



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Eighty-fifth session

Summary record of the 2312th meeting

Held at the Palais Wilson, Geneva, on Friday, 22 August 2014, at 10 a.m.

Chairperson: Mr. Calí Tzay
later: Mr. Amir (Vice-Chairperson)
later: Mr. Calí Tzay

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The meeting was called to order at 10.15 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)

Tenth and eleventh periodic reports of Estonia (continued) (CERD/C/EST/10-11; CERD/C/EST/Q/10-11; HRI/CORE/1/Add.50/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Estonia took places at the Committee table.*
2. **Ms. Kivirüüt** (Estonia) said that of the 35 Roma students in schools in Estonia only 5 were enrolled in a special institution for children with learning disabilities. The Government had decided to return those children to the normal school system and had asked the schools concerned to devise solutions so that the students could be accommodated and helped to overcome their disabilities. The number of students enrolled in schools in which Russian was the language of instruction had indeed fallen. There was no political pressure from the Government; rather, of their own free will, parents had chosen to enrol their children in schools in which Estonian was the language of instruction in order to encourage their integration. The amendments to the Languages Act were not such as to constitute discrimination against speakers of Russian or other languages; nor were they intended to do so. The point was simply to ensure improved enforcement of the law. In addition, the provisions of the Act that entitled those in districts in which at least half the permanent residents were members of a national minority to address local State agencies — and receive replies from them — not only in Estonian but also in the minority language had remained unchanged.
3. **Mr. Mägi** (Estonia) said that 104 of the 358 applications for international protection submitted since 2000 had been granted and that of the 100 submitted by persons detained at the border only 24 had been rejected by the authorities as being unfounded. All police officers were required to take periodic courses dealing, among other things, with the cultural and religious practices of minorities and the human rights enshrined by the international instruments ratified by Estonia. No case of racial discrimination on the part of a police officer had been referred to the national authorities over the past three years, and no complaint had been lodged for any such incident. After Estonia had regained independence, some half a million nationals of the former Soviet Union who had been living in what became Estonian territory had had to decide whether they wished to keep their Russian citizenship or apply to become naturalized Estonians. Those who had not opted for naturalization were therefore in no way stateless. Work with persons of undetermined citizenship to raise their awareness of the need to apply for Estonian citizenship was ongoing, but the decision was theirs alone. In 10 years, more than 157,000 people had become naturalized citizens of Estonia. Estonia was not planning to accede in the near future to the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness, since it was of the view that the persons of undetermined citizenship who were living in Estonia already enjoyed the rights enshrined by those two conventions.
4. Regarding the amendment to the Citizenship Act which had entered into force on 1 August 2012, he said that from then on anyone who had been considered an Estonian on being awarded a passport by a government agency had to be considered by that agency to have acquired Estonian citizenship either by birth or through a later legal procedure. In addition, in 2014 the parliament had again amended the Citizenship Act to facilitate the naturalization of young people who did not have residence permits but had lived in Estonia permanently and of those whose guardians had not applied for naturalization for them before they had reached the age of 15. The time required for obtaining Estonian citizenship, which had already fallen from 15 months to 9, would shortly be reduced to 3 months. In

2012, 360 children of parents of undetermined citizenship had been living in Estonia, as opposed to 304 in 2013; it was nonetheless unusual for them, too, to be of undetermined citizenship, since their parents often applied for naturalization for them. The Government was continuing to work on that thorny issue and was planning to make *jus soli* the rule for all children born in Estonian territory, as long as their parents had not opted for the citizenship of another State.

5. **Ms. Krõõt Tupay** (Estonia) said that the parliament would shortly be considering a bill to penalize hate crimes and racist organizations that would make incitement to hatred a criminal offence punishable by 1 year of imprisonment. A racist motivation would be an aggravating circumstance. In addition, the public justification, denial or minimization of an offence likely to incite hatred, violence or discrimination against a group of persons or one of its members would be liable to criminal penalties. In accordance with another amendment made to the Criminal Code, which would enter into force on 1 January 2015, evidence of personal gain would no longer be required to prosecute a criminal organization that had incited racial hatred. Lastly, although it was indeed necessary to be an Estonian national to take part in legislative elections or run for legislative office, persons of foreign or undefined nationality were subject to no other limitation to their right to express their political views. In Estonia, permanent residents were also allowed to vote in local elections.

6. **Mr. Aidarov** (Estonia) stated that 70 per cent of Estonians and 63 per cent of Russian speakers had turned out for the 2011 legislative elections; for the 2009 European elections those figures had been 59 and 55 per cent respectively. The number of television programmes in Russian had fallen from 600 hours in 2008, to 200 hours in 2011, a situation caused by a shortage of public subsidies.

7. **Ms. Reimaa** (Estonia) said that the Estonian Integration Plan included an entire set of measures dealing in particular with cultural and educational activities, jobs and the social participation of the ethnic groups living in Estonia; the strategy for one nationality did not differ from that for another. Learning Estonian was stressed, since mastery of the language was a key to integration. The Seto ethnic and linguistic minority was estimated to number between 10,000 and 13,000 people, of whom approximately 3,500 lived on their ancestral lands, located in remote areas. In 2003, the Ministry of Culture had initiated a programme in support of that minority, and that had been followed up by the Cultural Programme for the Seto Region for the period 2014–2018. An investment programme had also been implemented by the Ministry of Internal Affairs in order to bolster the economy of the region and create jobs there.

8. **Mr. Aidarov** (Estonia) said that the application submitted by the founder of the NGO Russian Cultural Autonomy, who wished to draw up a national register of Russian speakers in order to organize the election of the board of directors of that organization, had been rejected by the Ministry of Culture on the grounds that that NGO did not represent the views of the Russian minority in Estonia. As the cultural activities of national minorities were subsidized by the State, and as Russian speakers were offered instruction in their language, they did not support the ideas of that NGO.

9. **Ms. Hollo** (Estonia) said that the Chancellor of Justice was independent of the legislative, executive and judicial powers and could not serve in any capacity with national or local agencies. The Chancellor of Justice, appointed by parliament for a seven-year term, on a motion by the President of the Republic, was assisted by some 50 members of staff. It was the Chancellor of Justice's responsibility to ensure that the laws in force were compatible with the Constitution and to investigate complaints lodged by individuals. The Chancellor of Justice intended to study the possibility of collecting disaggregated data on racial discrimination. Anyone who filed a petition with the Gender Equality and Equal Treatment Commissioner was entitled to assistance from a lawyer. Of the nine complaints concerning racial discrimination that had been referred to that office, five had led to

investigations and only one had resulted in a finding of a violation. The Commissioner's Office had seven staff members and its budget had increased steadily in recent years. As part of the Mainstreaming Gender Equality and Promoting Work/Life Balance Programme for the period 2009–2015, the Commissioner was conducting awareness-raising and educational efforts throughout the country, above all to provide assistance to women who considered themselves victims of dual discrimination.

10. In 2013, the project "Diversity Enriches" had centred on promoting diversity in the private sector. As part of the project, businesses in the country had been encouraged to sign an agreement by which they committed to guaranteeing the diversity of their personnel and equal treatment for their employees. Workshops had been held to enable them to exchange information on best practices in that area. To date, 31 companies had signed the agreement. According to the European Union minorities and discrimination survey, the Russian minority was well aware of the existence of complaints mechanisms that it could turn to in the event of discrimination on the basis of national origin. Complaints of that type could be lodged either with the Chancellor of Justice or with the Gender Equality and Equal Treatment Commissioner. As a rule, they were then investigated by a judge or, in a case of workplace discrimination, by an industrial relations tribunal, but those disputes could also be resolved by the Chancellor of Justice as part of a conciliation procedure.

11. **Mr. Seilenthal** (Estonia) said for a variety of reasons, including the insignificant number of migrants living in the country, Estonia did not yet see the need to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Although it was undeniable that some articles and reports in the media had xenophobic undertones, it could not be said that the media were depicting refugees and asylum seekers as terrorists. The media enjoyed freedom of expression and the State could act only indirectly to prevent the publication of content in breach of the Convention. In the European elections of May 2014, the Conservative People's Party of Estonia had obtained only 1 per cent of the vote, a clear indication that it did not enjoy a great deal of support in the country. Lastly, Estonia was working together with the European Union and its member States with a view to commemorating the International Decade for People of African Descent.

12. **Mr. Aidarov** (Estonia) said that according to statistics published in 2011 and drawn up on the basis of four indicators (holding Estonian citizenship, mastering Estonian, taking part in public life and self-identifying with the Estonian nation), 8 per cent of those belonging to a national or ethnic minority were fully integrated, 25 per cent were well integrated, 29 per cent were partially integrated, 25 per cent were but slightly integrated and 13 per cent were not integrated at all. In addition, the curricula for courses in Estonian for native speakers of other languages had been effective, as shown in particular by the success rate in intermediate-level language examinations, which had risen between 2008 and 2013. Moreover, the percentage of Estonians and Russian speakers who had no contact with one another had fallen sharply between 2007 and 2011. Fifty per cent of Russian speakers relied on Estonian media to keep informed and 30 per cent trusted that information, whereas in 2005 those figures had been 26 and 19 per cent respectively.

13. The economic crisis had severely affected such industries as construction, in which 40 per cent of the labour force was Russian-speaking, widening the income gap between that minority and the Estonian population. The Government was making efforts to remedy the situation and to that end it had launched programmes to make it easier for Russian speakers to gain entry to the job market. Lastly, the Cultural Diversity Department and Statistics Estonia were planning to work together to create a racial-discrimination database that would be updated every three years and include data broken down by such criteria as nationality, participation in public life, language, parental language, and acts of racial discrimination committed against, or witnessed by, the person surveyed.

14. **Mr. Avtonomov** noted that the Chancellor of Justice combined three functions, two of which were not directly related to human rights. It would be advisable for the mediator role, which the Chancellor of Justice could not perform full time, to be assigned to a separate office that complied with the standards set out in the Paris Principles. He also encouraged the delegation to comment on two cases of employment discrimination that had been referred to the Gender Equality and Equal Treatment Commissioner, one involving a Russian speaker whose entire education had been in Estonian and who had allegedly not been hired by the Ministry of Foreign Affairs as a result of his imperfect command of Estonian, the other a woman with a Russian given name and Estonian family name who had allegedly been refused a job with a company in the private sector for similar reasons.

15. **Mr. Yeung Sik Yuen** enquired whether the authorities recorded only the mother's name in the birth-registration process, even when she was married. Since citizenship was granted on the grounds of *jus soli* in Estonia, he feared that children born to a foreign mother and an Estonian father would not be able to obtain citizenship if the father's name did not appear on the birth certificate.

16. **Mr. Seilenthal** (Estonia) said that the Government would have liked nothing better than to create a separate office that could take on the mediator role currently performed by the Chancellor of Justice but that in view of the country's falling population it was reluctant to go to the expense of creating an office whose activities would, in large part, overlap with those of the Chancellor of Justice. In the near future, however, there could be changes, as parliamentary elections were set for March 2015 and the Chancellor of Justice's term would expire at that point, too. The Russian-speaking applicant for a position with the Ministry of Foreign Affairs had been turned down for no reason other than his command of the language, which had been deemed insufficient, not for reasons having to do with his national origin. He had not taken a language examination, but his ability had been assessed over the course of the application process.

17. **Mr. Mägi** (Estonia) said that if the mother of a child was married her husband was automatically considered the father and his name would be recorded on the birth certificate. Any child with at least one Estonian parent could obtain Estonian citizenship.

18. **Mr. Murillo Martínez** observed that Russian speakers accounted for a share of those in detention in Estonia larger than their share of the population would warrant, a situation that called for an explanation by the delegation. In its integration policy, the State party could perhaps take into account such indicators of discrimination as incarceration rates, life expectancy and income.

19. **Mr. Diaconu** enquired whether minorities had opportunities to take part in public life other than participating in elections.

20. **Ms. Reimaa** (Estonia) said that in the framework of its integration policy, the Estonian Government took an interest in persons in detention, who had access to language courses and vocational training, among other things, and was setting up social networks for the benefit of low-income people.

21. **Mr. Seilenthal** (Estonia) said that roughly 10 per cent of the members of the Estonian parliament could be considered members of a minority group.

22. **Ms. Crickley** asked about the timeline for the passage of the bill on incitement to hatred.

23. **Mr. Kut** (Country Rapporteur) requested additional information on the amendments the State party was planning to make to the Languages Act and enquired in particular how being able to fine an employer for an employee's insufficient fluency in Estonian could be an improvement on current law. He also expressed interest in the attitude the State party

took towards persons who used their right to freedom of expression to make racist remarks and thus violate other people's rights.

24. **Ms. Krõõt Tupay** (Estonia) said that the bill on inciting hatred ought to come before parliament in autumn 2014 and should be adopted before the following parliamentary elections, in spring 2015. The new law should lead to improved protection from incitement to hatred and other acts of racial discrimination.

25. **Ms. Hollo** (Estonia) said that the aim of the amendments to the Languages Act, which would enter into force on 1 January 2015, was to have the responsibility for employees' meeting Estonian language requirements borne not by the employees themselves but by the employers, when those requirements were for their benefit.

26. **Mr. Khalaf** said that the restrictions on awarding Estonian citizenship in place in the State party were in sharp contrast with the rights, such as the right to take part in local elections, that it conferred on non-citizens. He requested an explanation.

27. **Mr. Bossuyt** asked whether the amendments to the Languages Act would not be at odds with the rulings of the Court of Justice of the European Union on the free movement of workers.

28. *Mr. Amir (Vice-Chairperson) took the Chair.*

29. **Ms. Kivirüüt** (Estonia) said that the amendments to the Languages Act would have hardly any consequences other than that of strengthening employers' obligations towards their employees, in that employers would have to provide their employees with more facilities for improving their Estonian, which they would have a year to do; a fine would be a last resort.

30. **Mr. Seilenthal** (Estonia) said that the aim of the Languages Act was basically to ensure that Estonians could deal with an Estonian-speaking person when they consulted a doctor or sought other services.

31. *Mr. Calí Tzay (Chairperson) resumed the Chair.*

32. **Mr. Kut** (Country Rapporteur) welcomed the bill on incitement to hatred, the legislative provisions paving the way for ratification of the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, the decline in the number of persons of undetermined citizenship, the steps planned to solve the problems Roma children faced at school and other developments. Nonetheless there were areas in which the State party still needed to take action, including issues having to do with citizenship and minorities, the Russian-speaking minority in particular, the ratification of international instruments and the creation of a national human rights institution.

The meeting rose at 12.55 p.m.