



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr.: General
23 May 2013

Original: English

Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article 9 of the
Convention**

Tenth and eleventh periodic reports of States parties due in 2012

Estonia *** ******

[11 January 2013]

* Reissued for technical reasons on 31 May 2013.

** This document contains the tenth and eleventh periodic reports of Estonia, due on 20 November 2012, submitted in one document. For the eighth and ninth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/EST//8-9 and CERD/C/SR.2038, 2039 and 2047.

*** In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not edited.

**** Annexes can be consulted in the files of the Secretariat.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–8	3
II. Information on articles 2 – 7 of the Convention	9–330	4
Article 2	9–83	4
Article 3	84–87	16
Article 4	88–94	17
Article 5	95–281	18
Article 6	282–313	51
Article 7	314–330	55

I. Introduction

1. The report has been prepared on the basis of article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination. According to this article, the States Parties to the Convention are required to submit to the Secretary-General of the United Nations periodical reports on the measures which they have adopted and which give effect to the provisions of the Convention, and on the success achieved. The Convention entered into force with regard to the Republic of Estonia on 20 November 1991. Estonia submitted its first, second, third and fourth consolidated reports in February 1999, the fifth periodic report in May 2002, the combined sixth and seventh periodic reports in November 2004, and the combined ninth and tenth periodic reports in July 2009. In its seventy-seventh session on 19 and 20 August 2010, the Committee on the Elimination of Racial Discrimination discussed Estonia's ninth to tenth periodic reports and accepted the concluding observations on 26 August 2010.

2. This report reflects legislative, administrative and other measures that have been adopted to give effect to the rights established in the Convention. The reporting guidelines were followed in drawing up the report. The questions and suggestions made in the course of discussion over the Estonia's combined eighth to ninth periodic reports have also been taken into consideration. Special attention has been drawn to the matters of concern stated by the Committee in its concluding observations and additional questions.

3. The Ministries of Justice, Social Affairs, Education and Research, Internal Affairs, and Culture have been involved in preparation of the report.

4. The report reflects the period of 2008–2012. The statistical data has been presented depending on its availability as at 2008–2012.

5. In its concluding observations on combined eighth and ninth periodic reports, the Committee acknowledged that the report tackled the matters of concern and recommendations that the Committee had given in its previous concluding observations, and also acclaimed involvement of non-governmental organizations (NGOs) in preparation of the report, as well as referring to their comments. The Government of Estonia will continue its effective cooperation with NGOs in the field of human rights and has involved them also in the preparation process of this report.

6. The current report was submitted for comments and proposals to three NGOs: the Estonian Human Rights Centre, the Estonian Institute of Human Rights, and the Legal Information Centre for Human Rights that all provided feedback. The information presented by these NGOs, as well as the problems highlighted by them, is reflected in the report.

7. Estonian reports to international organizations are published on the webpage of the Ministry of Foreign Affairs (<http://www.vm.ee/?q=en>) and are available to everyone after their submission to the relevant organizations. This report is prepared in Estonian and translated into English, and published on the webpage of the Ministry of Foreign Affairs both in Estonian and English. The Committee's concluding observations have also been published on the webpage in Estonian and English.

8. In order to ensure the comprehensiveness of the report and of the topics covered, information has been presented article by article and response to the Committee's recommendations and questions is given under the article dealing with the relevant topic.

II. Information on articles 2 – 7 of the Convention

Article 2

9. Estonia continues to pay close attention to the protection of human rights and fundamental freedoms by legislative, as well as other measures. Estonia has always condemned racial discrimination and made all efforts to create possibilities for carrying out the policy of elimination of racial discrimination.

10. Estonia has joined the Framework Convention for the Protection of National Minorities that entered into force with regard to Estonia on 1 February 1998. The Framework Convention for the Protection of National Minorities as an instrument of international law is an integral part of Estonian legal system according to Section 3 of the Constitution of the Republic of Estonia.¹

11. By joining the United Nations Framework Convention for the Protection of National Minorities, Estonia has taken the obligation to “encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and cooperation among all persons living on their territory, irrespective of those persons’ ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media”.

12. The above-mentioned principles have been added to the Estonian Integration Plan 2008–2013 (see paragraphs 60-66 below), based on the presumption that integration into society is a two-way process based on democratic participation and proceeds, on one side, from respect towards the language, cultural traditions and values of the native people by the national minorities and new settlers living here, and on the other side, the native people’s respect and tolerance towards the cultural peculiarities of the national minorities.

13. The fundamental bases for the prohibition of racial discrimination are established by the Constitution. More specifically, the issues of discrimination are regulated in the Equal Treatment Act², the Gender Equality Act³, the Employment Contracts Act⁴, the Penal Code⁵, and other legislative acts.

14. Competencies of the Gender Equality and Equal Treatment Commissioner⁶ include monitoring compliance with the Equal Treatment Act and the Gender Equality Act; advising and assisting individuals in submitting complaints concerning discrimination; and providing opinions in cases of possible discrimination based on petitions from individuals

¹ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X0000K2&keel=en&pg=1&ptyyp=RT&tyyp=X&query=p%F5hiseadus>.

² The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XXXX006K2&keel=en&pg=1&ptyyp=RT&tyyp=X&query=v%F5rdse+>.

³ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X80041K1&keel=en&pg=1&ptyyp=RT&tyyp=X&query=soolise>.

⁴ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XXXX060K1&keel=en&pg=1&ptyyp=RT&tyyp=X&query=t%F6%F6lepingu>.

⁵ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X30068K10&keel=en&pg=1&ptyyp=RT&tyyp=X&query=karistus>.

⁶ <http://www.svv.ee/index.php?t=2>.

or on his or her own initiative based on information received by the Commissioner. In addition, the Commissioner publishes reports on implementing the principles of gender equality and equal treatment and takes measures to promote equal treatment and gender equality.

15. The Gender Equality Act was in 2009 in order to bring the direct and indirect discrimination and sexual abuse definitions used in the Gender Equality Act into conformity with the relevant European Union (EU) directives and to add a definition of gender-based discrimination. Regarding other aspects of the activities of the Commissioner and the Gender Equality Act, we are referring to paragraphs 12–15 of Estonia's previous report.

16. The task of the Gender Equality Department of the Ministry of Social Affairs is to coordinate activities on equal treatment within the limits of various national institutions and draft Acts. According to Section 14 of the Equal Treatment Act, each ministry shall, within their area of government, monitor compliance with the requirements of this Act and shall cooperate with other persons and entities upon promotion of the principle of equal treatment. The principles of equal treatment must be followed in preparation of policies for gathering and processing the data reflecting the situation on both its own staff and the population. The Ministries shall also increase the awareness of their officials and the population about the nature of non-discrimination.

17. According to the amendments to the Public Service Act of 1 of January 2009, the national and local government authorities shall ensure protection of persons from discrimination and observe the principle of equal treatment in accordance with the provisions of the Equal Treatment Act and Gender Equality Act. It is forbidden to discriminate an employee or a potential employee on the basis of gender, nationality (ethnic origin), race, colour, religion or belief, age, disability, sexual orientation, language, duty to serve in the Defence Forces, marital status, performance of family obligations, social status, representation of employee interests or belonging to a union of employees. Upon discrimination due to any of the abovementioned reasons, the Equal Treatment Act or Gender Equality Act shall be applied. However, different treatment due to language proficiency is not considered discrimination if such treatment is permitted by the Public Service Act or the Language Act.

18. In accordance with the new Employment Contracts Act that entered into force on 1 July 2009, employers shall ensure the protection of employees against discrimination, follow the principle of equal treatment and promote equality in accordance with the Equal Treatment Act and Gender Equality Act, i.e., the Employment Contracts Act itself no longer include regulation on equal treatment, as this is now regulated by the Equal Treatment Act and Gender Equality Act only.

19. Estonia cooperates actively with other states concerning equal treatment. For example, according to the Memorandum of Understanding on the Implementation of the Norwegian Financial Mechanism 2009-2014 between the Republic of Estonia and the Kingdom of Norway, this mechanism will also finance a programme of Mainstreaming Gender Equality and Promoting Work-Life Balance. Among other things, the programme aims to establish bases for systematic awareness-raising on gender equality in university studies, basic and in-service training of teachers, as well as in-service training of officials. It is also planned to finance measures promoting work-life balance. It also aims to improve the gathering of statistical data, especially on remuneration of women and men, and to support the activities of the Gender Equality and Equal Treatment Commissioner. With these additional resources, the Commissioner plans to take measures for enhancing legal protection against discrimination by raising awareness, helping the victims of discrimination and increasing the capacities of officials who handle discrimination victims. The Commissioner also plans measures for promoting gender equality and supporting

mainstreaming of gender equality. Although the main focus of the planned programme is on gender equality, several programmes will be directed to concerning the topic of discrimination. Currently, the programme is being evaluated and the expected financing decision will probably be made in 2012. The activities of the programme would last until the end of 2015.

20. In order to increase the general awareness of society about gender equality and the related subjects, as well as the activities of the Gender Equality and Equal Treatment Commissioner, both the relevant website of the Ministry of Social Affairs and the website of the Commissioner will be updated under the programme.

Statistics on the Gender Equality and Equal Treatment Commissioner

21. The Gender Equality and Equal Treatment Commissioner accepts applications from persons and provides upon inquiries opinions concerning possible cases of discrimination.

22. The current statistics of inquiries to the Commissioner indicate that there is broad awareness in the Estonian society about the institution of the Commissioner. It can also be concluded from the rapid growth in the number of inquiries in 2009, that entry into force of the Equal Treatment Act and the resultant extension of the Commissioner's capacities to the other grounds of equal treatment besides gender has had positive impact on awareness.

Table 1

Inquiries to the Commissioner 2009-2011

	2009	2010	2011
... of which inquiries on issues of equal treatment regarding ethnic origin or race	11	15	26
... of which complaints with suspicion of discrimination on grounds of ethnic origin or race	11	15	26
... of which the Commissioner found that discrimination on grounds of ethnic origin or race had occurred	2	2	8
Total number of inquiries	161	288	358

23. Most of the complaints due to discrimination on grounds of ethnic origin or race concerned discrimination in the labour market or were related to level of language proficiency, making the applicants feel discriminated.

24. For example, there were two discrimination complaints on the grounds of ethnic origin or race in 2011: (1) in the opinion of the petitioner, an article published in a newspaper, stating that a non-profit association did not provide an opportunity to use its services to people from third countries, was racist and the undertaking discriminated people on the grounds of their nationality. (2) The petitioner claimed that he/she was not allowed entry to a catering establishment, wherefore the petitioner suspected discrimination on the grounds of his/her race and colour. As a member of a representative organization, he/she also submitted a statement by another person who was indignant by the bad treatment he/she had received in the same catering establishment.

25. With regard to the cases of multiple discrimination, where, in general, one of the grounds is ethnicity, statistics have been collected since 2010. In 2010, there were 5 inquiries, 4 of which complaints, and in 2011, 16 inquiries, 9 of them complaints.

26. The activities of the Commissioner have also found broad coverage in the media.

27. The Ministry of Social Affairs is coordinating the work on equal treatment by co-financing the European Commission programme PROGRESS. The anti-discrimination

project of PROGRESS, “Diversity Enriches” (*Erinevus rikastab*) is managed by the Tallinn Law School at Tallinn University of Technology and co-financed by the European Union, Ministry of Social Affairs and Tallinn University of Technology.

28. The aim of the programme PROGRESS is to increase the support of the European Union to commitments and efforts made by the Member States. To that end, the programme PROGRESS includes the following measures to that end: analysis of the relevant fields of policy and political counselling; monitoring implementation of the EU legislation related to the respective policy fields and preparation of reports; promotion of exchanging experiences related to the EU objectives and priorities and information exchange and mutual support between the Member States; exchanging of opinions between the stakeholders and society as a whole.

29. Estonia is carrying out under the PROGRESS programme the anti-discrimination project “Diversity Enriches” which is aimed at fighting against xenophobia and racism in Estonia. One of the programme priorities in 2009 was to increase awareness of the threat of racism and xenophobia and anti-discrimination activities in relation to national minorities in Estonia. Also, a media campaign was carried out throughout the year. One of the objectives of “Diversity Enriches” in 2012 is the implementation of equal treatment in the private sector, which includes preparation of action plans with the undertakings to ensure the rights of minorities. In relation to that, a summarizing conference on this topic will be held at the end of 2012.

30. Since 2007, equal treatment experts have been trained under the PROGRESS programme project, with a competence of sharing their expert knowledge with different undertakings. In order to ensure access to information on equal treatment, the webpage <http://erinevusrikastab.ee/> (Diversity enriches) has been constantly updated with relevant studies and reports, and is available both in English and in Russian. Also the handbook on the Equal Treatment Act and the topic of non-discrimination has been published by Tallinn Law School at Tallinn University of Technology that is available also at webpage of the project “Diversity Enriches”. In addition to that, a “Diversity Enriches” week has taken place every year with topical exhibitions and film programmes.

31. With regard to paragraph 21 of the Committee’s concluding observations, we inform that Estonia does not currently consider joining the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Estonia is considering joining the UNESCO Convention against Discrimination in Education. We emphasize that the Constitution, Equal Treatment Act and other legislation ensure persons’ protection against discrimination in Estonia.

32. Compared to the previous report, the legal framework against discrimination has not changed. The Penal code sets out punishments for incitement to social hatred (Section 151), violation of equality (Section 152) and discrimination based on genetic risks (Section 153).⁷

⁷ § 151. Incitement of hatred: (1) Activities which publicly incite to hatred, violence or discrimination on the basis of nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, or financial or social status if this results in danger to the life, health or property of a person are punishable by a fine of up to 300 fine units or by detention. (2) The same act, if: 1) if it causes the death of a person or results in damage to health or other serious consequences; or 2) it was committed by a person who has previously been punished by such act; or 3) the act is committed by a criminal organisation, is punishable by a pecuniary punishment or up to 3 years’ imprisonment. (3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a fine of up to 3200 Euros. (4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 152. Violation of equality: (1) Unlawful restriction of the rights of a person or granting of unlawful

33. In response to paragraph 11 of the Committee's concluding observations, we would like to inform that the Ministry of Justice has initiated proceedings to amend the Penal Code. According to the draft act, the list of group characteristics in Section 152 of the Penal Code will be amended, as a result of which genetic risks (current Section 153) will be added to Section 152. The aim of the planned amendment is to incriminate discrimination of a person on the basis of his or her citizenship, nationality, race, physical characteristics, health status, genetic risks, sex, language, origin, religion, sexual orientation, political opinion, financial or social status.

34. In Estonia, the responsibility for protecting the constitutional order rests with the police, in particular the Security Police Board. The Security Police Board has the duty to prevent, combat and detect illegal activities of extremist groups or individuals that can include inciting racial hatred or terrorism or activities aimed at changing the constitutional order or territorial integrity of the State by force.

35. In response to the Committee's concluding observations stated in paragraph 18, we would like to inform that the Police and Border Guard Board has not registered crimes that correspond to the characteristics stated in Sections 151–153 of the Penal Code in the period from submission of the combined eighth and ninth reports until now (2009 to 6 months of 2012). During this period, initiation of criminal proceedings has been dismissed under Sections 151–153 of the Penal Code on 11 occasions in total. On all occasions, the basis was Section 151. The reason for non-initiation of criminal proceedings was the lack of actions inciting social hatred, i.e., the actions described in Sections 151–153 of the Penal Code were not present in the criminal complaints.

36. The Police and Border Guard Board has registered three misdemeanour matters under Section 151 (1) (3) and two misdemeanour matters under Section 152 (1) of the Penal Code during the period from the end of the previous reporting period until the end of July 2012. No misdemeanour matters have been registered under Section 153 (1). During the entire reporting period, a legislative proceeding has been concluded with a decision on one occasion (2011) on the basis of Section 151 (1), where it was found that Internet commentaries incited hatred and violence between different nationalities and social strata with their content, thus, an offence inciting hatred was carried out and a fine of 100 euro was imposed as a punishment.

37. The aim of police prevention work is to prevent breach of public order and combat danger. The Police inform the population regularly of possibilities of participating in crime prevention. Violence (including intimate relationship violence and bullying in child care institutions) is one of the prioritized prevention directions of the field of internal security in 2012–2015. The other prioritized issues concern traffic, criminal offences against property, addictive substances, deaths by drowning, reducing undetermined citizenship, important identity document, and offences committed on the Internet or via Internet. The Police and Border Guard Board prepares an annual plan on crime preventive activities with the aim of assembling all crime preventive activities across Estonia and to take the mapping as a basis

preferences to a person on the basis of his or her nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, financial or social status is punishable by a fine of up to 300 fine units or by detention. (2) The same act, if committed: 1) at least twice; or 2) if significant damage is thereby caused to the rights or interests of another person that are protected by law or to public interests, is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 153. Discrimination based on genetic risks: (1) Unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her genetic risks is punishable by a fine of up to 300 fine units or by detention. (2) The same act, if committed: 1) at least twice; or 2) if significant damage is thereby caused to the rights or interests of another person that are protected by law or to public interests, is punishable by a pecuniary punishment or up to one year of imprisonment.

in planning the police activities. For example in 2011, 13 per cent of all offence prevention projects were targeted at prevention of violence and the corresponding target for 2012 is 15 per cent.

38. In addition to the existing legislation, the Police and Border Guard Board has in 2010 implemented additional internal guidelines for regulation of the police work, providing conducting principles for the police officers when dealing with children and in relation to cases of violence in intimate relationships. The police officers are obliged to take in consideration the personality, age, sex, race, religion, national and social characteristics and other individual characteristics of the concerned person.

39. The Ministry of Internal Affairs and the institutions in its area of government are also guided by the objectives stated in the Development Plan for Reducing Violence for Years 2010-2014 that was prepared under the leadership of the Ministry of Justice and in cooperation between the relevant branch ministries. The Police and Border Guard Board's violence prevention activities form a part of the National Development Plan for Reducing Violence for Years 2010-2014, as a result of which child protection services were established in the beginning of 2010 in all regional structural units (police prefectures) of the Police to ensure that legal proceedings concerning serious crimes against minors are handled better; children questioning rooms have been modernized and a web police project was launched in 1 June 2011. The web-policemen give advice on social network sites and in forums where they have official profiles with their name and photo. Different preventive activities and projects have been carried out in the communities. Among other things, the activities draw attention to prevention of problems due to race, nationality or social status. In order to carry out preventive activities aimed at minors, the officials usually need special training and therefore, preparative activities are usually carried out by juvenile police officers. The Police and Border Guard Board cooperates with the NGO Victim Support (*MTÜ Ohvriabi*) and the cooperation is regulated with an inter-organizational cooperation agreement.

40. The Police are open to a dialogue and communication to prevent potential conflicts with victims or potential victims of racial discrimination, and racially motivated violent acts against these groups and other persons. When planning its preventive activities, the Police and Border Guard Board takes into consideration the cultural differences of the locality suitable people and channels are selected to deliver their messages and to enhance cooperation. Special preventive activities related to the ethnic minorities have been directed to the Russian-speaking population, mainly in Ida-Viru and Harju Counties. In implementation of the preventive work, local peculiarities are taken into consideration and, on the basis of selection of the target group, the activities are carried out by police officials of the same ethnic and linguistic origin, if possible. The budget of the Police's preventive activities has been constantly increasing since 2010.

41. No complaints have been submitted concerning to the activities of the Police and Border Guard Board and the Security Police Board officials in relation to racism, racial discrimination, xenophobia or other similar forms of hatred.

42. The structure of the Ministry of Justice includes a unit whose main function is to prepare criminal policy decisions for the Government and carry out performance supervision, i.e. analyse the activities of crime prevention establishments to find out whether and how the Government policies are implemented.

43. The Crime Prevention Council established by the Government in 1993 also continues to operate. The Council meets up to four times a year and its task is to provide opinions and proposals to the Government regarding shaping and implementing the criminal and crime prevention policy.

44. In 2010, the Parliament approved the Guidelines for Development of Criminal Policy until 2018. This document sets out the common principles and objectives of the criminal policy that the public authorities must observe in planning of their activities. According to section 9 of the aforementioned Guidelines⁸, attention shall be paid to the potential future risks and the readiness for the prevention of and responding to problems with racial, ethnical and religious background unknown or rare so far in Estonia such as forced marriages, honour killings, becoming a destination country for trafficking in human beings.

45. The Committee in its concluding observations (para. 10) recommended that Estonia consider establishing a national human rights institution in accordance with the “Principles relating to the status of national institutions for the promotion and protection of human rights” (the Paris principles).

46. The Chancellor of Justice⁹ covers most of the functions of the national institution for the protection of human rights. Although the Chancellor of Justice is not accredited in accordance with the Paris principles, the activities of that institution largely follow these principles. The institution of the Chancellor of Justice has been established under the Constitution and in his activities the Chancellor of Justice shall be guided only by the legislation regulating his activities, other legal provisions and his personal conscience. The Chancellor of Justice is not subordinate to any national official or State authority.

47. The Chancellor of Justice has several legal guarantees to ensure his or her independence. The Chancellor’s independence is also ensured by the prohibition to hold any other State or local government office or an office of a legal person in public law during the term of office as Chancellor. The Chancellor may not participate in the activities of political parties, nor belong to the management board, supervisory board or supervisory body of companies, nor engage in enterprise. In his or her activities, the Chancellor of Justice is independent from other bodies exercising State authority.

48. The Chancellor of Justice in Estonia has developed into a well-known and respected official whose opinions are observed equally by the public, politicians and civil servants. In his investigations, the Chancellor has repeatedly found that the State’s activities have been in conflict with the Constitution or an Act or otherwise violated the rights of petitioners. In most of the cases, public authorities comply with the Chancellor’s recommendations and proposals without any opposition.

49. The Chancellor of Justice enjoys the trust of prevailing majority of the population. The Chancellor of Justice’s trust rating has been stable in the last years, making up 68-73 per cent of the population.

50. In its input to the current report the NGO Human Rights Centre has expressed criticism that the institution of Chancellor of Justice in its current capacities cannot be considered a national human rights institution. According to the Human Rights Centre, the institution of the Chancellor of Justice does not correspond to the requirements of a national human rights institution as regards the composition of the Office or its mandate. At the same time, the Human Rights Centre appreciates the Chancellor of Justice as a protector of human rights as a child ombudsman, for his different comments in the media and in the Parliament, as well as activities in prevention of abuse and other similar activities. The Human Rights Centre has recommended the State to thoroughly analyse the possibility of

⁸ In English: <http://www.just.ee/arengusuunad2018>.

⁹ The area of competence of the Chancellor of Justice was described in paragraphs 16-18 of the previous report. The cases investigated by the Chancellor of Justice are described in paragraphs 289-298 of this report.

remodelling the institution of the Chancellor of Justice to a national human rights organization in accordance with the Paris principles, and if that is not possible, to establish a corresponding institution.

Estonian Integration Plan (2008–2013)

51. In the census of 2011, 889,770 people identified themselves as Estonians (68.7 per cent of the respondents) and 321,198 people or 24.8 per cent as Russians. 63,924 people determined themselves as representatives of other nationalities and the national origin of 19,344 counted during the census is unknown. Compared with the data of the previous census, the share of Estonians in the population has increased and that of Russians decreased by less than one percentage point. According to the last census, there are 1,294,236 permanent residents in Estonia.

52. Integration of foreigners into the Estonian society is regarded as a matter of national importance. Integration of Estonian society is a long process with the ultimate aim of a culturally diverse society with permanent population that has a strong identity of the Republic of Estonia, shares common democratic values and communicates in Estonian in the public sphere, and where everyone can realize their potential and feel safe, and participate in the economic, social, political and cultural life of the society. Since 2000, the Government of Estonia has passed and implemented several integration programmes for that purpose.

53. In 2007, the previous Minister for Population and Ethnic Affairs¹⁰ in cooperation with civil society and experts prepared the Integration Plan for 2008-2013, which the Government approved in 2008. Since 1998, a foundation established especially for that purpose, currently called the Integration and Migration Foundation Our People (MISA), is dealing with the matters of integration. Since June 2009, the Ministry of Culture is responsible for policies aimed at national minorities and the integration issues.

54. Ministries of Culture, Education and Research, Social Affairs, Internal Affairs, Foreign Affairs and the State Chancellery contribute to this field. Strategic management of the Implementation Plan takes place by the help of collegial bodies – the steering committee¹¹ and the group¹² of the Integration Plan. Cooperation with the advisory bodies of national minorities has also become more intense and meaningful, one expression of which being the Council for Ethnic Minorities at the Ministry of Culture and the Round Table of Nationalities convened by the Estonian Cooperation Assembly. The Round Table is a cooperation and advisory body to the President of the Republic and the relevant institutions of legislative and executive power. In the regions, there are counselling chambers of local governments and round tables have been established to county governors,

¹⁰ Until the change of government in June 2009, the office of the Minister for Population and Ethnic Affairs (being a part of the State Chancellery) was mainly responsible for dealing with the issues concerning integration, the Estonians living abroad and the population in general. By the Then it was dissolved and its tasks were divided between the Ministries of Social Affairs, Education and Research, Culture and Internal Affairs.

¹¹ The tasks of the steering committee of the Integration Plan is to make recommendations to the Government of the Republic via the Minister of Culture, if necessary, for amendment of the Integration Plan 2008-2013 and its implementation plan, and to initiate preparation of the next period Integration Plan.

¹² The tasks of the steering group of the Integration Plan is to assemble information on the Integration Plan implementation plan on a regular basis, as well as information on the strategic implementation, to analyse the development of integration and the related processes, and to share information to the parties that implement or benefit from the Integration plan, and to the public.

like a national minority round table at the Ida-Viru county governor and *Kodurahu Foorum* (Home Peace Forum) in Tallinn.

55. Integration is seen as a two-way process in the Integration Plan. Successful integration depends on the level of contacts between Estonians and other ethnic groups in Estonia. The aim is to highlight regional differences of integration and strengthen cooperation with local authorities. The cornerstone of integration policy is the need to encourage ethnic minorities to participate more actively in social and political life, and more emphasis is placed on equal treatment. A new development plan for the years 2014-2020 is under preparation.

56. The integration plan aims to achieve a situation by 2013 where:

(a) Estonian language proficiency among those whose mother tongue is not Estonian has improved on all levels;

(b) Contacts and communication between people with different mother tongues have increased and the difference between Estonian-speaking residents and those speaking other languages has decreased with regard to participation in civil society associations and the public sphere;

(c) The number of people with undetermined citizenship among Estonian inhabitants has constantly decreased;

(d) The majority of Estonian inhabitants belonging to different nationalities trust each other and the Estonian state;

(e) The majority of those whose mother tongue is not Estonian regularly receive information via Estonian-language mass media and trust this information;

(f) Differences in employment and income of employees of different nationalities have decreased.

57. On 30 June 2011, the Government approved the priorities of the new implementation plan of Estonian Integration Plan for 2011–2013. The implementation plan describes the priorities, activities and financial means. According to the plan the priorities are:

- Enhancement of teaching of the Estonian language
- Promotion of cooperation activities between youths of different mother tongues, also supporting youth career counseling
- Support to citizen's associations to increase participation and activeness of people of different mother tongues in the Estonian society
- Support to development of a uniform Estonian information environment

58. The implementation plan was prepared by using broad inclusion: studies were carried out, experiences from the previous periods were mapped, several topical discussion seminars, as well as three regional round tables took place. The process was led by independent PRAXIS Centre for Policy Studies on the order of the Ministry of Culture.

59. In 2010, the Ministry of Internal Affairs initiated a systemized and harmonized activity plan to support regional development of Ida-Viru County and include various fields of life. The main focus of the activity plan was increasing the region's coherence that should help in more effective solving of problems arising from employment and other cultural and social conditions. It is a complex activity plan that goes beyond the area of government of one ministry.

Cooperation with NGOs

60. According to the Constitution, everyone in Estonia has a right to belong to unions, societies, and clubs; to form non-profit associations and federations; to protect their interests; to express their mutual views. The Government supports the cultural societies of national minorities in preservation, development and introduction of their ethnic culture. There are almost 300 cultural unions and associations of national minorities registered in Estonia. They are supported from the national budget funds since 1991.

61. In the field of culture the prioritized activities are increasing the contacts between Estonians and other nationalities, and supporting joint activities. The target group of activities are the people of different ethnic background living in Estonia. In cooperation activities, the whole population regardless of their citizenship or ethnic-cultural background.

62. Allocation of grants from the State budget to national culture organizations takes place via umbrella organizations and started from 2009. National minority umbrella organizations are divided into mono-ethnic (e.g. Ukrainian, Belorussian, Russian, etc.) and multicultural organizations, involving representatives of different nationalities.

63. Since 2009, MISA has financed activities of NGOs, incl. youth organizations, where people with different ethnic origins participate. The aim of these activities is to increase understanding among people and their activeness in NGOs, to improve dialogue between cultures and contacts between communities.

64. In addition to support from MISA, cultural activities of national minorities are supported from the State budget funds by the Ministry of Culture, Ministry of Education and Research, the Cultural Endowment of Estonia, the Estonian Gambling Tax Committee and the National Foundation of Civil Society. Local governments also support the language and culture of national minorities. National minorities are also supported by private funds and foreign embassies.

65. Under the Integration Plan, more than 400 cooperation partners, that is, non-profit associations, educational institutions and scientific research establishments, local governments and other NGOs, are carrying out integration activities each year.

66. In order to introduce activities of cultural associations of national minorities, the Internet portal www.etnoweb.ee was launched in 2010. Since 2008, the National Minorities Cultural Council is active at the Ministry of Culture as an advisory body of the Minister of Culture. The Council makes proposals regarding promoting and supporting the cultural activities of national minorities.

67. The Ministry of Culture is supporting the activities in the field of human rights and equal treatment, as well as cooperation with international organizations working on human rights and the rights of ethnic minorities. There are three organizations in Estonia that carry out research and awareness raising activities on human rights: the Legal Information Centre for Human Rights¹³, the Estonian Institute of Human Rights¹⁴ and the Human Rights Centre¹⁵, that are active on an local, national and international level, daily counselling and informing people, organizations, State institutions and international organizations.

68. The Human Rights Centre, a foundation that deals with promotion and protection of human rights in Estonia, has published an annual report "Human Rights in Estonia" since 2007. The report also includes topics like prohibition of discrimination and the situation of

¹³ <http://www.lihr.ee>.

¹⁴ <http://www.eihr.ee/en/>.

¹⁵ <http://humanrights.ee/en/>.

national minorities in Estonia.¹⁶ The Centre also offers free counselling on equal treatment and discrimination.

69. The Legal Information Centre for Human Rights provides legal aid, as well as gathers and distributes information on human rights, concentrating on counseling in relation to emigration and living permits. The Information Centre manages a telephone hotline for discrimination victims since 2005, in which the employees of the Information Centre and volunteers answer questions, and provide legal aid and information on relevant non-profit associations and State authorities. The Information Centre participates in the work of European Network Against Racism (ENAR). In 2008, the Legal Information Centre for Human Rights became a member of the European Association for the Defence of Human Rights (AEDH).

70. The Estonian Institute of Human Rights was established in 1992 and is the first independent organization dealing with the protection of human rights in Estonia, having also been active for the longest. The Institute provides counselling to people both in Tallinn and in the Ida-Viru County. The Institute is a member of the European Grassroots Antiracist Movement and the EU Fundamental Rights Platform which is an advisory body operating at the European Union Agency for Fundamental Rights (FRA) and consisting of NGOs. The Institute is a part of national and international cooperation networks of the UN, the EU and the Council of Europe, e.g., EGAM (European Grassroots Antiracist Movement, established in 2010 to reinforce European anti-racism activities by citizens' associations). It also cooperates with the Helsinki Committee in Poland. On the initiative of the Estonian Institute of Human Rights, and together with the Human Rights Centre, a roundtable¹⁷ has been formed for organizations active in the field of human rights with the aim of promoting mutual information exchange, carrying out joint advocacy activities and developing the field of human rights in Estonia and the rest of the world through cooperation.

71. The aim of the Estonian Institute of Historical Memory (EIHM)¹⁸ is to provide a thorough and objective overview of the situation of human rights in Estonia during the Soviet occupation. The work of the EIHM is coordinated by an international expert commission that consists of members that have extensive experience in studying the European history, as well as the history of human rights and repressions. The Committee approves the study topics, as well as the procedures used for engaging researchers.

72. As a response to the recommendations in paragraph 19 (a) of the concluding observations on the EIHM, we reply that the Estonian International Commission for the Investigation of Crimes Against Humanity has made its concluding observations on the II World War and what followed, and further historical studies are still to be conducted. Estonia continues to be interested in addressing the topics covered by the Commission. With regard to the recommendation in paragraph 19(b), we inform that the EIHM is already cooperating with several institutions active in this field in Estonia, for example, the Institute of Human Rights and the Estonian History and Civics Teachers' Association. As a response to the recommendation in paragraph 19 (c), we would like to point out that the activities of the EIHM are based on the lessons learned from the Commission's work. Some of the members of the Commission also sit in the Council of the EIHM, being members of the Estonian research team as well.

73. As a result of political and social developments, the Roundtable for Development Cooperation (*Arengukoostöö Ümarlaud*) was registered as an independent non-profit

¹⁶ http://humanrights.ee/wp-content/uploads/2011/09/EIKaruanne2011.eng_.pdf.

¹⁷ <http://www.eihr.ee/en/roundtable/>.

¹⁸ <http://www.mnemosyne.ee/lang/en-us>.

association on 15 February 2007 and became an important support organization for NGOs that are active in the field of global education. With the support of the European Commission and the Ministry of Foreign Affairs, the Global Education Week¹⁹ aimed at schools is organized increasingly widely in Estonia. The Global Education Week encourages young people and teachers to implement a global education project in their schools, reflecting on how to address exclusion and inequality and discussing globalization.

74. Tallinn Law School at Tallinn University of Technology has implemented a project in 2010–2012 under the framework of the EU Community programme for employment and social solidarity - PROGRESS (2007–2013) with the aim of increasing the awareness of equal treatment, and to combat hatred in the Estonian society. Throughout the years, different fields of tolerance and equal treatment have been focused on: in 2010, fight against racism and homophobia was in focus; in 2011, the project concentrated on fight against homophobia and promotion of the social status of handicapped people; in 2012, the project mainly focused on promotion of equal treatment in businesses. In addition, special attention is turned to fight against homophobia and discrimination of the elderly. The project is financed by the EU, the Ministry of Social Affairs and Tallinn Law School at Tallinn University of Technology.

75. With the support of the Ministry of Culture and MISA, the Integration Plan was implemented in 2010 and the Monitoring of the Integration of Estonian Society²⁰ was carried out in 2011, studying the efficiency of the integration activities so far. According to the summary of the research, several positive developments have taken place in the field of integration. The monitoring results of both 2010 and 2011 indicated increased contacts between people of different nationalities, and growth of mutual recognition. About two-thirds of both Estonian and Russian-speaking population have close acquaintances or friends in the other community.

76. Compared with the Monitoring of the Integration of Estonian Society of 2008, according to the Monitoring of 2011, perception of inequality has significantly dropped among the residents of other nationalities. When answering the question “Have you encountered a situation in the last few years in which some people have been preferred in recruitment, distribution of certain positions or rights because of their nationality or mother tongue”, 20 per cent of the respondents had experienced unequal treatment among members of other nationalities in 2011 (49 per cent in 2008); half of them reported repeated inequality (24 per cent in 2008). Only few people have experienced conflicts based on nationality: 10 per cent of the Estonians and 7 per cent of representatives of other nationalities.

77. The attitudes of Estonians towards inclusion and involvement of the Russian-speaking population have become more positive. The support of Estonians to higher inclusion of the Russian-speaking population into the management of Estonian society and economy has increased and deepened.

78. The Human Rights Centre has acknowledged the State for its decisive steps in combating ethnic division and the continuing positive trend in communication between different nationalities. The Human Rights Centre turns special attention to the implementation plan of the Integration Plan that addresses the Committee’s recommendations on these matters in several different ways, also turning special attention to the young people to increase their inclusion and activeness in a society. The Human Rights Centre finds that the level of political activeness in different national groups has

¹⁹ http://www.coe.int/t/dg4/nscentre/ge/gew_EN.asp.

²⁰ http://www.kul.ee/webeditor/files/integratsioon/Intmon_2011_pt_8.pdf; the summary of the results in English: http://www.kul.ee/webeditor/files/integratsioon/Monitoring_2011_EN.pdf.

increased and they share increasingly more political values. It indicates that according to NGOs, the State takes the issue of inclusion of national minorities stated in paragraph 14 of the Committee recommendations seriously. They also note positively one of the priorities of the implementation plan, which is enhancement of teaching of the Estonian language both in school and in informal environment, thus following the Committee's recommendation in the paragraph 13 (a).

79. The need for enhancement of teaching the Estonian language has also been stated by the Chancellor of Justice who made a suggestion to the Parliament on 2 July 2012 to bring the Private Schools Act into conformity with everyone's constitutional right to being taught in Estonian. The suggestion has found support in the Constitutional Committee and the Cultural Affairs Committee of the Parliament, as well as the Parliament itself.

80. The Institute of Human Rights has also brought attention, in its 9 July 2012 address to the Ministry of Culture, Ministry of Education and Research and the MISA, to the fact that since most of the jobs require proficiency in Estonian on the level of B2 or higher, and in State offices, generally on the level of C1, the curricula of Russian schools do not enable to ensure equal opportunities to the graduates in comparison with the graduates of Estonian schools, which may cause obstruction to both their further studies, selection of a job and in further career.

81. The Ministry of Defence and the area of government support elimination of all forms of racial discrimination within the limits of binding legislation, including elimination of unequal treatment of ethnically and linguistically differentiating minority groups. At the Ministry of Defence and the authorities under its area of governance, the need for preserving the identity of ethnic-cultural minorities is taken into consideration, at the same time supporting their integration and cooperation with the majority groups.

82. At the Estonian Defence Resources Office, professional suitability test can be completed in one's mother tongue. The free information phone line enables the persons drafted and their family members to ask for help and counselling in their mother tongue, and the persons drafted can also speak in their mother tongue when in the medical commission. This opportunity is widely used by minority groups mainly in the Kohtla-Järve medical commission.

83. The minority groups have a possibility of participating in free courses on Estonian language throughout their service with the aim of supporting their integration into society. Persons participating in the compulsory military service are young citizens for whom acquisition of language increases qualification and helps to enter the labour market on similar terms with the majority groups. In the feedback by recruits of national minorities in 2011, acquisition of language skills was brought out as a highly positive aspect in performing the obligation to serve in the Defence Forces. Since no ethnic or linguistic groups are differentiated in the positioning of people in the compulsory military service, integration on the level of people also takes place during the service.

Article 3

84. There is no genocide, apartheid or racial segregation in Estonia. Penalties for genocide (Section 90) and crimes against humanity (Section 89) are established in the Penal Code. The Ministry of Justice has proposed an amendment to these sections in conformity with the EU legislation. According to the planned amendment public justification, denying or declaring unimportant of an international crime against a group would be punishable if it brings about a danger of inciting hatred, violence or discrimination against a group of people or a member of a group of people.

85. Under Section 89 of the Penal Code, one court proceeding was initiated in the period of 2008 until the first half of 2012, and three court proceedings under Section 90.

86. As regards to teaching of holocaust in schools, we are referring to paragraphs 43-45 of the previous report, the activities described in which have continued in the current reporting period. The list of study materials on holocaust is added to the previous report.

87. We would like to provide the following information in addition to what was explained in the previous report. In 2011, a conference “How to talk about holocaust?” aimed at teachers was held in cooperation with the Ministry of Education and Research and the Estonian Atlantic Treaty Association, also participated by the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research *chair ambassador* Karel de Beer. The Conference speeches were published in a digital form to be used as study materials.²¹ Yad Vashem, the world center for documentation, research, education and commemoration of the Holocaust and the Ministry of Education and Research’s are organizing in cooperation trainings on how to cover holocaust in study programmes. There were 20 participants in the trainings in both 2010 and 2012.

Article 4

88. In response to paragraph 12 of the concluding observations, we explain that Estonia has not yet implemented its intention to amend the Penal Code Section 151 on incitement to hatred or declaring formation of racial associations with the aim of committing racial crimes and belonging to such associations to be punishable.

89. According to the planned amendments to Section 151, activity, including the use, distribution or sharing of a writing, picture, symbol or any other material that incites hatred, violence or discrimination against a person or a group of persons that is determined on the grounds of his or her citizenship, nationality, race, physical characteristics, health status, sex, language, origin, religion, sexual orientation, political beliefs or proprietary or social status in a systematic manner or a manner that disturbs public peace, is punishable as a crime.

90. These proposals to amend the Penal Code were still being processed by the Ministries at the moment of completing the current report (January 2013).

91. In relation to the aforementioned amendment, it is also planned to increase awareness of the public and especially the employees in law enforcement authorities of these amendments and the regulation on hate crimes as a whole (see paragraph 18 of the concluding observations). The Ministry of Justice is planning to develop methodological bases for determination of the motivation of hatred, for example, taking into consideration the international experience and recommendations of international organizations.

92. The Ministry of Foreign Affairs organizes a prior training to officials to be sent on a foreign mission, also including the topic of racism and discrimination relevant to the region to be visited. The number of police officials that participated in civil missions was 18 in 2012, 23 in 2011, 16 in 2010 and 9 in 2009.

93. During the reporting period, Estonian police officers attended various international events dealing with issues of racial discrimination and combating it. On 12 October 2010, the Police and Border Guard Board organized a conference on ethics, where a community-based organization and the mission and vision of the Police and Border Guard Board were discussed.

²¹ <http://www.eata.ee/holokaust>.

94. Since 2008, the Estonian police participate in the work of the support group EDPOL (European Diversity in Policing) where one of the topics also includes racial discrimination of the police. The head of personnel department of the Police and Border Guard Board is a member of the EDPOL advisory body. Thus, being constantly involved in development and implementation of the EDPOL policies. EDPOL is dealing with the issue of racial discrimination, from different aspects: both with discrimination inside the organization and in relation to the community. In relation to the community the discrimination can be to-ways: prejudices and consequential behaviour both by the police officers and against them.

Article 5

(a) The right to equal treatment before the tribunals and all other organs administering justice

95. The Constitution guarantees everyone's right to the protection of the State and the law. Everyone whose rights and freedoms are violated has the right of recourse to the courts. Everyone is entitled to petition the court that hears his or her case to declare unconstitutional any law, other legislative instrument or measure which is relevant in the case. This topic has been dealt with in more detail in Estonia's previous reports.

96. Justice is administered exclusively by the courts. The courts are independent in discharging their duties and administer justice in accordance with the Constitution and the laws (Section 146 of the Constitution). Organization of courts and the legal bases for court service are established by the Courts Act.²² Hereby we refer to article 6 where the organization of courts is described in more detail. Articles 6 and 2 also explain the competence and activities of the Chancellor of Justice in more detail.

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

97. As to the liability of a prosecutor, judge, assistant judge and a body conducting extra-judicial proceedings regulated under the chapter on offences against administration of justice in the Penal Code, we refer to paragraph 65 of the previous report.

(c) Political rights, in particular the right to participate in elections

98. Under the Constitution, the supreme power of the State is exercised by the people through elections of the Parliament and at referendums. Estonian citizens who are at least 18 years old may vote in the elections of the Parliament. According to the Local Government Council Election Act, Estonian and EU citizens of at least 18 years of age can vote in elections of local government councils. Also foreigners who are living in Estonia on the basis of a long-term or a permanent residence permit can vote in elections of local government councils. The permanent residence of a voter, that is the residence the address of which has been entered into the Estonian population register, must be in the same rural municipality or town.

99. As all persons permanently residing in Estonia, regardless of their knowledge of the Estonian language, are guaranteed the right to participate in local government elections, they have the opportunity to influence decisions taken on local level and to participate in

²² The Act in English:
<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X30065K7&keel=en&pg=1&ptyyp=RT&tyyp=X&query=kohtute>.

political life. It should be noted that Estonia is one of the few countries in the world where non-citizens may participate in the elections of local government councils.

100. In addition to elections and referendums, persons and associations also have possibilities of participating in administration of State directly, for example, via online participation. Draft legislations shall be published in the e-law environment (Information system for Draft Legislations – EIS)²³. Via *Ettevõtjaportaal* (portal for entrepreneurs), a web-based user environment, establishment and reporting of both undertakings and NGOs are simple and fast.

101. The right to belong to a political party is legally related to Estonian citizenship²⁴: a political party is a voluntary political association of citizens with a purpose of expressing the political interests of its members and supporters, and exercising power. Even though running for and electing the Parliament requires Estonian citizenship, no other rights of persons with foreign or undetermined citizenship regarding the right to express their political views and opinions are restricted. The current Integration Plan and its implementation measures largely concentrate on more active inclusion of national minorities into the activities of the civil society.

(d) Other civil rights, in particular

(i) The right to freedom of movement and residence within the border of the State

102. We refer to the information presented in the penultimate report and to paragraphs 74-76 and 81-87 of the previous report.

103. Compared with the previous reporting period, the legal regulation concerning refugees under the Act on Granting International Protection to Aliens²⁵ has changed somewhat. On 1 October 2010, an amendment to legislation entered into force, according to which Estonia shall as a general rule provide family members of persons enjoying international protection with a family member residence permit and, only when the family member needs international protection, he or she shall also receive it together with a family member residence permit.

104. Regulative provisions concerning working and residence of foreigners in Estonia were also simplified by the amendment. The relevant procedures were adjusted so that employers can react operatively and in a short time to changes in the need for labour.

105. With the amendment of the Aliens Act²⁶ of 14 June 2008, the annual immigration quota was increased to 0.1 per cent of Estonia's permanent population, compared to the previous 0.05 per cent of the permanent population.

106. There are different grounds in law where the immigration quota does not apply. For example, the immigration quota does not apply to the spouse of an Estonian citizen or of a foreigner who resides in Estonia on the basis of a residence permit, or to a minor or adult child, parent, grandparent or ward of an Estonian citizen or of a foreigner who resides in

²³ <http://eelnoud.valitsus.ee/main#P5wGmcUN>.

²⁴ According to Section 5 (1) of the Political Parties Act, also an EU citizen permanently residing in Estonia may be a member of a political party.

²⁵ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XX00013K1&keel=en&pg=3&ptyyp=RT&tyyp=X&query=rahvusvahelise>.

²⁶ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XXXXXX14K1&keel=en&pg=1&ptyyp=RT&tyyp=X&query=v%E4lismaalaste>.

Estonia on the basis of a residence permit. This also includes citizens of the EU and Member States of the European Economic Area, Swiss Confederation, the United States of America and Japan; see Section 115 of the Aliens Act.

107. In 2009 and 2010, respectively 36 and 30 persons submitted an application for asylum and in 2011, this number was 66. During the period of 01.01.2000–31.08.2012, totally 38 persons were granted asylum and 26 persons were given an additional or subsidiary protection.

108. All border crossing points in Estonia are able to receive asylum applications and perform initial procedures required by law. To grant and improve the professional competence of the relevant officers, regular training on domestic legislation, international conventions, EU directives and other international instruments is provided to them.

109. The Estonian authorities actively cooperate with different international organizations. Ministries' representatives participate in the working groups of the European Commission and Council of Europe. There is also close cooperation with the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees (UNHCR). Cooperation relationships with the competent migration and asylum authorities of many Member States have been established.

110. In 2006, within the framework of the project administered by the IOM and co-financed by the European Refugee Fund, "Minimum requirements for the reception, protection and qualification of asylum seekers in Estonia – MINAS", study materials on asylum procedures for border guard officers were compiled. Within the same project (in 2006 and 2007), training to border guard officers, officials of the Labour Market Board and the Citizenship and Migration Board was provided; several study visits to other countries were conducted; information materials for asylum seekers were prepared and translated into eight languages; the linguistically revised translation of UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees* was published.²⁷ Under the IOM project, also follow-up projects were carried out in 2008-2012. Since 2004, more than 30 projects have been implemented, all directly or indirectly related to improvement of asylum proceedings and conditions of reception of asylum seekers.

(ii) *The right to leave any country, including one's own, and to return to one's country*

111. Under the Constitution, everyone has the right to leave Estonia. This right may be circumscribed in the cases and pursuant to a procedure provided by law to ensure the proper conduct of a trial or of a pre-trial investigation, or to enforce a court judgment (Section 35).

112. According to Section 36 of the Constitution, no citizen of Estonia can be expelled from Estonia or prevented from settling in Estonia. No citizen of Estonia may be extradited to a foreign State, except under conditions prescribed by an international treaty and pursuant to a procedure provided by such treaty and by law. Extraditions are decided by the Government of the Republic. Any person who is subject to an extradition order has the right to challenge this order in an Estonian court.

113. Due to the Obligation to Leave and Prohibition on Entry Act²⁸, Estonia shall not send a foreigner to a country in which his or her human rights may be violated, he or she may be subjected to torture and cruel, inhuman or degrading treatment or punishment.

²⁷ <http://www.politsei.ee/dotAsset/25136.pdf>.

²⁸ The Act in English:
<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X30034K10&keel=en&pg=1&ptyyp=RT&tyyp=X&query=v%E4ljas%F5idukohustuse>.

114. The main legal acts and principles regulating this area were presented under article 5 of the previous report.

(iii) *The right to nationality*

115. The Committee recommended in paragraph 15 of its concluding observations making further efforts to reduce the number of persons with undetermined citizenship. We would like to reiterate that Estonia pays a lot of attention to reducing of the number of persons with undetermined citizenship. Estonia was also recommended to ratify the Convention Relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961. Estonia has analysed carefully the 1954 Convention and as that persons with undetermined citizenship living in Estonia already enjoy the rights foreseen in this Convention Estonia is not planning to accede the Convention in the near future.

116. The 1961 Convention on the Reduction of Statelessness partially contradicts the Estonian Citizenship Act, wherefore the Estonian Citizenship Act would have to be changed upon joining the Convention. Article 1 of the Convention foresees that a Contracting State shall grant its nationality to a person born on its territory and who would otherwise be stateless (the principle of *jus soli*). According to the Estonian Citizenship Act, nationality is granted “by blood” (the principle of *jus sanguinis*), that is, a person that has at least one parent with Estonian citizenship at the moment of birth shall acquire Estonian citizenship. Estonia does not consider changing this principle in the Citizenship Act at the present moment.

117. Although the Citizenship Act has been amended during the reporting period, the main principles for acquiring Estonian citizenship remain unchanged. We would like supplement the information provided in the previous reports as follows.

118. On 1 August 2012, an amendment to the Citizenship Act entered into force. According to the amendment any person who, during the process of the governmental authority authorized by the Government of the Republic deciding on the issue of Estonian passports, was defined as an Estonian citizen without legal basis by that authority, is to be deemed by the same authority to have acquired Estonian citizenship on the same legal basis, i.e. by birth or by a subsequent lawful act, as appropriate pursuant to the procedure which was in force on the date of accepting the documents. At the same time, the authority shall have a right not to consider a person as an Estonian citizen *ex tunc* on occurrence of circumstances stated in Section 21 (1) (2–6) or Section 28 (1) (2–3) of the Citizenship Act, or when it is established that an Estonian passport was issued to him or her as a result of documents which were falsified or which contained false information being submitted or as a result of false information being submitted knowingly.

119. The work on increasing awareness of persons with undetermined citizenship on the necessity of applying for citizenship continues, and different campaigns are carried out to motivate persons with undetermined citizenship to apply for Estonian citizenship.

120. Special attention is turned to informing parents of under 15-year-old children of the possibilities of applying for citizenship for the child. Parents with undetermined citizenship can apply for Estonian citizenship for their child without additional conditions before the child turns 15, given that the parents have lived in Estonia for at least five years. Children with undetermined citizenship are not granted Estonian citizenship automatically on the basis of a law, since the State respects the right and obligation of the parents to make decisions on the future of their child without the State’s intervention.

121. Children under the age of 15 constitute approximately 30 per cent of all the citizenship applicants. The application procedure had to be terminated only in exceptional cases for the reason that the child was not relieved of his or her existing citizenship.

122. The Constitution of the Republic of Estonia forbids all discrimination on the grounds of citizenship and the persons with undetermined citizenship are granted equal social rights with the Estonian citizens. Persons with undetermined citizenship have long-term connections with Estonia and they are granted the rights that are generally equal to the ones of the citizens of the Republic of Estonia. Most of them are living in Estonia on the basis of a long-term residence permit, they are issued travelling documents that are valid for five years, and they have a right to return to Estonia after staying abroad for a longer period of time.

123. According to the Population Register, there were 91,933 people with undetermined citizenship and a valid residence permit at 1 November 2012. The share of persons with undetermined citizenship in the Estonian population has constantly decreased. When in 1992, the number of people with undetermined citizenship was 32 per cent, in 2012, it is 6,8 per cent. According to the population register, the Estonian population divides by citizenship as follows: 84 per cent are Estonian citizens, 7 per cent are Russian citizens, 2–3 per cent are citizens of other countries and 6,8 per cent are persons with undetermined citizenship.

124. Starting from 1 June 2008, persons with undetermined citizenship have a right to enter the EU without a visa, and the right to live and work in the other EU Member States. Permanent residents with undetermined citizenship also have a right for visa-free entry to the Russian Federation.

125. According to the integration monitoring (2011), 51 per cent of the respondents with undetermined citizenship stated a wish to apply for Estonian citizenship in 2008, whereas in 2011, that number had increased to 64 per cent. Compared to 2008, the share of people who no wish to acquire any citizenship has also decreased (from 16 per cent to 6 per cent).

126. In 2008, the tradition of festive ceremonies for presenting citizenship certificates was started with the aim to value citizenship as an integral part of statehood and to show appreciation to the new citizens of the Republic of Estonia that have passed the naturalisation process. It helps to acknowledge that citizenship both gives rights and requires readiness to take obligations and to participate in the life of civil society. The main aim of these ceremonies is to motivate the people with undetermined citizenship to become Estonian citizens.

127. Since 2003, the Citizen's Day is celebrated on 26 November in Estonia. On that day people who have made a considerable contribution to improvement of the society and upbringing of citizens are recognized with a Citizen's Day award. Citizen's Day is meant for all Estonian citizens and persons applying for Estonian citizenship, regardless of their ethnic background. Citizen's Day is nation-wide, mostly based on local initiative. For the most part, the activities on the day consist of providing information on following topics: the State and the citizen; citizen's rights; becoming a citizen; the citizen's duty; the Constitution and the constitutional public authority and democracy. The title of Citizen of the Year is also awarded on Citizens' Day. All permanent residents of the Republic of Estonia can apply and everyone can submit candidates. This honourable title is given to a person that has stood out by supporting the general development of the society or has made achievements that are important to the society.

128. On 25 September 2008, the Government by its Regulation No. 143 approved "The procedure for the examination of the knowledge of the Estonian Constitution and the Citizenship Act for citizenship applicants", making the exam questions more meaningful and simplified the wording. According to the regulation, the examination on the knowledge of the Estonian Constitution and the Citizenship Act can be taken by a basic school graduate as part of the final examination on civic studies with harmonized questions and tasks upon previously notifying the school management of his or her wish in a written form

at the same time as registering for the final examination on civic studies. A special free handbook has been published for those preparing for the examination, introducing the exam and its topics. It is available free of charge on paper and on the webpage of the Innove Foundation; the handbook is also translated into Russian and English. In addition to the handbook and in cooperation with the MISA, examinees also have a free access to the texts of the Constitution of the Republic of Estonia and the Citizenship Act in Estonian, alongside with special Estonian-Russian and Estonian-English dictionaries prepared for this exam.

129. As regards proficiency in Estonian of students of schools with a language of instruction other than Estonian, the final examination of Estonian as the second language is unified with the B1 level examination of Estonian. This means that they do not have to pass a separate language test when applying for citizenship.

130. Targeting different groups of the population to facilitate the naturalisation process continues. For example, MISA is organizing free preparation courses for the examination on the knowledge of the Estonian Constitution and the Citizenship Act. They also offer free language courses and compensation of study costs to applicants of citizenship.

131. In addition to compensating for costs of language studies as stipulated by the Citizenship Act, the opportunities for studying Estonian free of charge have also been extended. In autumn of 2009, programmes funded by the European Fund for the Integration of Third-Country Nationals and the European Social Fund (ESF) were launched. They enable providing preparation trainings for the citizenship examination and Estonian language courses to all persons with undetermined citizenship or citizens of third countries, regardless of whether or not they are planning to take the citizenship exam.

132. Personal counselling of persons with undetermined citizenship continues. In the period of October 2008 to October 2010, three statistical analyses were carried out on persons with undetermined citizenship by different age groups and counties. The main focus was on the age group of 0–14 (who can apply for Estonian citizenship under a simplified procedure) and young people of the age of 15–20. As a preliminary work, the Police and Border Guard Board checked the data on each child and their parents and assessed whether the child and his/her parents comply with the requirements set out in the Citizenship Act for acquiring citizenship. After that, individual notification letters with the signature of the Minister of Internal Affairs were prepared and sent out, explaining the legal bases on which they can apply for Estonian citizenship, and what they have to do for that. In total, more than 5000 notification letters were prepared.

133. In addition, the officials of the Citizenship and Migration Board provide information on the options of applying for Estonian citizenship to the persons of undetermined, informing and counselling takes also place by telephone.

134. Starting from October 2008, information classes and consultations have been carried out in schools with children with undetermined citizenship. Materials introducing advantages of Estonian citizenship and explaining the options of acquiring the Estonian citizenship to different age groups have been distributed.

135. With the support of MISA, BDA Consulting OÜ carried out the project “My home – Estonia”, under which a DVD with information on Estonian citizenship was prepared, aimed at children with undetermined citizenship of under 15 years of age, and their parents. Since May 2009, free information line 800 9999 is open, providing information on both preparatory courses for taking the examination on the knowledge of the Citizenship Act, as well as different possibilities of studying Estonian. Most frequently people ask for information on free Estonian courses and compensation of Estonian study costs; people have also registered for preparation courses for the examination on the knowledge of the Estonian Constitution and the Citizenship Act. For web-based notification,

www.meis.ee/kodanik was upgraded with information in Estonian, Russian and English. People can also register for the courses via this webpage.

- (iv) *The right to marriage and choice of spouse*
- (v) *The right to own property alone as well as in association with others*
- (vi) *The right to inherit*
- (viii) *The right to freedom of opinion and expression*

136. The main legal acts and principles regulating this area have been presented in the previous reports. We would like to point out some of the main changes that have occurred.

137. According to the Law of Property Act²⁹, all persons have a right to acquire an immovable, unless otherwise provided by law. During the reporting period, the Restrictions on Acquisition of Immovables Act³⁰ was changed as to the restrictions on acquisition of immovables in the cases when the foreigner wishing to acquire an immovable is a citizen of a State which is a Contracting Party to the European Economic Area Agreement or a Member State of the Organisation for Economic Cooperation and Development. In such cases, a foreigner has a right to acquire an immovable, including agricultural and forest land, without restrictions. The provisions described in the previous report regarding the rights of citizens of third countries in acquisition of immovables are still valid; see paragraphs 117–119 of the previous report.

138. Concerning the freedom of opinion, no changes have occurred during the reporting period. With regard to the Advertising Act that entered into force in 2008, see paragraph 121 of the previous report. It can be added that advertising-related complaints may be submitted to the Advertising Council that works at the Estonian Consumer Protection Board.³¹ Estonian Press Council³² is an independent analysing centre that works for the protection press freedom, it examines complaints about mass media from the aspect of good conduct and support the development of journalists' professional skills and adherence to the good tradition of journalism.

139. With regard to the Estonian National Broadcasting and the National Broadcasting Act of 2007 that regulates its activities, see paragraphs 122–124 of the previous report.

- (vii) *The right to freedom of thought, conscience and religion*

140. With regard to legal grounds of protection of freedom of religion, we are referring to paragraphs 125–127 and 137–140 of the previous report.

141. With regard to legislation related to education, Section 15 (4) of the Basic Schools and Upper Secondary Schools Act provide that the national curricula of basic schools and upper secondary schools includes subject syllabi of religious education, set out by a regulation of the Government of the Republic. Section 13 (4) of the National Curriculum

²⁹ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X0004K11&keel=en&pg=1&ptyyp=RT&tyyp=X&query=Law+of+Property+Act>.

³⁰ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=2012X10&keel=en&pg=1&ptyyp=RT&tyyp=X&query=kinnisasja>.

³¹ <http://www.tka.riik.ee/en>.

³² <http://www.asn.org.ee/english/index.html>.

for the Basic School states that religion is only taught on the basis of the subject syllabus provided in the national curriculum. The same requirement is set out in Section 11 (5) of the National Curriculum for the Upper Secondary School. Religious education is non-confessional both in basic school and upper secondary school. In basic schools, religious education is an elective subject, the need for and necessity of which is decided by the school. In upper secondary schools, religious education is an elective subject, but it has to be granted to any student who expresses a wish to study it. Schools may also make it compulsory as a part of a syllabus of some particular fields of study, provided that the teaching takes place under the nationally approved syllabus.

142. According to Section 11, paragraph 5, of the Private Schools Act, there is a difference between religious education provided by a municipal school and confessional religious education provided by a private school on the terms and under the procedure set out by the school's council of the private school under question. Confessional religious education must be voluntary for a student.

143. Under the Equal Treatment Act, discrimination of persons on the grounds of religion is prohibited in relation to conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, including promotion. It is also prohibited to discriminate on the ground of religion when entering into employment contracts or contracts for the provision of services, appointing or electing to office, establishing of working conditions, giving instructions, remuneration, termination of employment contracts or contracts for the provision of services, and releasing from office; when accessing to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience, and membership of, and involvement in, an organisation of employees or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations.

144. The purpose of the Churches and Congregations Act³³ is to establish the procedure for membership of churches, congregations, associations of congregations, monasteries and religious societies and the regulation of their activities, in order to enable everyone to exercise the freedom of religion as enshrined in the Constitution. Activities of religious societies are regulated by the Non-profit Associations Act.

145. According to Section 2 of the Act, religious associations are churches, congregations, associations of congregations and monasteries, as well as institutions of a church acting under an international agreement (i.e. Roman Catholic Church). A religious society is a voluntary association of natural or legal persons the main activities of which include confessional or ecumenical activities relating to morals, ethics, education, culture and confessional or ecumenical diaconal and social rehabilitation activities outside the traditional forms of religious rites of a church or congregation and which need not be connected with a specific church, association of congregations or congregation (Section 4, paragraph 1).

146. There are 10 churches, 10 congregation associations, 71 separate congregations and 8 monasteries acting under the Churches and Congregations Act in Estonia. Religious associations have no obligation to disclose to the State the size of its membership or data on its composition by nationality. The statistical data on the memberships in the following tables are based on information voluntarily submitted in response to the enquiry by the religious affairs department of the Ministry of Internal Affairs.

³³ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X60025K2&keel=en&pg=1&ptyyp=RT&tyyp=X&query=kirikute>.

Table 2
Estonian churches

	<i>Members</i>	<i>Congregations</i>
Orthodox Church of Estonia*	approx. 27,000	61
Estonian Evangelical Lutheran Church*	approx. 180,000	164
Estonian Christian Pentecostal Church*	approx. 4500	32
Charismatic Episcopal Church of Estonia*	464	3
Estonian Charismatic Communion Church	503	3+3**
Estonian Methodist Church*	1693	24
Estonian Orthodox Church of Moscow Patriarchy*	approx. 170,000	30
Roman Catholic Church*	approx. 6000	9
New Apostolic Church in Estonia	2217	3+15**
The Anglo-Catholic Church in Estonia		3

Table 3
Associations of congregations

	<i>Members</i>	<i>Congregations</i>
Estonian Conference of Seventh-day Adventists Church*	1627	19
Union of Baha'i Congregations in Estonia	142	5
Union of Evangelical Christian and Baptist Churches of Estonia*	6196	83
Union of Evangelical Christian Pentecost Congregations in Estonia	approx. 1000	3
Union of Evangelical and Free Congregations in Estonia	approx. 1000	6
Union of Congregations of Jehovah's Witnesses in Estonia	4254	4+51**
Union of Estonian Christian Free Congregations	approx. 350	6
Union of Old Believer Congregations of Estonia	approx. 15,000	10+1**
The House of Taara and Mother Earth People of Maavald		5
Estonian Association of Christian Congregations		4

Table 4
Individual congregations

	<i>Members</i>	<i>Congregations</i>
Estonian St. Gregory Congregation of the Armenian Apostolic Church*	2000*	1+5**
Estonian Buddhist Congregation Drikung Kagyu Ratna Shri Centre	34	1
Estonian Islamic Congregation	approx. 1400	1
Jewish Religious Community of Estonia	approx. 2500	1
Estonian Evangelical Brotherhood Congregation	142	1
Tallinn Congregation of "Evangelical Christians of the Apostles' Creed"	50	1
Krishna Consciousness Tallinn Congregation	approx 150	1
Tibetan Buddhism Nyingma Estonian Congregation	less than 20	1
Tallinn Congregation of the Greek Catholic Church	318	1
Estonian Congregation of the Church of Jesus Christ of Latter Day Saints	803	1

* Data concerning religious associations as at 1 January 2012; in case of others as at 1 January 2007.

** The first number refers to congregations entered in the register and enjoying the status of a legal person, the second number refers to congregations which the religious association has not wished to enter in the register and which have thus no legal personality.

Table 5
Monasteries and convents

	<i>Members</i>
Monastery of the Dominican Order in Tallinn	2 monks
Convent of the Order of Missionaries of Charity in Tallinn	4 nuns
Convent of St. Felice da Cantalice Congregation in Ahtme	2 nuns
Convent of St. Felice da Cantalice Congregation in Narva	2 nuns
Convent of the Roman Catholic Church of Immaculate Conception of the Blessed Virgin Mary in Tartu	3 nuns
Convent of the Bridgettine Order in Pirita	10 nuns
Pühtitsa Dormition Stavropegic Convent in Kuremäe	174 nuns
Holy Predecessor Skiita of Orthodox Church of Estonia in Saaremaa	3 nuns

(viii) *The right to freedom of opinion and expression;*

147. Legal bases of the freedom of speech have not changed compared to the previous reporting period. Thus, we refer to paragraphs 141–144 of the previous report.

148. Supervision over the press is still performed by the Press Council³⁴ established by the Estonian Newspapers Association in 2002. The information provided on the Press Council in paragraphs 145–146 of the previous report is valid also in this reporting period.

Table 6

Statistics on the Press Council complaints 2008-2012 (as at 01.10.2012)

	2008	2009	2010	2011	2012
Complaints	45	54	42	67	30
Adjudicated	34	31	34	61	25
of them no breach of code	17	10	9	28	15
of them condemning	17	21	25	33	10
Resolved	0	3	2	3	1
Withdrawn or rejected	8	14	3	6	1
No decision	2	3	3	1	0
In process at the end of the period	3	6	6	1	4

Source: the Press Council

(ix) *The right to freedom of peaceful assembly and association*

149. Public assemblies in Estonia are regulated by the Public Assemblies Act. The purpose of the Act is to guarantee the right of people to assemble and hold peaceful meetings in compliance with fundamental rights, freedoms and duties and the principles of a democratic State based on rule of law. The Act also provides for the restrictions of organizing and holding public assemblies which are necessary to guarantee national security, public order, morality, traffic safety and safety of participants in the assembly and to prevent the spreading of infectious diseases.

150. Compared to the previous report, Section 3 of the Act has been amended by adding a new provision that forbids organisation of a public meeting if it instigates violation of public order or damages public morality. Since there have been no other changes, we refer to paragraphs 148–151 of the previous report.

(e) **Economic, social and cultural rights, in particular**

(i) *The right to work, to free choice of employment, to just and favourable conditions of work, etc.*

151. The right to work is guaranteed under the Constitution which provides that an Estonian citizen has the right to freely choose his or hers area of activity, profession and place of work. Citizens of foreign States and persons with undetermined citizenship who stay in Estonia have this right equally with Estonian citizens, unless otherwise provided by law. Prohibition of discrimination in areas concerning employment is regulated in more detail by the Employment Contracts Act, the Labour Market Services and Support Act,³⁵ and other legislation. As the main principles relevant to this report have not changed since the fifth periodic report of Estonia, we refer for an overview of the above-mentioned Acts

³⁴ <http://www.eall.ee/pressinoukogu/index-eng.html>.

³⁵ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XX00039K2&keel=en&pg=1&ptyyp=RT&tyyp=X&query=T%F6%F6turuteenuste+ja+%2Dtoetuste+seadus>.

as provided in the fifth report. The Equal Treatment Act also regulates equal treatment in employment.

152. In the following, an overview of main changes to the Estonian labour law during the last reporting period will be provided for. The new Employment Contracts Acts entered into force on 1 July 2009, replacing the previous Republic of Estonia Employment Contracts Act. Thereby four other acts became invalid: the Wages Act, the Holydays Act, the Working and Rest Time Act and Estonian SSR Labour Code, and provisions that have still validity are all gathered into one act. Employees with employment contract are no longer covered by the Employees Disciplinary Punishments Act. Different terminological and substantial contradictions between these acts were extinguished, granting more legal certainty both for employees and employers. The aim of the new act is to regulate relations between employers and employees, granting the employees necessary security deriving from values of a welfare State. At the same time the act favours partnership between the employee and the employer, and entering into agreements.

153. By this new act the Estonian Unemployment Insurance Fund started filling the tasks of the Labour Market Board. By this, the national labour market policy is organized by one institution that is paying benefits to job-seekers and is implementing active labour market measures. The new act improved the social security of the unemployed remarkably. For example, the unemployment insurance benefit payable in case of lay-offs increased up to 70 per cent of the salary during the first 100 days of unemployment, and up to 50 per cent from the 101st day of unemployment. There are also possibilities to receive free in-service training or retraining financed from the resources of the European Social Fund.

154. During the previous reporting period several amendments were made to the Labour Market Services and Benefits Act and the Unemployment Insurance Act³⁶. The aim of the amendments was to change the system of providing the labour market services and paying and financing the support to labour market activities as to be able to grant sustainability of labour market services and to react to the changes in the labour market flexibly and successfully. The amendments entered into force on 1 January 2011.

155. Amendments to the Labour Market Services and Benefits Act valid from 1 May 2011 were made with the aim to increase the activeness of the unemployed when seeking employment, to increase the speed of finding employment, to avoid long-term unemployment, and to facilitate flexible ways for the unemployed to contact the Unemployment Insurance Fund. The notion of the unemployed was changed. The so-called risk group of the unemployed was widened by "any other unemployed person whose possibility to find employment is particularly hindered". The system of the preparation of an Individual Action Plan and the contents of it were changed and the obligations of the unemployed were regulated. By the changes valid from 20 February 2012 the procedures of acting as intermediary of temporary agency work and the procedures of agreeing the employment contract for temporary agency work were regulated. Asking for payment for intermediating temporary agency work from the employee was prohibited.

156. The Unemployment Insurance Act was changed in May 2011 with the aim to specify the time of paying unemployment insurance benefits when seeking employment in another EEA country or the Swiss Confederation. The change was necessary due to the EU regulation no 883/2004 (valid from 1 May 2010). According to article 64 of the regulation the unemployed preserves the right to benefits up to three months in case of seeking employment in another Member State. In such cases the Estonian Unemployment Insurance

³⁶ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X50053K10&keel=en&pg=1&ptyyp=RT&tyyp=X&query=t%F6%F6tuskindlustus>.

Fund continues paying the benefits as long as the person is registered as job-seeker or until he/she returns to Estonia. The payment period can be prolonged with up to three months upon the grounded application of the job-seeker and on individual decision.

157. As a response to paragraph 16 of the concluding observations of the Committee in which it asked for data on employment divided into ethnic groups, nationalities and languages spoken, we notify that no information on the level of salary of different ethnic groups is gathered in Estonia. Data on persons' nationality is sensitive and gathering of such information would request legal grounds. Data on the level of salary is gathered by areas of activity and professions. It can be noted that the difference in the equivalent income of Estonians and non-Estonians in 2010 was approximately 1.3 times.

158. As a result of the global economic crisis that started in 2008, employment in the age group of 15–64 dropped from 69.5 per cent to 60.7 per cent by 2010. The level of unemployment increased to 16.9 per cent at the same time. However, in 2011, economic recovery could be seen and the situation in the labour market has been improving ever since. The level of employment in 2011 was 64.9 per cent and the level of unemployment 12.5 per cent. The most difficult position in the labour market is held by people with insufficient official language proficiency. Their entry into the labour market is more difficult and they have a higher probability of remaining unemployed. According to the data collected by the Ministry of Social Affairs, the level of unemployment among Estonians and non-Estonians in 2011 was respectively 9.7 per cent and 18.2 per cent.

159. Compared to Estonians, non-Estonians are more active in the labour market, which was especially clearly expressed in the conditions of the economic crisis. Non-Estonians do not give up on seeking a job as often and the share of inactive people has decreased even in the conditions of high unemployment rate. To improve the competitiveness of non-Estonians in the labour market, it is of crucial importance to contribute to improving their proficiency in Estonian.

160. The Unemployment Insurance Fund is organizing Estonian courses with a focus on work-related language skills. In 2010, 681 people participated in Estonian work-related language courses, and in 2011, this number was 1603.

161. Labour market policy in Estonia is prepared by the Ministry of Social Affairs. In providing labour market services, the Ministry pays particular attention to regions with higher unemployment and to target groups with a higher risk of unemployment.

162. Since 2009, provision of national labour market services and payment of employment subsidies is organized by the Estonian Unemployment Insurance Fund through local offices in each county. In addition to the unemployed, also persons who are considering changing the job receive counselling and help from the local offices of the Unemployment Insurance Fund, as well as people with a long-term health disorder, people who have received a notice of dismissal, and the employers.

163. The Unemployment Insurance Fund mostly organizes training courses, including Estonian language training as well as specialist training, to raise the competitive ability of national minorities in the labour market. In addition to trainings, Unemployment Insurance Fund introduces different e-training possibilities for independent improvement of language proficiency, and cooperates with the projects that offer Estonian trainings for the unemployed. Unemployed persons without the knowledge of Estonian may also use other labour market services: they can participate in career counselling or work practice, apply for start-up assistance for setting up a business, participate in coaching for working life or public work or become employed through wage subsidy paid to employers, and four specific services are provided to people with disabilities. In total, 20 different labour market services are provided under the Labour Market Services and Benefits Act and the Employment programme in 2012–2013.

164. For the unemployed that need to obtain new skills or improve the existing ones, the Unemployment Insurance Fund organizes specialisation trainings (both in-service and retraining) combined with improvement of professional language skills. Numerous specialist trainings are provided in Russian as well.

165. At the same time, poor knowledge of Estonian is not a significant factor lowering the competitive ability in the labour market everywhere in Estonia. For example, in Ida-Viru County where in some localities the Russian-speaking inhabitants make up more than 90 per cent of the population, the knowledge of Estonian is not a determinant factor in access to the labour market, and other labour market services besides language training become important.

166. In 2011, the employment rate increased both among Estonians and non-Estonians. The highest rate of employment is among Estonian men (67.8 per cent) and a little bit lower among non-Estonian men (65.9 per cent). The employment rate of Estonian women is 64 per cent and the lowest employment rate is among non-Estonian women – 60.2 per cent.

167. The 2011 integration monitoring confirms that when viewing the quarterly changes in the period of 2006-2011, the employment rate of Estonians has been constantly higher than the one of non-Estonians, although the differences have not been substantial. The economic crisis brought about a faster drop in the unemployment rate of non-Estonians, but even in the deepest point of the crisis in the first quarter of 2010, the gap in employment rate of Estonians and non-Estonians remained within 5.6 per cent percentage points. In the third quarter of 2011, the difference was 1.3 percentage points, where the employment rate of Estonians was 61.4 per cent and the one of non-Estonians 60.1 per cent.

Table 7

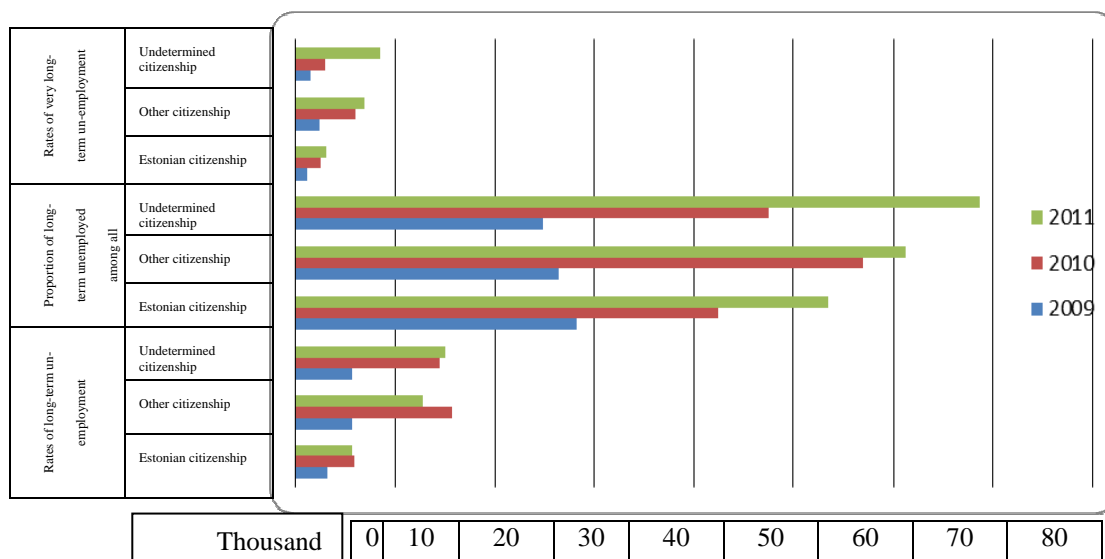
Labour force, unemployed persons, rate of employment and unemployment among Estonians and non-Estonians in the age group 15-74 in 2008-2011

		2008	2009	2010	2011
Estonians	Labour force, thousand	463.3	453.8	449.7	465.7
	employed, thousand	444.0	403.8	389.3	420.8
	unemployed, thousand	19.3	50.0	60.5	45.0
	Rate of employment (%)	63.5	58.0	56.1	60.1
	Rate of unemployment (%)	4.2	11.0	13.4	9.7
Non-Estonians	Labour force, thousand	231.6	237.1	237.1	230.2
	employed, thousand	212.6	192.1	181.6	188.3
	unemployed, thousand	19.1	45.0	55.5	41.9
	Rate of employment (%)	61.8	56.1	53.2	57.1
	Rate of unemployment (%)	8.2	19.0	23.4	18.2

Source: Statistics Estonia

168. The higher unemployment rate of non-Estonians can mainly be explained by their residence, poor Estonian skills and low geographic mobility. Non-Estonians are mostly living in cities and have gathered to two areas: North-East Estonia where 80 per cent of the population is non-Estonian, and the capital Tallinn where the share of non-Estonians is approximately 50 per cent. The highest rate of unemployment in Estonia is in North-East Estonia, with 20.3 per cent in 2011. It is more than 1.5 times higher than the Estonian average.

Table 8
Long-term unemployment by citizenship



Source: Statistics Estonia

169. The changes that have taken place in the labour market in the last few years are also reflected in the rate of employment of population by citizenship. As a result of the economic crisis, unemployment rate increased among people with different citizenships. In 2011, the situation in the labour market has improved considerably, also among people with different citizenships.

Table 9
Rate of employment in the age group 15-74 based on citizenship

		2008	2009	2010	2011
Estonian citizenship	Labour force, thousand	569.5	561.7	562.3	582.7
	employed, thousand	543.6	495.2	482.5	520.2
	unemployed, thousand	25.9	66.6	79.8	62.6
	Rate of employment (%)	63.4	58.2	56.4	60.2
	Rate of unemployment (%)	4.6	11.9	14.2	10.7
Other citizenship	Labour force, thousand	125.4	129.2	124.5	113.2
	employed, thousand	113.0	100.7	88.4	88.9
	unemployed, thousand	12.4	28.5	36.1	24.3
	Rate of employment (%)	60.8	53.4	49.4	53.6
	Rate of unemployment (%)	9.9	22.1	29.0	21.5
Incl. Russian citizenship	Labour force, thousand	46.0	52.9	52.5	46.6
	employed, thousand	41.8	41.6	37.3	36.7
	unemployed, thousand	4.2	11.3	15.3	9.8
	Rate of employment (%)	55.9	51.9	46.7	49.5
	Rate of unemployment (%)	9.1	21.3	29.1	21.1
Incl. undetermined citizenship	Labour force, thousand	72.6	69.1	64.1	59.7
	...employed, thousand	64.9	53.2	44.7	46.5

	2008	2009	2010	2011
unemployed, thousand	7.7	15.9	19.5	13.1
Rate of employment (%)	64.1	54.1	50.8	57.6
Rate of unemployment (%)	10.6	23.0	30.4	22.0

Source: Statistics Estonia

170. The 2011 integration monitoring reveals that new immigrants sense no discrimination against themselves. They have also not experienced biased attitude towards themselves by employers. The immigrants working in Estonia are generally satisfied with their work and work conditions, considering them equal to the ones of the local people.

171. Comparing data based on nationality and gender it can be said that when the difference in employment rate by gender for Estonians in 2011 was 5.2 and for non-Estonians 8 percentage points, then in comparison on the basis of nationality, the gap among men was only 1.3 and among women 4.1 percentage points. Employment rate in the age group of 15–74 was the highest among Estonian men (62.8 per cent) and lowest among non-Estonian women (53.5 per cent).

Activities for reducing unemployment

172. The Estonian language proficiency among the population with immigrant background is generally improving, which continues to be one of the important factors supporting integration. The 2011 Human Development Report also emphasizes the social dimension of language acquisition and impact on perception of better coping ability. Estonia has paid much attention to organizing free-of-charge language courses, which enables all persons with undetermined citizenship or citizens of third countries to attend such courses. In addition, the Estonian language training on different levels is supported by MISA. MISA also mediates labour exchange programmes with the purpose of practicing the Estonian language. Language courses are free of charge for the participants in those programmes. Training is financed from the State budget and the EU structural funds.

173. In 2009, compensation for language study expenses was started to be paid to all those who have learned the Estonian language at the courses and passed the language proficiency examination. Language learning expenses have been compensated under the ESF programme “Development of Language Studies 2008–2010 and 2011–2013” that belongs under the administrative area of the Ministry of Education and Research. Development and implementation of culture and language learning materials and language and adjustment programmes also started in 2009 for more successful integration of new adult immigrants into the Estonian society. Also the support person service for new immigrants was developed and the adults can attend career training courses.

174. The State provides free-of-charge Estonian language courses also to non-Estonian pensioners and disabled persons. In 2011, the Estonian language methodology and handbook for disabled persons was prepared.³⁷ The Unemployment Insurance Fund organizes training with the focus on job-related Estonian language learning.

175. The adjustment programme developed for new immigrants includes different areas and activities. In the EU Member States, the main components of the adjustment programme are language training, professional self-improvement or re-training and civic education. Under the adjustment programme that is being developed in Estonia, the primary support service necessary for integration in the country is provided, base training and

³⁷ www.meis.ee/library?book_id=163&action=download2.

language training is organized, and preparation for taking employment takes place. More specifically, the support service includes, for example, assistance in searching for data, finding a dwelling, obtaining healthcare and social services, educational and vocational training services, and in daily activities.

Prevention and combating domestic violence and trafficking in human beings

176. In the spring of 2010, the first “Development Plan for Reducing Violence” by the Government of the Republic entered into force, which sets out, inter alia, objectives with regard to prevention and combating violence against women, domestic violence, and trafficking in human beings until 2014. The pervasive topics of the development plan are prevention of violence, victim support, rehabilitation of offenders, collection of information and enhancement of cooperation. Fulfilment of the development plan is coordinated by the Ministry of Justice. The Ministry of Social Affairs organizes lectures for informing the public and provides training for specialists (including employees of shelters, social and victim support workers, youth employees, lawyers, policemen, judges), organizes roundtables through the national cooperation network and regularly disseminates information materials. Currently, there exist a telephone helpline for victims of trafficking in human beings and victims of domestic violence, a rehabilitation centre for women involved in prostitution and trafficked women, and women’s shelters.

177. In 2010–2014, activities against trafficking in human beings are carried out under “Development Plan for Reducing Violence”. In Estonia, a network of representatives of authorities and NGOs has been created, which makes more efficient mutual cooperation possible. The activities of the network are coordinated by the Ministry of Justice.

178. At the beginning of 2012, amendments to the Penal Code were adopted and enforced which thoroughly revised the provisions concerning human trafficking offences, inter alia, Section 133 was added which concerns punishment for trafficking in human beings. High importance is attached to combating trafficking in human beings and violence in the development directions of the criminal policy.

(ii) Right to form and join trade unions

179. The formation of trade unions and their activities are regulated by the Trade Unions Act.³⁸ According to Section 4 of the Act, persons have the right to freely, without prior permission, found trade unions, join or not to join them. Only members of the Defence Forces who are in active service in the Defence Forces are prohibited from founding and joining a trade union. Trade unions have the right to form federations and confederations and to join them in order to represent the rights and interests of employees. Trade unions have the right to join international organisations of employees.

180. The Trade Unions Act does not prescribe any preconditions for being member of a trade union (concerning age, gender, race, citizenship, etc.) or election as a trade union employee of any level, including leaders of confederations.

181. The Employees Representative Act³⁹ specifies, inter alia, the rights and obligations of trade unions and their representatives (shop-stewards), mainly regarding participation in informing employees and consulting with them.

³⁸ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X30087K2&keel=en&pg=1&ptyyp=RT&tyyp=X&query=ameti%FChingute>.

³⁹ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XX10005K1&keel=en&pg=1&ptyyp=RT&tyyp=X&query=t%F6%F6tajate>.

182. According to the Employment Contracts Act Section 3, employer is required to ensure protection of employees against discrimination, follow the principle of equal treatment and promote equality.

183. According to the Equal Treatment Act Section 12, employer is required to promote the principle of equal treatment, apply measures to protect employees against discrimination, and inform employees of the related rights and obligations. Section 13 of the same Act requires that educational and research institutions, other institutions and persons organizing training shall take into account the need to promote the principle of equal treatment when determining the study content and organizing the studies.

(iii) *Right to housing*

184. In the given area, no significant legislative amendments have taken place after submission of the previous report; therefore we refer to paragraphs 187–194 of the previous report. Of the occurred amendments, the Equal Treatment Act should be mentioned. According Section 2, paragraph (1) 7), of the Act it is prohibited to discriminate persons on the grounds of their nationality (ethnic origin), race or colour regarding access to and supply of goods and services which are available to the public, including housing.

185. In addition to the information provided in the previous report, it should be noted that the national housing policy is shaped on the basis of the development strategy “Estonian National Housing Development Plan for 2008–2013”, approved by the Government. The strategy sets out different measures for increasing access to dwellings and improving acquisition possibilities.

Table 10

Number of users of the housing services (in municipal or social dwellings in the meaning of the Social Welfare Act Section 14) and the number of places

	2008	2009	2010	2011
Number of local governments providing the housing service	160	166	176	177
Total number of service users	8 781	9 458	9 409	10 057
...below retirement age	6 709	7 168	7 113	7 624
...in retirement age	2 072	2 290	2 296	2 433
Total number of persons with special needs among the service users	1 160	1 156	1 185	1 210
Number of places	6 392	7 045	7 058	7 505
incl. specially adjusted places for persons with special needs	293	340	343	342
Number of occupied dwellings	5 742	6 366	6 376	6 644

(iv) *Right to public health, medical care, social security and social services*

186. No significant changes have occurred as regards availability of healthcare services during the reporting period. All persons who stay in Estonia are provided with emergency health care, irrespective of the existence of health insurance, nationality or citizenship, etc.

187. In Estonia permanent residents of Estonia or foreigner living in Estonia on the basis of fixed-term residence permit or right of residence are eligible for social benefits. Payment of social security benefits does not depend on citizenship, nationality or race of a person.

188. Discrimination of persons on the grounds of their nationality (ethnic origin), race and colour is prohibited upon access to social welfare, healthcare and social insurance services, including social benefits.

189. During the reporting period, a new type of benefits was introduced – insurance benefit upon redundancy which is paid to all those who are made redundant. Redundancy benefit is paid in the amount of one-two months' wages, dependent on the length of service. Redundancy benefit was earlier paid only upon collective cancellation of employment contract. A waiting period of 30 or 60 days, respectively (depending on the payment of redundancy benefit) was introduced upon payment of unemployment insurance to those whose employment or service relationship ended due to being made redundant. The waiting period is calculated from the end of the employment relationship and the period during which unemployment insurance is paid does not become shorter by the waiting period.

190. In addition, the minimum limit of unemployment benefit increased. Before, it was equal to the unemployment allowance, now it is 50 per cent of the minimum wage. According to the amendment, the 36 months reference period necessary for the creation of the right to unemployment benefit shall be extended with the time a person spent on pregnancy leave, maternity leave, adoptive parents leave or parental leave (Unemployment Insurance Act Section 6, paragraph 5).

191. The principles for determining and paying State family benefits have remained the same as described in the previous report. During the reporting period the payment of general school allowances was terminated from 1 July 2009. The amount of school allowance was EEK 450 (approx. 29 Euros) and it was paid once a year to all school children at the beginning of a school year. The payment of the allowance was terminated due to the economic crisis and the need to curb the State budget expenses and ensure balance of the State budget. However, most of the local municipalities pay a school allowance to parents of a child who starts at school for the first time. Other allowances payable to school children by local municipalities are depending on the income of the family.

192. The principles for the payment of maintenance allowance and its amount have not changed compared to the previous report.

193. The principles for payment of parental benefits have not been changed during the reporting period.

194. In 2010, it was established that a person must attain the age 65 in order to become entitled to the old-age pension. From 2017, the pensionable age will start increasing gradually by three months for each next year of birth and will reach 65 years by 2026.

195. On 1 October 2008, amendments to the Social Benefits for Disabled Persons Act entered into force, which reformed the benefits system for disabled persons of working age. While the amount of monthly benefit of persons of working age used to be directly dependant on the degree of disability, then now also additional expenses resulting from disability are identified. Additional expenses include several expenses that a person incurs in daily activities – medications, transport, medical devices, special needs for clothing and footwear, increased self-care and household expenses, means of communication. The objective is to support the independent coping and working of disabled people, i.e. activeness of disabled people. Active people are assumed to have larger additional expenses, due to which they can also get larger benefits. The amount of benefit for a disabled person of working age is 16.62-53.70 Euros per month.

196. To motivate disabled persons to participate in the labour market, a new type of benefit – employment benefit – was established for working disabled persons. Employment benefit is paid to persons until the age of 70 for covering expenses arising from disability

and employment. Such expenses may include transport costs, a larger need for an assistant or medical device, etc. The amount of benefit is up to 255.70 Euros within three years.

197. All persons who have fallen victim to negligence, mistreatment or physical, mental or sexual abuse, or injury, are entitled to victim support (for further information, see paragraphs 306–313).

198. On 1 December 2005, the Government of the Republic approved the HIV and AIDS strategy for 2006-2015. The main objective of the national HIV and AIDS strategy for 2006-2015 is to achieve a continuous decline in new HIV occurrences in Estonia. The priorities of the strategy include reduction of damage among injecting drug addicts, preventive work among young people, focusing on youth risk behaviour and ensuring health and social services to people with HIV.

199. The key area for stopping the spread of HIV infection and preventing the generalized epidemic involves work with injecting drug addicts and their sexual partners, vulnerable youth and HIV infected people.

200. At the State level, an action plan for the next year is prepared each year, carefully reviewing the activities planned for different target groups. During 2012, a new long-term HIV action plan for 2013-2016 was prepared with the involvement of all top specialists and cooperation partners who are active in the respective field. The new long-term HIV action plan is linked to the Population Health Development Plan, with HIV strategy action plan as an important part of the action plan under the Development Plan. The action plan includes various services related to prevention and medical treatment, which are specifically intended for the target group of drug addicts, people are also actively educated on that topic. For the purpose of preventing HIV and drug addiction, extensive information campaigns are continuously organized to raise awareness of the population in the field of risk behaviour.

201. Upon planning the activities in the field of HIV and drug addiction, the specific nature of the services intended for non-Estonian speaking people is being considered. All study and information materials as well as information activities as a whole are both Estonian and Russian. Training for the target groups and specialists is also organized both in Estonian and Russian. Also activities intended specially for minorities are carried out. The strategy measures are mainly based on the target group, therefore the ethnical background of those in need of help is always considered.

(v) *Right to education and training*

202. In accordance with the Constitution of the Republic of Estonia, Education Act, Pre-School Child Care Institutions Act, Basic Schools and Upper Secondary Schools Act, Private Education Institutions Act, Vocational Educational Institutions Act, Institutions of Professional Higher Education Act and University Act, all beneficiaries of international protection who are legally staying in Estonia or all persons who apply for international protection have the right to acquire education on the conditions specified in the aforementioned acts. Access to education does not depend on the linguistic, cultural and racial background and religious beliefs of a person. The legislation regulating access to education has not changed compared to the previous reporting period; see paragraphs 215–220 of the previous report.

203. On 1 September 2010 the new Basic Schools and Upper Secondary Schools Act⁴⁰ entered into force. In the following an overview of the most important amendments compared to the old Basic Schools and Upper Secondary Schools Act will be provided for.

204. For the first time the basic principles of the national curricula were provided, consisting of basic values, the tasks of the basic school and the upper secondary schools and the guiding principles of organizing the teaching. The curricula of the basic school and the upper secondary school were separated with the purpose of emphasizing the basic school as a separate level of education with purposes and study goals of its own, and to harmonize the structure of general secondary education and vocational secondary education. The provisions regarding the possibility of considering extra-curriculum studies as a part of the studies and using the IB (International Baccalaureate) curriculum were added.

205. Several new provisions were added to improve filling the duty to attend school, to reduce drop-out and support pupils with special educational needs. The most important provisions in this regard concern specifying the notion of duty to attend school and prolonging the duty to attend school until 18 years of age. In case of ungrounded absence immediate measures are to be taken. The obligations and responsibilities of different parties, such as the pupil, the parent, the school and the local municipality regarding the duty to attend school were specified. Significant amendments concern organizing the studies of pupils with special educational needs: the obligations of the school when organizing the studies of pupils with special educational needs were specified. Inter alia, the owner of the school is obliged to grant the pupil availability of special needs education and the psychological and socio-pedagogical services. More flexible study conditions were created, such as remedial instruction groups, teaching in small classes or groups, private teaching, etc.

206. Special attention was given to granting the personal security of the students and employees at the school. Actions necessary for granting safe school for everyone were specified. The school is obliged to grant a pupil its mental and physical security and health protection and to take measures to prevent mental and physical violence. For preventing violence the pupils are granted surveillance during the entire school day.

Pre-school education

207. Pre-school education can be acquired in pre-school child care institutions (nursery schools). Local governments have the obligation to provide all children (including children with special needs) in their administrative area with a possibility to attend child care institutions if their parents wish so.

208. In accordance with the Pre-School Child Care Institutions Act, schooling and education in pre-school child care institutions (for children until the age of 7) is provided in Estonian. By a decision of the council of local government, it may be carried out also in some other language. In the child care institution or group where the education is not provided in Estonian, learning Estonian is compulsory to the extent as specified in the framework curriculum of basic education (at least twice a week for 20 minutes each time, for children aged 3–7). Currently, the working languages to be used in Estonian child care institutions are Estonian, Russian and English, whereas only one language is the working language within a group.

⁴⁰ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XXXXXX12K1&keel=en&pg=1&tyyp=RT&tyyp=X&query=p%F5hikooli>.

209. Child care institutions with Russian as the working language are generally located in cities and regions where Russian-speaking population accounts for over 40 per cent (Ida-Viru County and Harju County, incl. Tallinn). Nursery school groups with Estonian as the working language make up 82.6 per cent, with Russian as the working language and language immersion groups 17.2 per cent, and nursery school groups with English as the working language 0.2 per cent of all nursery school groups. The number of language immersion groups intended mainly for children with Russian as the mother tongue is increasing each year, although it is a voluntary programme for parents and nursery schools.

210. The results of Estonian society integration monitoring 2011 show that 80 per cent of the respondents with Russian or other mother tongue prefer that children get instruction in Estonian already at the nursery school.

211. The Ministry of Education and Research has supported various activities for implementing the national curriculum of pre-school child care institutions, among other things, for ensuring the quality of teaching Estonian as the second language: in-service training of teachers, preparation and publication of teaching materials. In-service training for teachers is carried out each year since 2008.

212. To support expansion of learning Estonian as the second language at the pre-school child care institutions (from the age of three), grants have been allocated to the salary fund of respective teachers.

Basic education

213. In accordance with the Basic Schools and Upper Secondary Schools Act Section 21, any language may be the language of instruction at the level of basic education (grades 1–9). In that Act, the language of instruction is defined as a language in which more than 60 per cent of the studies are conducted. The school owner determines the choice of the language of instruction, taking into account the needs and available resources of the region, the existence of teachers, possibilities to procure teaching aids, etc. Currently, instruction in basic schools is provided in Estonian, Russian, English and Finnish. The language of instruction is Estonian in 83 per cent and Russian in 1.5 per cent of the general education schools; 14 per cent of the schools have departments with Estonian and Russian as the language of instruction, the other schools (1.5 per cent) have English, English and Estonian or Finnish and Estonian as the language of instruction.

Table 11

General education schools (except for upper secondary schools for adults) by the language of instruction in 2008-2012

School year	Estonian	Russian	Estonian/ Russian		Estonian/ English		Estonian/ Finnish		Total
			Russian	English	English		Finnish		
2008/2009	473	62	27	2	1		1		566
2009/2010	465	61	28	2	1		2		559
2010/2011	454	58	28	2	1		2		545
2011/2012	447	8	77	2	4		2		540

Source: Information System of Estonian Education

214. For students who acquire basic education and whose mother tongue is not the language of instruction at the school, the school shall provide, in cooperation with the State and local government, possibilities for studying the mother tongue and national culture in order to retain their national identity. The right to set up a language learning group is created on the basis of a written request of at least 10 parents of the same nationality. The

number of students whose mother tongue is other than Estonian has also been continuously increasing in the classes with Estonian as the language of instruction. In 2006-2011, the number of the students whose mother tongue is Russian and who study at schools with Estonian as the language of instruction or at language immersion classes, has increased gradually and it is an upward trend.

215. In accordance with the Basic Schools and Upper Secondary Schools Act, the language of instruction at upper secondary level (grades 10–12) is Estonian, but it may be any other language at the upper secondary level of a municipal school and at individual grades of the upper secondary level. The permit for studies in other language shall be granted by the Government on the basis of a request of a local government council. A corresponding proposal to the local government council shall be made by a board of trustees of an upper secondary school on the basis of the development plan of the school. The choice of the language of instruction at private schools is to be decided by the owner of the school.

216. In accordance with the regulation of the Government of the Republic, the studies at upper secondary schools where the language of instruction was Russian shall be conducted 60 per cent in Estonian for students who commenced studies at the 10th grade in the school year 2011/2012.

Table 12

The number of basic school students with mother tongue other than Estonian and their share at schools with Estonian as the language of instruction and language immersion classes, the number of schools using the language immersion method in 2008–2011

<i>Year</i>	<i>Total number of students with mother tongue other than Estonian</i>	<i>Percentage of participation in schools with Estonian as the language of instruction and language immersion classes</i>	<i>The number of schools using the language immersion method</i>
2008	27563	21.7%	27
2009	27410	21.5%	25
2010	27523	22%	28
2011	27565	22.1%	31

Source: Information System of Estonian Education

217. The transition to Estonian-language instruction is required pursuant to the Basic Schools and Upper Secondary Schools Act. In the act, it has been prescribed as a general rule that the language of instruction in upper secondary schools is Estonian. The primary goal of the education reform is to increase coherence in society and avoid segregation, as well as to improve the quality of education in Russian-language schools for granting the graduates equal opportunities in the society, primarily to facilitate better access to higher education and labour market.

218. Transition to Estonian-language instruction has been flexible. The transfer to partial instruction in Estonian only concerns upper secondary level, where since 2011 after several years of preparation 60 per cent of curricula has to be taught in Estonian. 40 per cent of curricula will remain in Russian. The instruction in Estonian was made compulsory for five subjects, the other subjects have been chosen by schools according to the school's field of study, existence of teachers, etc.

219. The Ministry of Education and Research has additionally supported the activities necessary for transition to Estonian-language instruction. Teachers of Estonian literature, civics, history, music and geography have completed the relevant training. All teachers can get in-service training with regard to method of studies in another language. For ensuring the quality of education and supporting the development of teachers, counselling centres have been set up to provide in-service training, personal and group consultation. Study and methodological materials have been procured for the counselling centres.

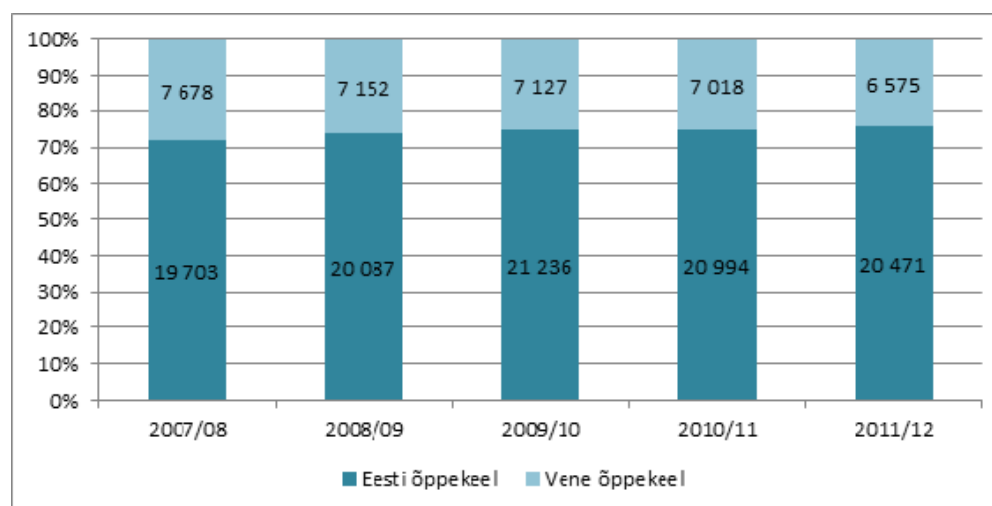
220. The Estonian language level proficiency of basic school teachers and the youth acquiring secondary education has remained stable on the basis of external evaluation, i.e. the results of State examinations.

Vocational education

221. In the school year of 2011/2012, there were 42 vocational educational schools in Estonia, of which 30 were in the State, three in municipal and nine in private ownership. According to the Vocational Educational Institutions Act Section 18, the language of instruction in vocational educational schools is Estonian, but also other languages of instruction may be used. The use of other languages is decided by the Minister of Education and Research. Currently, vocational education in Estonia may be acquired in Estonian and Russian. In the school year of 2011/2012, the vocational educational institutions with only Russian as the language of instructions accounted for 10 per cent of the total number of vocational educational institutions, of them one was State or municipal educational institution and three were private schools. The number of vocational educational institutions with both Estonian and Russian as the language of instruction accounted for 24 per cent of the total number of vocational educational institutions, of them eight were State or municipal educational institutions and two were private schools. In the given period, Estonian was the language of instruction in 21 state and municipal vocational educational institutions and in four private vocational educational institutions.

Table 13

Share of students by the language of instruction in vocational education in the school years of 2007/2008-2011/2012



Dark colour=Estonian language of instruction; light colour=Russian language of instruction

Source: the Ministry of Education and Research

222. According to Section 13 of the Vocational Educational Institutions Act, curricula of vocational educational institutions shall be prepared on the basis of the requirements specified in the vocational education standard and the corresponding national curriculum. Pursuant to the same Act Section 22, Estonian language study is compulsory at the secondary level of vocational educational institutions in which the language of instruction is other than Estonian: the graduates who acquire secondary vocational education shall pass the State examination in the Estonian language in order to graduate from the school. The volume and arrangement of the study is determined in the school curriculum.

223. The compulsory volume of Estonian language instruction in non-Estonian-speaking group of a vocational educational institution is four study weeks. Many vocational students studying in Russian take their professional examination in Estonian, and the professional examination is prevalently taken in Estonian in service professions. The increasing competitiveness in labour market of graduates from Russian-language groups of vocational educational schools is one of the expected effects of the Estonian Language Development Plan for 2011–2017.

224. To diversify the possibilities for using and learning Estonian, educational institutions are supported for instruction in Estonian. Under the framework of ESF programme support is granted for in-service training of teachers of Estonian as the second language, general education subjects and speciality subjects, including method of instruction in other language. Materials on Estonian language and professional language have been prepared for students and methodological materials for teachers.

225. To improve the Estonian language skills and professional coping of vocational students who have Russian as the language of instruction, the Ministry of Education and Research has prepared an action plan for gradual transition of vocational educational institutions to the Estonian-language instruction. The ESF has also supported the additional Estonian language study of vocational students, e.g. preparation for professional examination in Estonian, professional practice in the Estonian-language environment and exchange programmes developing the Estonian language skills of both teachers and students.

Higher education

226. According to Section 22, paragraph 8 of the University Act and Section 17 of the Institutions of Professional Higher Education Act, the language of instruction at the level of higher education is Estonian and the use of other languages is determined by a council of an educational institution or the Minister of Education and Research. At the same time, those Acts do not define the term “language of instruction”. That term is specified in the Government of the Republic regulation “Standard of Higher Education”, which sets out that each curriculum has one principal language of instruction and also other languages may be used for achieving the study outputs. An exception here is foreign philology specialities where the target language is the language of instruction (e.g. in English philology, also other subjects are studied in English in addition to the English language subject).

227. In Estonia, studies at higher education level are conducted Estonian, Russian or English. The language of instruction is mainly Estonian: in the school year of 2011/2012, 91 per cent of the students studied in Estonian, 7 per cent in Russian and 2 per cent in English.

Table 14

Share of students by the language of instruction in school years 2008/09-2011/12

	2008/09	2009/10	2010/11	2011/12
Estonian	88%	89%	90%	91%
Russian	10%	9%	8%	7%
English	2%	2%	2%	2%

Source: Information System of Estonian Education

228. In the school year of 2010/11, there were totally 10,080 graduates of general secondary education, of whom 57 per cent continued their studies at the higher education level in the same year. Of the upper secondary school graduates who continued their studies at higher education level, 30 per cent entered institutions of professional higher education and 70 per cent pursued academic higher education. Among the graduates from Russian-medium upper secondary schools, the share of students who pursue higher education immediately after graduation has dropped over the last six years (from 64 per cent to 48 per cent). In 2011, 59 per cent of the graduates from upper secondary school with Estonian as the language of instruction continued at higher education level, the ratio was 48 per cent among graduates from Russian-medium upper secondary schools. Of the recent graduates from upper secondary school admitted to the first level of higher education in 2011/12, approximately 15 per cent had acquired general upper secondary education in Russian and 62 per cent of them continued their studies in Estonian.

229. In accordance with the University Act and Institutions of Professional Higher Education Act,⁴¹ the students whose Estonian proficiency is not sufficient for completing the curriculum in Estonian may study Estonian in depth. In such cases their standard period of study is extended by up to one academic year.

230. From 2008, all students who wish to study on the basis of curricula in Estonian, but whose Estonian proficiency is insufficient, may study Estonian during 0.5–1 of the academic year of the first study year. Under the framework of ESF programme, institutions of higher education are supported for developing and carrying out different types of Estonian language courses. Such Estonian language courses are provided in addition to the subject courses of the curriculum selected by the student.

Hobby education and Sunday schools

231. Section 3 of the Hobby Schools Act defines a hobby school as an educational establishment operating in the area of youth work which creates an opportunity for the acquisition of hobby education and for the diverse development of the personality, including cultivation of one's own language and culture, in different areas of hobby education.

232. Support from the State budget is continuously granted for teaching in camps and family groups, as well as to out-of-school language learning projects, as described in the previous report. The projects are intended for Estonian and non-Estonian speaking youth and approximately 1200 persons participate in such projects. Both Estonian and non-Estonian speaking persons participate, because it also supports the creation of closer contacts among young people with different mother tongues.

⁴¹ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=XX00038&keel=en&pg=1&ptyyp=R>
T&tyyp=X&query=kultuuriautonoomia.

233. Nearly 40 Sunday schools have been registered in Estonia, teaching the children of different nationalities the culture, language and traditions of their country of origin, and introducing the culture of their country to Estonian residents. State aid is provided to basic financing of Sunday schools, teacher training in Estonia and in a country of origin, and teaching the Estonian culture. In school year 2010/2011, the activities of 19 different Sunday schools were financed in the total amount of EEK 1.2 million or EUR 700. In school year 2011/2012, the Ministry of Education and Research supported 22 Sunday schools in the amount of EUR 83,678.

Human rights education

234. Various activities in the field of education have been initiated at different levels with the goal of achieving better mutual understanding, tolerance, coherence of society, also upon developing national curricula. The primary knowledge and skills for communicating with different people are acquired already during pre-school education.

235. The principles of the national curriculum for pre-school child care institutions include, for example, the following principles: valuation of human and democratic relations; valuation of Estonian cultural traditions and consideration of particularities of other culture. Such principles are followed upon organizing educational and schooling activities, designing the study environment and everyday communication in pre-school child care institutions.

236. The study objectives in the field of social subjects of the national curriculum for basic schools include the following knowledge and skills: students who have acquired basic education know and are able to use in context such terms as human rights, fundamental rights, socio-economic rights, political rights, cultural rights; they know human rights and principles of child protection, notice their violations, including violence, abuse, trafficking in human beings, etc; know the relationship between rights and obligations, freedom and liability. Such knowledge and skills are acquired, inter alia, upon familiarizing oneself with the Estonian Constitution, UN Universal Declaration of Human Rights and Convention on the Rights of the Child, which are made available by the school at a classroom.

237. As regards the principal and in-service training of teachers, curricula are prepared among other things on the basis of national curricula. Topics related to human rights are discussed in depth during in-service training of teachers (e.g. in-service training for teachers carried out by the Estonian Institute of Human Rights).

238. The national curricula of general education schools include human rights education. On 1 September 2011, a new national curriculum for basic schools and a new national curriculum for upper secondary schools were introduced in Estonia. The national curriculum emphasizes the values arising from the ethical principles specified in the Republic of Estonia Constitution, Universal Declaration of Human Rights, Convention on the Rights of the Child and EU treaties. Importance is attached to such basic values as universal human values (honesty, consideration, awe of life, fairness, human dignity, respect towards oneself and others) and social values (freedom, democracy, respect towards the mother tongue and culture, patriotism, cultural diversity, tolerance, sustainability of the environment, lawfulness, solidarity, responsibility and gender equality). The national curriculum sets out that the learning of social subjects, helps students become considerable, socially competent members of society who can reach their full potential. Social education aims, among other things, to make students respect human rights and democratic principles, such as legality, relationship between freedom and responsibility; have consideration for other people, value diversity, contribute to sustainable development of society and coherence, and stand up against violation of rules; be law-abiding.

239. The topic of discrimination is discussed in the social education and personal education classes of general education schools. These topics are also included in the relevant learning materials. Additional study materials are created in the virtual learning environment MIKSIKE (www.miksike.ee). The EU Charter of Fundamental Rights with comments has been prepared and published in Russian and Estonian for schools. The learning materials for schools also include the Convention on the Rights of the Child and the Universal Declaration of Human Rights.

240. Through the human rights education and advising, international and internal projects, the Estonian Institute of Human Rights informs of the right to protection against racial discrimination (projects FRALEX, FWC COM Lot 1). The Institute organizes seminars and information events in Ida-Viru County and Tallinn. The participants also include students from various educational institutions.

241. In 2009, the Estonian Institute of Human Rights and Estonian Union for Child Welfare prepared the human rights study material, which has been amended and supplemented in accordance with the developments of international law and national law. The study material includes an overview of the right to protection against racial discrimination in accordance with the instruments and mechanisms of international law. The human rights study material is available free of charge on the website of the Estonian Institute of Human Rights.⁴²

242. The Estonian Institute of Human Rights in cooperation with the Estonian History Teachers' Association and the Ministry of Education and Research, organizes the project "Look back to the future" since 2012. As part of the project, human rights information days to history and civic education teachers are being organized. The objective of the training is to give an introduction to the topic of human rights, while linking the theme with the history of Estonia. At the same time, the principles and methods for teaching human rights and relevant study materials are introduced, which the teachers and civil society activists can use in their work and teaching activities. In addition, the Institute intends to contribute with a chapter on human rights part to the social education textbook for general education schools.

243. The Estonian History and Civic Teachers' Association participated in the international human rights teaching project in 2007 and 2008. Under the project, a workshop was held on 2 February 2008 to respond to the EUROCLIO questionnaire concerning teaching the human rights and discuss the possibilities for tackling the theme more efficiently at general education schools. The objective of the project was to share the experience of teaching human rights in the participating countries. Estonia presented a chapter from the compendium "Man and Society" to the study materials evaluation committee, receiving a high evaluation from this.

244. In 2012, methodological materials on humanitarian law were distributed to schools and are introduced to all history and civic education teachers.

Education of Roma children

245. In response to the Committee's request in paragraph 17 of the final conclusions to present additional data on designating children of Roma origin to schools for children with special educational needs, we provide the following information.

246. In accordance with the data of the Population Register of 2011, 633 persons have identified themselves as Roma in Estonia. Of them, 582 have a registered place of residence

⁴² <http://www.eihr.ee/inimoiguste-oppevara/>.

in Estonia, 17 Roma's place of residence is not entered in the Population Register and 25 Estonian Roma live abroad. The Roma population is concentrated in smaller settlements and small towns. In 2011, the largest Roma community was in South Estonia (185 Roma), North Estonia (92 Roma), West Estonia (69 Roma). No Roma were registered on the Estonian islands. The largest community lives in Valga city consisting of 90 adults and 19 minors.

247. In Estonia, children of Roma origin learn at schools with Estonian as the language of instruction, in individual cases also in Russian schools alongside with students speaking Estonian or Russian as their mother tongue. There are no schools or classes in Estonia where only children of Roma origin would learn. Children of Roma origin learn on the basis of common national curricula and they are not separated from other students in any way.

248. The mother tongue of a student or the language used at home is entered in the Information System of Estonian Education on the basis of the statement of a child or parent. Thus, the mother tongue or first language is determined on the basis of a person's free choice. Consequently, the data of the Information System of Estonian Education on the nationality of Roma is not consistent with that of the population register. The survey supported by the population register and the Ministry of Education and Research and conducted by North Estonia Roma Association shows that in 2010 there were 90 children of Roma origin in the compulsory school attendance age in families where one or two parents are of Roma origin.

249. To support advancement of Roma children and students, the Ministry of Education and Research has planned different measures, such as relevant in-service training for members and employees of the advising committee, teachers, and has also carried out an additional survey.

250. According to the data of academic year 2011/2012, 22 students of general education schools have identified themselves on the basis of the Roma language as the language spoken at home. Of those 22 students, 16 study on the basis of national curriculum of basic schools at a regular school, 1 student (with mild mental disability) studies on the basis of simplified curriculum of basic schools also at a regular school and 5 students (with mild mental disability) on the basis of simplified curriculum of basic schools at a school for children with special educational needs. Of them, 10 students studied at a school with Estonian as the language of instruction and 12 at Russian medium schools in different regions of Estonia.

Table 15

Number of students at general education schools speaking Roma as their language at home as in October 2012

<i>Grade</i>	<i>Number of students in regular full-time attendance</i>	<i>Number of distance or evening learning students</i>	<i>Total number of students</i>
1st	7		7
2nd	5		5
3rd	1		1
4th	3		3
5th	2		2
6th	1	1	2
7th	1		1
Total	21	1	22

Source: Information System of Estonian Education

251. In Estonia, children are designated to special schools on the basis of medical indications, and it can take place only upon the consent of a parent or legal guardian and medical evaluations. Designation of Roma children to a school for children with special educational needs or to study at a basic school on the basis of simplified curriculum takes place on common grounds, i.e. special educational needs of Roma children and recommendation of necessary measures take place on the same grounds as in the case of children who speak Estonian or use other language at home. The identification of special educational needs and necessary support measures, including the designation to a school for children with special educational needs, may be initiated by a parent and also an educational establishment upon the consent of the parent.

252. The data confirms that the students of Roma origin who have been recommended by the counselling committee to learn on the basis of simplified curriculum, i.e. students with mild mental disability, have received such recommendation already upon entering the first grade and the curriculum is not changed during the basic school period.

253. Taking into account the share of Roma in the Estonian population (0.04 per cent) and that the process of involving Estonian national minorities is based on differed fields of life, not ethnic groups, Estonia considers it appropriate to continue the implementation the relevant measures of various policy sectors for Roma as specified in the integration plan. Such measures include the educational and cultural activities, employment matters, social involvement, media activities, etc. of different ethnic groups, but not preparation of a separate nationality-based strategy. Priority is attached to cooperation with regional and local-level authorities, also NGOs and relevant stakeholders. For example, the Estonian Institute of Human Rights cooperates with North Estonian Roma Association and has involved Roma in the international and national cooperation in 2011 and 2012.

(vi) *Right to equal participation in cultural activities*

254. The representatives of German, Russian, Swedish and Jewish national minorities, also the representatives of those nationalities whose number is larger than 3000, may form cultural autonomies of national minorities. In accordance with the National Minorities Cultural Autonomy Act, national minorities who have formed a cultural autonomy have the right to use their national tongue in public administration within the limits established by the Language Act, publish printed matter in their national languages, disseminate and exchange information in their mother tongue, and organize studying in their mother tongue. Cultural autonomies have been formed by two national minorities: Ingrian-Finns and Estonian Swedes.

255. The use of the Estonian language and other languages on the territory of Estonia is regulated by the Language Act. For example, the Act regulates the use of Estonian and foreign languages in oral and written administration, public information and service. In accordance with the Language Act, in local governments where at least half of the permanent residents belonging to a national minority, everyone has the right to approach State agencies operating on the territory of the corresponding local government and the corresponding local government authorities, and receive from the agencies and the officials and employees thereof the responses in the language of the national minority, in addition to responses in Estonian.

256. Everyone in Estonia has the constitutional right to form associations, societies, and clubs; protect one's interests, express common viewpoints. There are no ethnic, racial or other characteristic-based restrictions in participating in cultural activities and creating culture. All associations and collectives of national minorities may apply for aid to their activities on equal grounds with Estonian cultural associations. Estonia supports the cultural associations of national minorities upon preserving, developing and introducing ethnic culture. The basic financing of cultural associations of national minorities may be requested

by a registered cultural association whose statutory activity is the preservation of ethnic language and culture. The association may apply for basic financing to cover its fixed costs like accounting, premises, traditional events, etc.

257. There are nearly 300 cultural associations and societies registered in Estonia, whose operating expenses are partially covered from the State budget. Associations have consolidated under 23 umbrella organizations. There are over 100 Russian cultural associations that have consolidated under 7 umbrella organizations⁴³ and whose statutory activity is the preservation of Russian culture and language. The Russian cultural associations make up nearly half of the total number of cultural associations of national minorities. In 2011, the Russian cultural associations received the basic financing intended for umbrella organizations of cultural associations of national minorities in the amount of EUR 132,552 or 42 per cent of the total budget of basic financing (EUR 313,167). 16 Russian associations belong also to other umbrella organizations of national minorities.

258. With regard to cultural associations, it is one of the priorities to support their activities and advise them with a view to increasing their administrative capacity and ensuring sustainability. The amount of basic financing from the State budget has been continuously increasing, in the amount of EUR 159,770 in 2003; EUR 204,517 in 2006; EUR 307,692 in 2009; EUR 314,102 in 2010; and EUR 313,167 in 2010 and 2011.

259. The Ministry of Culture considers it important to support the cultural activities of national minorities who live in Estonia, and to contribute to the preservation of their cultural peculiarities and language. Representatives of cultural associations of national minorities have been actively involved in the discussion processes, which commenced in 2001, concerning the preparation of cultural policy principles until 2010 and the elaboration of principles for basic financing (State budget support to activities) of umbrella organizations of cultural associations of national minorities.

260. Upon integration of Estonian society members, one of the important tasks of the State is to provide national minorities with a possibility to preserve their mother tongue and promote their culture. Aid from the budget of the Ministry of Culture is granted to several programmes aimed at preservation of the cultural heritage of national minorities: national programme "Preservation and development of sanctuaries 2003-2013",⁴⁴ sectoral programme "Traditional cultural environment of islands 2008-2010 and 2011-2013", "Cultural space of Peipsiveere 2009-2012". Support from State budget is granted to Estonian-Finnish and Ingrian-Finnish cultural autonomies, and to 20 umbrella organizations of cultural associations of national minorities.

261. The Ministry of Culture continuously supports professional and amateur theatres of national minorities, concert organizers, museums, publication projects, also organization of literature events, festivals and other cultural events of national minorities in Estonia. Aid from the State budget is also granted to the Russian Theatre and Russian-language media in Public Broadcasting.

262. As regards fine arts, the Russian-language theatrical activities are the area most supported from the State budget, aid has been also provided to Russian art music

⁴³ Estonian Cultural Centre of Old Believers, Tallinn Society of Slavic Culture, NGO Russki Dom-Estonia, Association of Russian Cultural Societies RUTHENIA, Society of Russian Creative Collectives Kalinka in Estonia, NGO Association of Russian ethnic cultural organisations SADKO in Estonia, Association of Russian Educational and Charity Societies in Estonia.

⁴⁴ The programme supports renovation of sanctuaries of the Estonian Orthodox Church, Estonian Orthodox Church of Moscow Patriarchy and Russian old believers. The amount of aid to three confessions was 30.65% in 2010 and 39.4% in 2011 of the total budget of the programme.

collectives. The largest operating grant has been given to the Russian Theatre: EUR 808,749 in 2010; EUR 884,385 in 2011 and EUR 1,621,719 in 2012. Annual Russian theatre festival “Golden Mask” is held in Estonia under the cultural cooperation programme between the Republic of Estonia Ministry of Culture and the Russian Federation Ministry of Culture. Culture of national minorities is introduced by several music festivals, exhibitions, literary and folk culture events.

263. In addition, Estonian-Russian artists’ associations exist in Tallinn and Ida-Viru County; there are music and art schools that provide instruction also in Russian with the support of local governments.

264. In 2008, a virtual database (www.starover.eu) was created for supporting and introducing the culture of Russian old believers in Estonia. The Ministry of Culture’s programme “Cultural space of Peipsiveere 2009-2012” supports preservation of the regional cultural heritage, focusing on the preservation and introduction of the cultural heritage of Russian old believers. The programme and local governments have supported, for example, the exhibits of Kolkja museum’s travelling and permanent exhibition, organization of *neumads*’ singing lessons, and conservation of church buildings and iconostases of the congregation, organization of festival “Peipus” and culture days of Peipsimaa, summer camps of culture for children. In 2009-2012, the culture programme provided financial aid to 52 different projects, the State has also supported the activities of NGO Estonian Society of Old Believers Culture and Development.

265. In Tallinn, there are the Russian Museum, Russian Centre of Culture, Ukrainian Centre of Culture, Jewish Museum; in the local governments at Lake Peipus, there are several museums and visitor centres introducing the history and culture of old believers; in Haapsalu, there is a museum introducing the cultural heritage of Coastal Swedes. The Baltic-German cultural heritage is represented in the form of renovated and restored mansion building, many of which operate as tourist centres and schools. The Estonian National Museum in Tartu as an ethnography museum stores the historical and cultural heritage of national minorities living in Estonia. Several festivals, exhibitions, handicraft fairs, literary events introducing the culture and cultural heritage of national minorities are held in Estonia each year, which are also covered by the media.

266. One of the priorities of the integration plan 2011-2013 is systemic development of communication and information system in order to increase adequate informing of the population whose mother tongue is other than Estonian. It is supported by such activities as support to initial information in Russian; translation of websites and information booklets of civil society organizations into Russian to promote active citizenship and active attitudes (culture, sport, hobby activities, etc.); support to the common information space; support to cooperation and training of journalists of Estonian and Russian speaking media channels; reaching of information produced in Estonia and Estonian media channels to the Russian-speaking population; support to media programmes that cover the integration area and integration as a two-way process.

267. Translation of several information portals into Russian has been supported in order to facilitate the involvement and participation of Russian-language population in society: www.kultuur.info (Russian-language information of cultural events in Estonia); www.tallinn2011/kalender (information of cultural events); web encyclopaedia *Estonica* <http://www.estonica.org> is available in Estonian and English from 2000, and also in Russian from 2010 (includes a summary set of texts on Estonian society, culture, history, nature, education, research, national organization, economy and links among those areas); portal www.ngo.ee/rus (Russian-language news portal of the Estonian Network of Non-profit Organisations).

268. In 2010, a Russian-language news portal www.rus.err.ee and English-language news portal <http://news.err.ee/> were created for Estonian Public Broadcasting.

269. Non-Estonian language periodicals accounted for 17 per cent of all periodicals published in Estonia. Russian-language journals of culture (*Tallinn*, *Vyshgorod*, *Plug*) and fiction books (larger publishers: KPD and Aleksandra) are published. One national daily newspaper *Postimees Na Russkom Jazyke*, with print-run of 10,000 copies in 2012, and eight regional Russian-language daily newspapers are published in Estonia. In addition, four national weekly newspapers (*MK-Estonija*, *Den Za Dnjom*, each with the print-run of approx. 12,000 copies, *Komsomolskaja Pravda v Baltii*, *Delovõje Vedomosti*) and 14 journals are published.

270. The Russian-language regional press exists almost everywhere in Estonia with a large number of Russian speaking population. The largest publications are *Narvskaja Gazeta*, *Narva*, *Gorod*, *Viru Prospekt*, *Severnoje Poberezhje*, *Sillamjaeski Vestnik*, *Panorama* in Ida-Viru County; *Tshudskoje Poberezhje* at Lake Peipus; *Valk* in Valga County, etc. The most popular Russian-language municipal newspaper is *Stolitsa* that is published in Tallinn and has a print-run of 50,000 copies.

271. In addition, newspapers and journals in other languages of national minorities are published, for example, the Finnish-language *Inkeri*, Swedish-language *Kustbon*; Ukrainian cultural society "Vodograi" publishes monthly electronic publication, etc.

272. The Estonian Public Broadcasting has two television channels: ETV and ETV2. From 2008, Russian-language broadcasts are transmitted on ETV2, including news in Russian. The public radio and television are financed from the State budget. According to the integration monitoring 2011, the local Russian-language population does not feel a need for one more separate Russian-language TV channel. It can be mainly explained by the availability of a large number of channels through cable and digital television. Currently, programme packages of cable television operators includes many Russian-language TV channels.

273. The Russian-language radio station is Radio 4 is the largest public radio station by audience and by volume of original productions. Radio 4 transmits a 24-hour Russian language programme, which also includes regular broadcasts for other national minorities (in the Polish, Georgian, Ukrainian, Armenian, Byelorussian, Azerbaijani, Chuvash, Hebrew languages). Radio 4 is the most popular Estonian radio programme among the target group of non-Estonians, with the weekly audience of 180,000–200,000 persons.

274. In addition, six Russian-language radio stations are operating in the FM band of commercial broadcasts: Sky Radio and *Russkoje Radio* owned by Sky Media Group; also *Narodnoje Radio* and *Dinamit* FM, *Evro* FM and religious *Semeinoje Radio*.

275. The Russian-language Internet media has also vigorously developed. Portal *Delfi*, which operates from 1999, has the largest set of users and has 200,000 unique visitors per week. In 2005, *Postimees Online* became operative, with approx. 90,000 visitors per week. *Delovyje Vedomosti* portal dv.ee is read by 20,000 persons per week. In 2009, a renewed portal <http://www.dzd.ee/> was opened, which has changed newspaper *Den Za Dnjom* from a web newspaper to a fully-fledged independent source of information. The portal mke.ee (*MK-Estonija*), launched in 2011, also operates as an independent publication, with approx. 12,000 readers per week. In addition, there are tens of Internet pages with the Russian-language information on Estonia.

276. The sports facilities, sports competitions and sporting possibilities are open to everyone in Estonia. Notwithstanding the race, sexual orientation or gender identity, each person may use different indoor and outdoor sports facilities, do preferred type of sport, participate as a contestant or viewer in sports events, and establish sports clubs for

promoting a particular sports area. Notwithstanding the sexual orientation or gender identity of the elected representative or members, each sports club has the possibility and right to submit an application for financing of an event or activity of the sports club by the public sector (e.g., the fund Cultural Endowment of Estonia or Council of Gambling Tax).

277. Estonia has approved the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches, and the organizers of sports events in cooperation with the Police and Border Guard Board follow the principles set out in the convention. If homophobic and transphobic messages are chanted at sports events or in connection with the sports events, the organizers and the officials or security staff of the Police and Border Guard Board interfere, and the offenders are disciplined or removed from the event, and they are punished according to the established procedure.

278. In addition to the above Convention, the Estonian sports associations follow the principle of Olympic Charter, under which no-one may be discriminated on the basis of race, religion, policy or gender or in any other manner.

(f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks

279. Aforementioned rights have been discussed in the Estonia's fifth report. It can be added that the Equal Treatment Act prohibits discrimination of persons on grounds of nationality (ethnic origin), race or colour, inter alia, in relation to access to and supply of goods and services which are available to the public, including housing.

280. Public services are provided, besides in Estonian and Russian, also in English throughout Estonia. All organizations providing public services have, in general, a website in three languages where detailed information on all services is provided. Russian is used in the banking and business sector, medical care, police, also in local governments and municipal services where the share of Russian-speaking population is large. As a common trend, service providers prefer to employ employees who also are proficient in Russian besides Estonian and English.

281. According to Section 51, paragraph 2, of the Constitution everyone has the right to receive responses from government agencies, local authorities and their officials also in the language of the national minority in localities where at least one half of the permanent residents belong to a national minority. In localities where the language of the majority of the residents is not Estonian, local authorities may, to the extent and pursuant to a procedure provided by law, use the language of the majority of the permanent residents of the locality as their internal working language.

Article 6

Right of access to courts

282. As regards the right of access to courts and the Estonian judicial system, we refer to paragraphs 258-261 of the previous report.

283. In paragraph 18 of its final conclusions, the Committee expressed its concern that almost no complaints about racial discrimination have been filed with courts and other competent institutions with regard to racial discrimination during the reporting period.

284. Estonia has the relevant legal framework in place, i.e. the legal provisions applicable to racial discrimination. The criminal statistics for 2009–2011 show that no criminal offences have been registered on the basis of the Penal Code Sections 151–153.

285. We would also like to emphasize that Estonia has relevant laws and regulations in place, and the public authorities are also willing to deal with discrimination complaints. Estonian people are very much aware of the existence of legal remedies; NGOs, representatives of national minorities as well as ordinary citizens have often turned the attention of law enforcement institutions to the indications that have occurred in the media or public domain (Internet comments, articles, graffiti), saying that they see such indications inciting ethnic, racial or religious hatred. If a specifically designated expert assessment proves the existence of incitement of ethnic or racial hatred, relevant proceedings will be conducted.

286. Of the surveys organized by the Ministry of Justice, we would like to emphasize the survey of racism and xenophobia “Racial and xenophobic hatred in Estonia” (*Rassi- ja võõravimm Eestis*)⁴⁵.

Right of access to other institutions

287. The institution and activities of the Chancellor of Justice have been dealt with in detail in paragraphs 191–201 of the Estonia’s sixth and seventh report.

288. The Office of the Chancellor of Justice does not keep separate statistical records as to whether a matter subject to proceedings involves any racial discrimination or not. However, records are kept as to whether the main issue of the proceeding might be related to interference with or violation of the equal treatment principle.

289. Below follows an overview of the proceedings of the Chancellor of Justice in 2009–2011, which were more widely related to equal treatment.

290. In 2009, there were 26 inquiries to the Chancellor of Justice regarding the principle of equal treatment. Such inquiries were related to conformity of laws and regulations with the Constitution, the activities of public authorities and performance of conciliation proceedings.

291. One of two petitions filed in 2009 for carrying out conciliation procedure concerned the alleged discrimination of a person due to his/her ethnic origin, since various employment benefits were not made available to the petitioner. As the respondent did not agree to the performance of proceedings, the Chancellor of Justice suspended the proceedings.

292. In 2009, a petition was filed where the petitioner found that two local governments were discriminating him on the grounds of race and ethnic origin when he was refused a place for trading at a fair or was offered a place in an unfavourable location. As a result of the performed proceedings, the Chancellor of Justice did not however identify any occurrence of ethnic or racial discrimination. As regards the first allegation, the products that the petitioner wanted to sell did not meet the conditions set for trading at the fair and there was no data referring to the existence of direct or indirect ethnic or racial discrimination. And as regards the second allegation, the local government allocated the trading places on the basis of objective principles, taking into account the nature of sellable goods, the particular nature of sales facilities, the size of the trading place and time (queue) of registration, furthermore, persons who wanted to sell their products were able to express their opinion on the location of the trading place and, if possible, the preferences of the seller were taken into account upon selection of the trading place. Neither was there any other information on occurrence of less favourable treatment on the grounds of the petitioner’s ethnic origin or colour.

⁴⁵ <http://www.just.ee/30181>.

293. In 2010, the Chancellor of Justice received 43 complaints related to compliance with the equal treatment principle. Ten of these were related to potential discrimination (i.e. less unfavourable treatment on specific discrimination grounds in accordance with the second sentence of the Constitution Section 12 (1)). The other complaints raised a concern about compliance of the general principle of equality. Such complaints addressed conformity of laws and regulations with the Constitution, the activities of public authorities and performance of conciliation procedure.

294. The Chancellor of Justice identified inconsistency of a legislative act with the principle of fundamental right to equality set out in the first sentence of the Constitution Section 12 in three occasions.

295. In 2010, a concern about compliance with the principle of equal treatment was raised in several ombudsman proceedings. For example, a petitioner approached the Legal Chancellor in relation to alleged discrimination by the Ministry of Social Affairs on political grounds upon appointment of members of the EU Economic and Social Committee. In addition, the Chancellor of Justice commenced a proceeding at his own initiative to inspect the practice of directing children of Roma origin to a school for children with special needs.

296. In 2010, the Minister of Justice received two petitions for conducting conciliation proceedings. In one occasion, the respondent did not agree to conduct the proceeding, therefore the Chancellor of Justice suspended the proceeding. In the other occasion, the petitioner withdrew the petition for conciliation proceeding.

297. In 2011, the Chancellor of Justice commenced 42 proceedings related to equal treatment and discrimination, which mainly concerned the general fundamental right to equality where a different treatment occurred on the grounds not specified in the law. Ten proceedings concerned a potential different treatment on specific discrimination grounds.

298. In 2011, the Chancellor of Justice received one petition for conducting a conciliation proceeding. The petitioner found that he was discriminated on the grounds of ethnic origin, race, colour and religion, because the owner of a café did not allow him to enter the café. The Chancellor of Justice did not commence any conciliation proceedings, but recommended the petitioner to use more effective legal measures.

299. Conciliation proceedings are based on the idea that persons should have an easy access to the Chancellor of Justice and, due to sensitivity of the procedure, the rights and interests of the petitioner are secured during the entire investigation process. The objective of the proceeding is not to punish anyone, but both parties should be heard by the Chancellor of Justice as an ombudsman, the facts should be established and parties conciliated. All information related to the conciliation proceeding is published only in a form that does not allow for identification of persons who are parties to the proceeding. The objective of voluntary conciliation is to bring the disputing parties closer towards an agreement and encourage them to change their viewpoints and jointly look for solutions. The role of the Chancellor of Justice is to offer solutions.

300. The objective of the Legal Chancellor Act is to ensure protection of the rights of a potentially discriminated person as easily, quickly and efficiently as possible. Upon alleged discrimination events, a person may have a subjective assessment of the occurrence. Therefore, the Chancellor of Justice offers conciliation solutions that consider the rights of a victim as much as possible. When looking for solutions, such situations should be precluded where a person gives up the protection of his/her rights, because the related proceedings are excessively complicated.

301. If the fundamental right to equality is violated, the Chancellor of Justice may make a proposal or recommendation to the Parliament, a State agency or other representative of

public authority (for example, a recommendation to make a new resolution or apologize to the petitioner).

302. The Chancellor of Justice does not have legal coercive measures, i.e. possibility to impose penalties to enforce his proposals, but the Chancellors institution is highly respected in the Estonian society and according to the Chancellor most of his proposals have been followed.

303. In his activities, the Chancellor of Justice has also commenced information campaigns for introducing the principle of equal treatment.

304. From 2004, an independent and impartial Gender Equality and Equal Treatment Commissioner is acting in Estonia. The Equal Treatment Act expanded the competence of gender equality commissioner so that her competence includes now also handling the other grounds of discrimination.

305. In accordance with the Equal Treatment Act, the Gender Equality and Equal Treatment Commissioner shall provide opinions to persons who have filed applications concerning alleged cases of discrimination and, if necessary, to persons who have a legitimate interest in monitoring compliance with the requirements for equal treatment. The purpose of an opinion is to provide an assessment which, in conjunction with the Equal Treatment Act, the Gender Equality Act, international agreements binding on the Republic of Estonia and other legislation, allows evaluating whether the principle of equal treatment has been violated in a particular legal relationship. The opinion of the Commissioner is an expert opinion and enables a person to evaluate whether it would be appropriate to turn to a court. The proceedings of the Commissioner do not involve any significant expenses to the person. In addition, the functions of the Commissioner include advising and helping of persons to file complaints of discrimination. Those functions of the Commissioner may be considered to be measures that support efficient implementation of Article 6 of the Convention.

Victim support

306. The Victim Support Act,⁴⁶ which entered into force on 1 February 2004, provides the bases for State organization of victim support, organization of conciliation service, compensation for the cost of the psychological care paid within the framework of provision of victim support services and the procedure for payment of State compensation to victims of crime. In addition, the Act prescribes the persons who are entitled to victim support services, compensation for the cost of psychological care and State compensation, and the conditions of and procedure for application for, determination and payment of the specified compensations, as well as the procedure for the provision of conciliation service.

307. Victim support involves provision of a victim with the (initial) guide and assist in communicating with various institutions. The right to victim support is vested on all persons who have fallen victim to negligence, mistreatment or physical, mental or sexual abuse (including domestic violence, violence against children). By using different methods and involving other specialists, the victim support workers attempt to maintain or enhance the ability to cope of persons who have fallen victim to violence.

308. The providing of victim support is guaranteed by the Social Insurance Board on the basis of regional principle. There are victim support workers in all counties. The regional principle means that the victim support workers provide victim support services in regions

⁴⁶ The Act in English:

<http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X80012K2&keel=en&pg=1&ptyyp=RT&tyyp=X&query=ohvriabi>.

where the need for this is the largest regarding for example the level of crime or density of population.

309. For providing the victim support, the victim support workers have formed regional cooperation networks which include the police, emergency medical staff, health care employees, social employees, rescue service, neighbourhood watch, various NGOs, etc.

310. The victim support department is part of the Social Insurance Board and there are 27 employees dealing with victim support. There are more than 15 victim support centres all over Estonia. Those 15 victim support centres are distributed to four regions (North, South, East and West regions), taking into account the division of structural units (prefectures) of the Police and Border Guard Board. On the basis of a cooperation agreement signed between the Social Insurance Board and the Police and Border Guard Board, the victim support centres are generally located at police stations and constable offices. In accordance with the cooperation agreement, the police shall forward information of violence occurrences to the victim support workers upon the consent of the victim.

311. Information on access to victim support services is available at local government institutions, police, emergency medical care, rescue service and other relevant institutions that may be approached by those in need of the victim support service. Information on victim support is also available on the websites of the Social Insurance Board, the Police and Border Guard Board, also some local governments, and on the websites of various NGOs.

312. In 2009, the victim support workers were contacted by 4116 persons, in 2010 by 3978 persons, in 2011 by 4671 persons and within the first quarter of 2012 by 1222 persons.

313. Regarding the conciliation of the victim and offender, we refer to paragraphs 305–307 of the previous report. In 2009, 221 conciliation proceedings were conducted, 2010 – 417 conciliation proceedings, 2011 – 534 conciliation proceedings and within the first quarter of 2012 – 129 conciliation proceedings.

Article 7

314. The Estonian Integration Plan (2008–2013) is described under article 2.

315. The Estonian Human Development Analysis of 2011 has shown that the Estonian language is a necessary tool for achieving social-economic welfare in Estonian society and problems related to acquisition of the language have a very strong dimension of social security.

316. The integration monitoring of 2011 confirms that each third person whose mother tongue is not Estonian, is proficient in the official language at the active level, i.e. should cope with more complicated oral communication as well as limited written self-expression and reading comprehension. Approximately each second person with mother tongue other than Estonian is proficient in the official language mainly at the passive level, i.e. can understand the information circulating in the Estonian-language environment and has limited self-expression skills in Estonian.

317. During the last ten years, development of language skills has been favoured by social-psychological factors like motivation of social mobility and structural factors like education system and natural living environment at the place of residence. Compared to the situation ten years ago, increasingly bigger number of young people who attend school or have finished school and entered institutions of higher education have active Estonian skills. Estonian proficiency of Estonian citizens with Russian or other language as their mother tongue has improved. Today, nearly one-third of working-age Russian-speaking

population who are also active in the labour market have a certificate of language level that is valid or can be restated to valid levels, which should enable working in positions requiring a corresponding level.

318. According to integration monitoring, Estonian proficiency has improved in all age groups; the number of those people who estimate that they have no or passive Estonian proficiency has decreased. People who work and have higher educational level evaluate their Estonian language skills to be better. The level of language skills of people with Estonian citizenship has significantly improved on the basis of self-evaluation and, in particular, the number of people who have no Estonian proficiency has decreased.

Estonian Public Broadcasting

319. According to the integration monitoring 2011, the awareness of Russian-language speaking population, based on their self-evaluation, of what is going on at their locality, in Estonia and EU has increased. According to the survey, 79 per cent considers themselves to be well informed (in 2008: 70 per cent). As regards the EU, 58 per cent consider themselves to be well-informed, compared to 2008 when the respective indicator was 45 per cent.

Table 16

Volume of Russian-language broadcasts and broadcasts with Russian subtitles in Estonian Public Broadcasting in channels ETV and ETV2 in 2009–2011

	2009	2010	2011
	ETV/ETV2	ETV/ETV2	ETV/ETV2
In Russian (hours)	76/455	72/477	95/463
% in the total volume of broadcasts	1.1%/16.2%	1.1%/11.5%	1.4%/10.0%

320. In accordance with the development plan of Estonian Public Broadcasting (EPB) for 2010–2013, the broadcasts and internet media channels of EPB support mutual understanding and tolerance among social groups in Estonia, giving the floor to as many diverse representatives of Estonian society as possible. EPB particularly attempts to ensure that various population groups would be represented in its channels: the elderly, people with special needs, national minorities, religious congregations, youth and children. To this end, EPB programmes include broadcasts where representatives of different social groups and opinion leaders participate, broadcasts on religion, broadcasts for the elderly and people with disabilities.

321. In August 2008, ETV2 was launched under EPB programme. The new TV channel increased the share of broadcasts intended for the Russian-speaking population which have been prepared with their participation, in particular focusing on information broadcasts and broadcasts on social and political issues. Besides, ETV channel transmits popular broadcasts with Russian subtitles.

322. In 2011, ETV2 continued to maintain and enhance the image as a TV channel focusing on children, culture and Russian-speaking population. The programme objectives of ETV2 were: to offer at least two self-produced programmes a week for the Russian-speaking spectators, to transfer the complete children's programme to ETV2 and design the evening programme zone so that it would meet the expectations of the spectators.

323. In Estonia, the language of television and radio programme can be freely chosen and there are three Russian-language television and eight radio programmes with an activity licence in Estonia. The law has ensured the freedom of receipt and reproduction of the

television and radio services. The receipt of television and radio services from another country and their transmission are not restricted.

Introduction of the human rights principles through media

324. The principles of human rights are introduced in Estonian Public Broadcasting (EPB) programmes on an ongoing basis. EPB's news programme includes the news created in radio and television programmes in picture and sound, also the text news prepared by its editorial staff, also in English and Russian.

325. Channel ETV broadcasts a weekly series of foreign policy "*Välisilm*" and the documental films selected by the editorial staff of "*Välisilm*", which deals with the situation of human rights in foreign countries, and themes related to trafficking in human beings. The theme of human rights is also randomly tackled in the weekly discussion broadcast "*Vabariigi kodanikud*".

326. From autumn 2009, channel ETV2 transmits a daily series of two-minute TV clips "6 billion others", which consists of 150 parts and is aired immediately after the Russian-language daily-news. The floor is given to people of different nationality, race and political systems all over the world. In the first half year in the period 2009–2012, 626 such television clips were aired in the total volume of 17.5 hours.

327. EPB radio programme *Vikerraadio*, which is a radio channel with the largest audience in Estonia according to the surveys, and listened to by 340,000 people on average per week, transmits a weekly one-hour foreign policy broadcast ("*Uudis+*"), which tackles the topic of human rights among other things.

328. Radio programme Radio 4 discusses the international, including the human rights programme as sections (broadcasts "*Keerdkäigud*", "*Vaatleja*", "*Euroopa täna*") or as reportages in broadcasts "*Tiptund*", "*Meridiaan*" or "*Päevakaja*". The topic of equal treatment is tackled in several discussion broadcasts, considering in particular that Radio 4 is a foreign-language (Russian-language) radio.

329. To achieve a common information field and larger awareness, MISA produces television and radio broadcasts and printed media publications on integration each year. In addition to the above, MISA also supports internet projects to increase availability of information in Estonian society and possibilities for active participation. Aid has been granted to projects aimed at increasing of awareness of the Equal Treatment Act, with the target group of professional associations, representation organizations of employees and employers, representation organizations of minorities, and other public. In 2009–2012, MISA has granted a total of EUR 875,926.56 to 27 media projects created for developing a common media environment.

330. In 2011–2012, the International Organisation for Migration office in Tallinn implements project "*Parem*".⁴⁷ for the purpose of increasing awareness of asylum and migration matters. The main objective of the project is to increase general knowledge of terminology and support general tolerance towards refugees and migrants. The theme of the project is covered in written press, radio, television and internet; also relevant training is organized for journalists.

⁴⁷ <http://www.iom.ee/parem/projekt>.