96</sup> The grade one chemistry textbook, by H. Karik and T. Liivanurm, contains a number of mistranslations, referring, for example, to “wet water”.

<sup>97</sup> Information is based on applications to the LICHR.

<sup>98</sup> Law on Primary Schools and Secondary Schools, Article 52.2. Amendment to the Law on Basic School and Gymnasium, RT I 1997,69,1111.

<sup>99</sup> See ECRI 1998.

<sup>100</sup> Amendment to the Law on Basic School and Gymnasium, RT I 2000,33,195, of 4 April 2000. The amendment notes: “[f]or those students at Estonian language schools whose mother tongue is not Estonian, conditions shall be created for the study of their mother tongue, which take into consideration regional characteristics and the school curriculum, with the aim of preserving their ethnic identity.”

<sup>101</sup> The majority of Russian-language schools are located in towns: in the towns of Ida-Virumaa – where Russian-speakers form an absolute majority of pupils – and Harjumaa. In Tallinn Russian speaking students make up nearly half (47.4 percent) of all schoolchildren.

The UN CERD registered concern in April 2000 at “information that the State party intends to reduce the provision of instruction in minority languages in the near future, including in areas where the Russian-speaking population is in the majority.” The Estonian government was urged to “maintain the possibility for the various ethnic groups of receiving instruction in their languages or to study those languages at different educational levels without prejudice to the learning of the official language...”<sup>102</sup>

One recent survey showed significant disagreement between ethnic groups as to the proposed reforms. While a majority of Estonian-speaking respondents supported transition from Russian-language secondary schools to Estonian-language education, more than three-fourths of Russian-speakers polled advocated preserving Russian-language secondary education or allowing teaching in both languages.<sup>103</sup>

Russian language teaching in basic (primary) schools is possible only on the approval of a proposal from the school board of trustees to the local self-government (in the case of municipal schools) or the central government (for state schools).<sup>104</sup> In private educational institutions of any level, any language of instruction may be used as long as Estonian language training is ensured.<sup>105</sup> As the State will continue to provide for Russian-language education until 2007, the availability of private education is not yet an issue of significance.<sup>106</sup>

### *Pre-school Education*

Estonian legislation protects the right of all Estonian children to receive Estonian language pre-school education, but provides no similar right for Russian-speaking children. By law, a special Estonian-language group must be established to cater for a single Estonian-speaking child, even in regions and towns where the Russian-speaking population is

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<sup>102</sup> CERD/C/304/Add.98.

<sup>103</sup> Government Integration Report, 2001, p. 8.

<sup>104</sup> Law on Basic School and Gymnasium, Art. 9, Section 1.

<sup>105</sup> Law on Private School, Art. 15. RT I 1998, 57, 859.

<sup>106</sup> According to FCNM Report 1999, there were a total of 28 private schools in Estonia in 1999: 16 teaching in the Estonian language, eleven in Russian, and one in English.

dominant. No guarantees of minority-language classes exist for the Russian-speaking population or other minorities. Bilingual pre-school groups are prohibited.<sup>107</sup>

### *Vocational Institutions*

Currently, 60 percent of vocational institutions offer Estonian language education, 20 percent are bilingual and 20 percent provide Russian-language instruction.<sup>108</sup> Despite no significant alterations in the proportions of Estonians and Russian-speakers attending primary schools, the Russian-speaking student body in vocational schools (grades 10–12) has been increasing annually, while the number of Estonian students is in decline.<sup>109</sup> One reason for this is reportedly the low level of Estonian taught at many Russian language schools, which disadvantages Russian-speakers at entry level to the academic (non-vocational) secondary schools, particularly for those disciplines requiring an entrance exam in Estonian.<sup>110</sup>

### *Higher Education*

Estonian is the language of instruction in state universities by law; university boards can decide on the supplementary use of other languages.<sup>111</sup> Estonian is also guaranteed in state applied higher education institutions, where exceptions are permitted only by decision of the Minister of Education.<sup>112</sup> In 1999 a total of 40,621 students attended universities, 11 percent of whom studied in the Russian language.<sup>113</sup>

<sup>107</sup> The Law on Pre-school Institutions (RT I 1999, 27, 387, Art. 8) specifies that:

(1) Educational and pedagogical work in the children institution is in Estonian language. Following the decision by the local self-government council, educational and pedagogical work in the children institution or in its group can be in other languages.

(2) The local self-government ensures to every Estonian-speaking child the opportunity to attend in the same vald or town a children's institution, which works in the Estonian language or the group in the children institution where educational and pedagogical work is in the Estonian language.

(3) Educational and pedagogical work of a group in the children institution should be in the same language...

<sup>108</sup> Integrating Estonia, 2000, p. 30.

<sup>109</sup> Integrating Estonia, 2000, p. 31. See table 2 "Number of students at vocational institutions studying on the secondary education basis, by language of instruction".

<sup>110</sup> See Analysis Regarding the Compliance of Estonia with the Framework Convention for the Protection of National Minorities, adopted by the full Presidential Roundtable on National Minorities on 19 February 1999, commentary note to Article 12.3.

<sup>111</sup> Law on University, Art. 22, Section 8. RT I 1995, 12, 119.

<sup>112</sup> Law on Applied Higher Education Institution, Art. 17. RT I 1998, 61, 980.

<sup>113</sup> FCNM Report, 1999.

In practice, Russian has fallen increasingly out of use at public universities and state institutions of higher education. Considering current educational reforms in Estonia, it is likely that by the year 2007, there will be no Russian language groups in state higher education institutions. Currently few public institutions of higher education provide “transitional” programs to allow students who studied in Russian at school to make the transition to higher level Estonian language education.

#### 4. *Media*

There are no special provisions assuring Russian-language print or broadcast media. To the contrary, the Law on Language restricts television broadcasting in “foreign languages”: “the volume of foreign language news programs and live foreign language programs without translations into Estonian...shall not exceed ten per cent of the volume of weekly original production.”<sup>114</sup>

Furthermore, even where broadcasting in languages other than Estonian is permitted, all such broadcasting, including transmission by private television stations and cable networks, must be accompanied by an adequate translation into Estonian.<sup>115</sup> The law makes exception to this rule for programs that are directly retransmitted, language learning programs, foreign language news programs and live foreign language programs.<sup>116</sup> These regulations would appear to breach Art. 9(1) of the FCNM, which protects the “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...”<sup>117</sup>

There are no restrictions on Russian language print media or radio broadcasting.<sup>118</sup> Today there are two Russian-language national dailies (*Estonia* and *Molodjozh Estonii*) and two local newspapers (*Narvskaja Gazeta* and *Sillamjaeski Vestnik*); five Russian language newspapers are published weekly (four national and one local, in Narva). Additionally, two regular small newspapers are published in the cities of Pärnu and Sillamäe. Estonian

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<sup>114</sup> Law on Language, Art. 25, Section 4. Currently, approximately 45 minutes of Russian language programming is transmitted daily on public TV, and 15 minutes of Russian language news.

<sup>115</sup> Law on Language, Art. 25, Section 1.

<sup>116</sup> Law on Language, Art. 25, Section 2.

<sup>117</sup> See also FCNM Art. 10(1) regarding “the right to use freely and without interference [a] minority language, in private and in public, orally and in writing.”

<sup>118</sup> Law on Language, Art. 25, Section 3.



State Radio airs a channel broadcasting in Russian, Belarussian, and Ukrainian (Radio 4), and there are three private radio stations broadcasting in the Russian language.

## 5. *Participation in Public Life*

### *Language requirements for political candidates*

Estonia's electoral legislation is overtly discriminatory, specifying detailed linguistic requirements for parliamentary and local councils' deputies and candidates to representative bodies, reinforced in 1998 amendments to electoral laws.<sup>119</sup>

These requirements are in breach of Estonia's international obligations as specified in, *inter alia*, the International Covenant for the Protection of Civil and Political Rights (ICCPR).<sup>120</sup> They have been criticised by the OSCE High Commissioner for National Minorities and other international observers.<sup>121</sup> The European Commission noted that "[a]lthough enforcement of these provisions is weak in practice, these restrictions affect the right of non-Estonian speakers to choose their candidates, in particular at local level."<sup>122</sup>

The language requirements for candidates to electoral office have been enforced in practice. Thus, in 1997 the National Election Committee initiated legal action against two elected deputies of local councils on the grounds that their knowledge of the state language was insufficient. In one case in Sillamäe, the court revoked the deputy's mandate, a decision upheld by the county court. However in another case originating in the town of Maardu the court decided in favour of the deputy – and the ruling was confirmed by the county court following an appeal by the Election Committee.

<sup>119</sup> Amendments to the Law on Elections to Parliament and the Law on Elections to Councils of Local Self-governments, RT I 1999, 1, 1.

<sup>120</sup> Article 25(b) of the ICCPR (in combination with Article 2).

<sup>121</sup> Ole Espersen, then Commissioner of the Council of the Baltic Sea States, evaluated the adopted amendments as discriminatory in their essence, drawing particular attention to the fact that these amendments "seemed to be a pre-selection of candidates which restricts both a citizen's right to run for office and the right of the electorate to vote for whomever they please." *The Commissioner of the CBSS Annual Report*, June 1998–June 1999, p. 62. See also Letter from OSCE HCNM Max van der Stoep to Mr. Lennart Meri, President of the Republic of Estonia, 19 December 1998; Helsinki Monitor, Vol. 10, No. 1, 1999.

<sup>122</sup> See *2000 Regular Report*.

### *Political Participation*

Only citizens enjoy full access to political participation, in keeping with international practice. In Estonia, however, this means that fully 62 percent of persons belonging to minority groups (some 22 percent of the total population) are deprived of effective political access at the national level.<sup>123</sup> Non-citizens who are resident in Estonia for five years can vote, but not run for office, in local elections.

Since 1992, there have been no ethnic Russian ministers (including on ethnic or population affairs) in an Estonian cabinet.<sup>124</sup> In the Tallinn City Council, ethnic Russians or Russian-speakers have 25 percent of seats, although the number of ethnic Russian residents approaches 50 percent. According to the International Helsinki Federation, ethnic Russians constitute 19 percent of local public administration and 16 percent of state public administration.<sup>125</sup>

There are no restrictions to prevent citizens of Russian origin from establishing or participating in political parties. In the 1995 national elections, a coalition (“Our Home is Estonia”) of two ethnic Russian parties, the United People’s Party and the Russian Party of Estonia, won six out of 101 seats in Parliament. Two more ethnic Russian parties were established in time for the 1999 elections: the Russian Party of Unity and the Baltic-Russian Party. Currently, three ethnic Russian parties are represented in the Parliament, with a total of four seats; another two seats are held by ethnic Russians affiliated with the Party of the Center. Ethnic Russian political organisations have generally won about six to seven percent of the vote, approximately one third of the total vote of the ethnic Russian citizenry.

## 6. *Employment*

A general prohibition of discrimination in employment is set forth in the Law of the Republic of Estonia on Employment Contracts.<sup>126</sup> For the period 1999–2000 the Labour Inspectorate recorded no violations related to minority rights or discrimination on the

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<sup>123</sup> See LICHR, *Differences in the Legal Status II* at <[www.lichr.ee/eng/researchers.analysis/diff1.htm](http://www.lichr.ee/eng/researchers.analysis/diff1.htm)> (accessed 24 July 2001).

<sup>124</sup> The composition of the Estonian cabinets since 1991 can be found on the State official web-site: <<http://www.riik.ee>>, (accessed 24 July 2001).

<sup>125</sup> International Helsinki Federation, *Report on Estonia 2000*, p. 133. See also A. Steen (ed.), *Ethnicity and Politics in Estonia, Latvia and Lithuania* Oslo: University of Oslo, 1997, p. 105.

<sup>126</sup> RT 1992, 15/16, 241. Art. 10. “It is illegal to allow or give preferences, or to restrict rights on the grounds of the sex, nationality, 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.”

basis of race, colour, descent, national or ethnic origin, and not a single such claim was reviewed by the Commission on Labour Disputes.<sup>127</sup> Russian-speakers claim that the imposition of language requirements has restricted their access to public and private employment.

The 1989 Law on Language established professional language requirements,<sup>128</sup> later re-confirmed in the 1995 Law on Language.<sup>129</sup> The Law permits the imposition of linguistic requirements upon employees and/or entrepreneurs in the private sector under certain conditions, but, following sustained international pressure, cautions that “the establishment of linguistic requirements... shall be justified and proportional to the objective to be achieved, and shall not distort the nature of the rights which are restricted.”<sup>130</sup> The European Commission has noted that “efforts in this area need to be continued in order to ensure that the implementation of the law, including the adoption of secondary legislation, complies with [international standards].”<sup>131</sup>

However, questions have been raised as to whether government decrees adopted to concretise proficiency requirements for specific types of employment within both the public and private spheres comply with either international standards or the “justified and proportional” requirement of the Language Law. On 16 May 2001, the Estonian government issued new regulations specifying language proficiency requirements for professions within the private sector.<sup>132</sup> “Middle level” proficiency in Estonian is now required of, *inter alia*, all private employees involved in the sale of goods and services if they are deemed “dangerous for one’s life or health, social safety and environment.” The same requirements are stipulated for persons who sell compulsory insurance policies (e.g. traffic insurance).

According to research conducted in 1999, the economic position and financial security of non-Estonians has deteriorated over the last decade, compared with that of ethnic Estonians.<sup>133</sup> The income of non-Estonians has been consistently 10–20 percent lower

<sup>127</sup> Communication from the Commission on Labour Disputes, 28 December 2000, No. 6–5/591v.

<sup>128</sup> ÜVT, 1989, 4, 60. (UVT is the Soviet-era official state journal in Estonia.)

<sup>129</sup> RT I 1995, 23, 334.

<sup>130</sup> Amendment published RT I 2000, 51, 326. According to Art. 2 of the amended Law, the justified public interests are social safety, public order, public administration, protection of public health, health care, protection of consumer rights, and workplace safety.

<sup>131</sup> See *2000 Regular Report*.

<sup>132</sup> RT I 2001, 48, 269.

<sup>133</sup> See J. Inno, “The Purchasing Power of Estonians is increasing more quickly than of non-Estonians,” EMOR, 17 November 1999, <<http://www.emor.ee/eng/>> (accessed 23 July 2001).

than that of Estonians. Thus, in 1999, non-Estonians spent approximately 31 percent of their total income on food as against 25 percent among Estonians.

Figures from 2000 show a higher unemployment rate among non-Estonians than Estonians.

*Table 3*  
**The unemployment rate [percentage]**

	1st Quarter 1999	1st Quarter 2000	Change
Total	12.0	14.8	2.7
Estonians	9.9	11.8	2.0
Non-Estonians	16.4	19.9	3.5

SOURCE: Statistical Office of Estonia

## 7. Health Care

No laws or regulations prohibit racial or ethnic discrimination in access to health care.

Non-Estonians suffer disproportionately lesser access to health care for two principal reasons: financial obstacles, and their precarious legal status. Since unemployment among minorities is almost twice as high as among ethnic Estonians, and the average income of minority families is on average lower, Russian speakers are less likely to be able to afford basic health care services, medicines or treatment. According to one study, significantly more ethnic Russians had to forego various health care services due to lack of funds or medical insurance coverage.<sup>134</sup>

<sup>134</sup> Proportion of adults unable financially to secure needed health services in 1999 [%]

Type of Treatment	Ethnic Estonians	Ethnic Russians	Other
Long-term hospital stay	1.3	3.9	6.6
Operation	0.7	2.1	...
Dental treatment	10.1	21.2	21.2
Dentures	6.6	15.7	14.9

Baseline report, Norbalt II, *Living Conditions Study in Estonia 1999*, ordered by the Ministry of Social Affairs of Estonia, conducted by Statistical Office of Estonia, University of Tartu and Institute of Applied Social Research Fafo (Norway), Tartu, 2000.

Russian-speakers with temporary residence permits are at a disadvantage in access to health care since, according to regulations in force since 1993, certain types of public assistance are guaranteed only to holders of permanent residence permits.<sup>135</sup> Rights to child care assistance expired for temporary residence permit holders on 12 July 2001. The right to unemployment benefits for temporary residence permit holders expires together with an individual's first residence permit. Given that, in the first six months of 2000, about 30 percent of successful applicants for public assistance in Tallinn were persons with temporary residence permits, these restrictions affect a great number of individuals.<sup>136</sup>

The situation of “illegal aliens”, most of whom are ethnic Russians, is more disturbing: these people have no access to public health care, since the Estonian Medical Insurance Fund (the institution which administers public health care) deals only with citizens and holders of residence permits.

## 8. *Housing*

No regulations prohibit racial or ethnic discrimination in access to housing. Deprived of voting rights, many ethnic Russians have been unable to influence the development of property-related legislation. Laws adopted between 1991 and 1993 placed ethnic Estonians in an advantaged position vis-à-vis ethnic Russians in both the privatisation (denationalisation) process, and in the purchase of property.

According to independent research, about 80 percent of state-issued privatisation vouchers for property were distributed to ethnic Estonians, an allocation approximating EEK 150–200 million (€ 9–13 m.) more than the total offered to non-Estonians.<sup>137</sup> This asymmetric allocation was a direct consequence of the Law on the Bases of Property Reform (1991) and the Law on the Privatisation of Dwelling Rooms (1993).<sup>138</sup> These laws, which awarded vouchers on the basis of years of work, included a number of stipulations that disadvantaged non-citizens, such as counting only years spent working in Estonia; offering young Estonian citizens ten working years' credit; and restricting

<sup>135</sup> Legal acts adopted since 12 July 1993 (the date the Law on Aliens was adopted) regulating old-age pensions, disability pensions, poverty assistance, etc.

<sup>136</sup> Information of the Tallinn City Government, <[http://www2.tallinn.ee/I83\\_linna\\_juhtimine/I247\\_ametid/I667\\_sots\\_tervishoiuamet/I5691\\_statistika/I5693\\_tabel1.xml](http://www2.tallinn.ee/I83_linna_juhtimine/I247_ametid/I667_sots_tervishoiuamet/I5691_statistika/I5693_tabel1.xml)> (in Estonian) (accessed 27 July 2001).

<sup>137</sup> See E. Andersen, “The legal status of Russians in the Estonian privatization legislation 1989–1995,” *Europe – Asia Studies*, Vol. 49, No. 2, 1997, pp. 303–316.

<sup>138</sup> RT 1991, 21, 257; RT I 1993, 23, 411.

advantages accruing to former political imprisonment to citizens only. Further limitations on privatisation by stateless persons and citizens of other countries are stipulated in various other laws: only Estonian citizens may participate in public land auctions and in the privatisation of unused land or woodland.<sup>139</sup>

Prior to the introduction of a 1993 Law on Property Rights, it was not possible for non-citizens to purchase land, and by that time the greater part of state property had already been denationalised.<sup>140</sup> Restrictions on the purchase of land by aliens remain in force today in the border regions of Estonia,<sup>141</sup> areas inhabited by sizeable numbers of ethnic Russians (Narva, Narva-Joesuu, Valga).

Current legislation also restricts the right of persons without permanent residency permits to enter apartment rental leases. Leases may be concluded only for the period for which temporary residence has been approved.<sup>142</sup>

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<sup>139</sup> Law on Land Reform, Art. 21 adopted on 17 October 1991, RT I 2000, 70, 441. Approval of Procedure of Selling Land to Private Hands by Auction, p. 8, RT I 1996, 78, 1385.

<sup>140</sup> Andersen, pp. 303–316.

<sup>141</sup> Law on Restrictions on Transfer of Immovable Property Ownership to Aliens, Foreign States and Foreign Legal Persons, Article 2, RT I 1996, 39, 766.

<sup>142</sup> Law on Apartments, Article 31, RT I 1998, 71, 1199.

## IV. Institutions for the Protection of Minorities

### A. Official Bodies

There are no special governmental bodies dedicated to the protection and promotion of minority rights, although a number of independent observers, including the HCNM, have recommended that one be established.<sup>143</sup> There is no specialised body with the power to investigate or prosecute violations of anti-discrimination laws.

#### *Ombudsman Institution*

In 1999, the Legal Chancellor was empowered to fulfil certain functions of an Ombudsman, including the competence to receive and examine residents' complaints.<sup>144</sup> This function is carried out in addition to his primary responsibility for ensuring that legal acts adopted by the Parliament and by local councils (i.e., by legislators) are in conformity with the Constitution. In his capacity as Ombudsman, the Legal Chancellor accepts individual complaints regarding a range of legal issues.

The Office of Legal Chancellor received 100 applications from minority members in 1999 (14 percent of total complaints), and 158 (22.8 percent) in 2000. In 2000, only 27 complaints related directly to minority rights issues, concerning attempts to establish legal status or obtain residence permits. No complaints submitted in 2000 concerned citizenship or state language requirements – issues that appear to be most pressing for Estonia's national minorities. These were the basis of only five and two complaints respectively in 1999.<sup>145</sup>

The relatively few complaints relating to minority rights or discrimination is explained in part by the lack of a specific mandate on these issues within the Chancellor's ombudsman function. Moreover, information regarding the activities of the Chancellor's Office is not easily accessible to the public, and official communications do not mention discrimination and human rights violations. These factors diminish the likelihood that individual complainants (including members of ethnic minorities) will address the Chancellor. The European Commission has noted the need to reinforce the capacities of the

<sup>143</sup> See "Letter to His Excellency Mr Trivimi Velliste, Minister for Foreign Affairs of the Republic of Estonia" (1993) from Max van der Stoep, cited in H. M. Birckenbach, *Preventive Diplomacy through Fact-Findings. How International Organisations Review the conflict over Citizenship in Estonia and Latvia*, Lit, Hamburg, 1997, pp. 235–242.

<sup>144</sup> Legal Chancellor Act, 25 February 1999 (RT I, 1999, 29, 406), entered into force 1 June 1999.

<sup>145</sup> Communication from the Legal Chancellor Office of 5 January 2001, No.1–14/328.

Chancellor, “in particular as regards the protection of minorities,” and to raise public awareness of its existence and functions.<sup>146</sup>

Furthermore, positions taken by successive incumbents to the Chancellor’s Office have not always appeared consistent with the protection of minority rights. In April 2000, the Chancellor stated in Parliament that the annual immigration quota, as applied to family members of permanent residents in Estonia, did not constitute an infringement of the right to family life.<sup>147</sup> A month later, as described above, the Supreme Court ruled otherwise. In July 2000, the present Chancellor reportedly called for the resignation of the Russian-speaking vice-mayor of the overwhelmingly ethnic Russian town of Narva-Joesuu, on the grounds of insufficient knowledge of the Estonian language.<sup>148</sup>

In June 2001, in an encouraging attempt to increase the visibility and accessibility of the institution, the Office of the Legal Chancellor opened a regional office in Ida-Virumaa, an area heavily populated by Russian speakers. The head of this branch is an ethnic Russian.

#### *Minister of Population Affairs*

On 6 April 1999, the present government coalition established the position of Minister of Population Affairs (officially the “Minister without portfolio”). The Minister reports directly to the Prime Minister and coordinates government population policy; implementation of integration policies; naturalisation and citizenship issues; issues related to the national census (in collaboration with the population census and statistics committees); and the field of refugee affairs.<sup>149</sup> Ethnic and minority issues constitute the principal sphere of activity for the Minister’s Office. A local branch office of this office too was established in the Northeast Estonia. For more on the Minister, see below under “Integration Programme.”

#### *Ministry of Culture*

There has been no special department for minority issues within the Ministry of Culture since the abolition of the “special adviser on minorities” in 1997. More recently, the Ministry established a “working group on the problems of integration,” collecting and compiling data regarding implementation of the sub-programmes of the Integration Programme. The working group includes two Heads of departments and four advisers of the Ministry, but no minority members.

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<sup>146</sup> 2000 Regular Report, p. 21.

<sup>147</sup> “Ema ja poja saatus Riigikohtus” (“The Fate of the Mother and Son in the State Court”), *Eesti Päevaleht*, 20 April 2000.

<sup>148</sup> Estonian Telegraph Agency, information of 11 July 2001.

<sup>149</sup> The Ministry without Portfolio is online at <<http://www.riik.ee/saks/yles/>> (accessed 2 August 2001).



In the period from 1996–2000, the Estonian Ministry of Culture allocated approximately 7,650,000 EEK (c. € 488,900) in support of the cultural activities of minority organisations. However, support for minority cultural organisations does not reflect the respective percentages of minority populations.<sup>150</sup> In 2000, Russian organisations received project funding amounting to 46.28 percent of the total distributed, although they represent a full 80 percent of Estonia’s minorities.<sup>151</sup> Government representatives nevertheless have expressed the view that absolute support for other ethnic minorities (such as Latvians, Germans, Swedes and Jews) should equal that of Russian organisations,<sup>152</sup> despite their considerably smaller populations.

*Ministry of Internal Affairs (Department of Foreigners)*

The Department of Foreigners is a small office with a broad scope of responsibilities, from visa regulations to planning policy in the areas of citizenship, aliens’ problems, refugees and illegal immigration. There is no institutional mechanism for consulting with minorities in policy making, and none is foreseen.

*Roundtable on National Minorities*

The Estonian government has made some efforts to engage minorities in political dialogue. Notable among these is the Roundtable on National Minorities (hereafter “RT”), convened by the President of Estonia on 10 July 1993. According to its statute, the RT was to be a standing conference of representatives of ethnic minorities and stateless persons residing in Estonia, including political parties. Its objective was to promote stability, dialogue and mutual understanding between different population groups thus positively influencing governmental minority policy. Initially the RT was comprised of three elements: members of Estonian Parliament; members of the Representative Assembly;<sup>153</sup> and representatives of the Estonian Union of National Minorities.<sup>154</sup> Since 1993, the Statute and composition of the RT have changed. The present members of the RT are not so much “representatives” as the most prominent experts (both Estonians and Russians) on minority issues.

<sup>150</sup> The city of Narva has, for the last seven years, received only 0.49 percent of the total financial support issued by the government (in 1996–1997 there was no support at all), although 97 percent of the population of Narva are minorities, and the city comprises 5.5 percent of the total population of Estonia. Presentation by MP Mihhail Stalnuhhin on the international seminar “Non-discrimination, minority rights and integration in Estonian society”, Tallinn, Estonia, 11–12 January 2001.

<sup>151</sup> Information provided by the Estonian Ministry of Culture and Statistical Office of Estonia.

<sup>152</sup> Quotation of the presentation by Mr. Harri Tiido, vice-chancellor of the Ministry of Foreign Affairs, BNS information, 19 December 2000.

<sup>153</sup> A forum that represented the interests of minority population in the early 90s.

<sup>154</sup> An organisation of smaller minority groups (other than the Russians). Only last year (2000) one representative of the Russian organisation, Russian Culture Union, was invited to participate in the Board of the EUNM.

Initially, the RT was effective in providing a forum for dialogue and thus defusing the potential for open ethnic conflict. However, the RT lacks a mandate to treat the problems it identifies. An absence of visible and practical results of the RT's activity has led to growing disappointment in the institution in the media and among the general public. The RT has a part-time presidential plenipotentiary, a part-time assistant and a small budget. Members meet at least ten times a year.

The RT is frequently cited at international fora as a successful model for the resolution of minority problems, but the mechanism has been under-utilised. Neither the government nor Parliament has any obligation to take the RT's recommendations into account, and in practice, state decisions frequently contradict its recommendations.<sup>155</sup> The RT's success in meeting its goal of improving governmental and legislative policy in the field of minority rights has thus been limited.

### *Integration Programme*

The government adopted a programme entitled "Integration in Estonian Society 2000–2007" on 14 March 2000.<sup>156</sup> The programme identifies three main areas of activity: cultural and linguistic, political and legal, and social and economic, and details several sub-programmes as well as clear time-periods for implementation. To date, however, only the areas dealing with education and Estonian language training have been accompanied by substantial financing and detailed plans for implementation. The programme does not include activities in the area of human rights protection or monitoring, and generally avoids references to discrimination, human rights in general or minority rights in particular.<sup>157</sup>

The Minister for Population Affairs deals with ethnic and minority issues primarily within the specific frame-work of the Integration Programme and chairs the Board of the quasi-governmental "Non-Estonian Integration Foundation."<sup>158</sup> The Foundation was established in 1998 to facilitate government projects related to the integration of non-Estonians into

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<sup>155</sup> Recommendations from the Round Table were overlooked in cases such as the adoption of the Law on Citizenship (1995), the Law on the Ratification of the Framework Convention for the Protection of National Minorities (1996), and amendments to the Law on Basic School and Gymnasium (1997).

<sup>156</sup> The programme was prepared by a special commission of experts and politicians. Implementation reports are available in English at: <<http://www.riik.ee/saks/ikomisjon>> (accessed 23 July 2001).

<sup>157</sup> The term "rights" is utilised twice in the text: as "cultural rights of ethnic minorities" (3.2), and "the recognition of the rights of ethnic groups, which are expressed in the principles of cultural pluralism and the preservation of the Estonian cultural domain" (3.4). In both cases, the reference is to minority group rights rather than the human rights of persons belonging to minority groups.

<sup>158</sup> The "Integration Foundation" was established by the Estonian Government on 31 March 1998. See <<http://www.meis.ee>> (accessed 23 July 2001).

Estonian society and to coordinate the efficient use of the resources allocated to this effort, including the implementation of several large-scale projects funded by international donors. The Integration Foundation has a Board of 12 members, which includes both officials and civil society representatives.

Although active participation of non-Estonians is one of the declared objectives of the programme, some minority representatives have noted a lack of opportunities to participate in either programme development or implementation. The draft programme was presented to the public (including minority organisations) for critical analysis and evaluation in late December 1999, and three months later the Government approved a slightly amended version of the text. Numerous appeals by minority leaders and experts for further and more substantial deliberation of the programme were ignored.<sup>159</sup> Two minority members of the programme commission have since resigned, protesting that their participation was merely “decorative”.

EU-funded projects concerning the Russian-speaking minority explicitly support the priorities of the State integration programme and are directed towards supporting language education. The Phare Estonian Language Training Programme was launched in 1998 with the objective of encouraging acquisition of the Estonian language by non-Estonians.<sup>160</sup>

In July 2000, Phare approved a new programme of Estonian Language Training and Integration. The project is to last three years, with total funding of € 3,140,000, and is specifically designed to support the Integration Programme. The Phare programme lays even greater emphasis on the teaching of Estonian to Russian speakers than the state programme, however, indicating that EU support for minorities in Estonia is almost exclusively centred on this one issue. Minority representatives were not consulted regarding the design of the new programme.

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<sup>159</sup> See e.g., J. Tolstikov, *Molodjzh Estonii*, 2 March 2000; Leivi Sher, *Molodjzh Estonii*, 4 April 2000; M. Hint, *Den za Dnem*, 10 March 2000.

<sup>160</sup> The programme also benefits from funding from other foreign donors, including the Norwegian government and the UNDP. Programme activities and budgeting are as follows: Support for Development of the Adult Training System and Course Fee Reimbursement Fund (€ 544,271); Supplying Teaching Aids for Adults (€ 54,783); Supplying Teaching Aids for Estonian Language Training in Russian-medium schools (€ 265,909); Support for Language Acquisition and Integration Camps (€ 212,868); Supplying of Language Laboratories to Two Pilot Schools (€ 62,000); Intensive Instruction in Estonian to Students at Teachers' Colleges (€ 50,000); Awareness (€ 140,000). Total funding amounts to € 1,329,831.

## B. Civil Society

Few non-governmental organisations deal with human rights and minority rights-related issues in Estonia. Several organisations represent the interests – and sometimes compete for the attention – of Estonia’s Russian citizen population: the Tallinn Union of Citizens of Russia, the Estonian Union of Citizens of Russia, and the Narva-based Estonian Republican Union of Citizens of Russia. There are also a number of organisations representing military veterans, most of which are united in the Union of Veteran’s Organisations of Estonia.

The Union of Slavonic Educational and Charitable Societies in Estonia is the dominant Russian cultural organisation, uniting more than 20 organisations under its umbrella, and conducting a regular series of cultural events and activities. In addition to the Union, a number of other organisations also represent the educational and cultural interests of ethnic Russians, including the Russian Culture Union; Tartu Russian Culture Society and the Union of Teachers of Russian Schools. Since the introduction of the government integration programme, special integration centres have been opened in Tallinn, Narva, Pärnu, Paldiski, Tartu and Sillamäe. Their aim is to promote grass-roots activities in the area of societal integration.

Some NGOs focus on democratic development and strengthening of civil society. One such, the Jaan Tonisson Institute (JTI), has arranged training seminars, courses, workshops and information services for teachers, politicians, governmental and local authorities and members of non-governmental organisations, including in the areas of civic education and human rights.

Two human rights organisations in Estonia paint very different pictures of the extent of discrimination against minorities. The Estonian Institute for Human Rights (EIHR), an NGO, considers claims of discrimination against Russian-speakers to be the domain of “chauvinist” groups. The institute asserts that “the fact that during the occupation Estonians themselves became a national minority in certain regions of Estonia is a source of constant concern.”<sup>161</sup> The Tallinn-based Legal Information Centre for Human Rights, by contrast, receives regular complaints from Russian speakers and others of rights violations, many of which are subsequently successful in Estonia’s courts. Reconciling these differing perspectives is one of the challenges facing Estonia as it moves ahead in its bid ensure the effective protection, as well as integration, of its minority population as the country joins the wider European community.

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<sup>161</sup> EIHR 1999, p. 15.

## V. Recommendations to the Government

*In addition to the recommendations elaborated in the Overview Report, the following measures would contribute to enhanced minority protection in Estonia:*

1. Adopt further legal measures to facilitate the reduction of statelessness and encourage the process of naturalisation.
2. Reconsider existing legislation in the areas of language, education and culture, and bring Estonian laws into compliance with current international standards protecting minority rights.
3. Ensure full participation of minorities in public and political life, including in political decision-making.

