

**Resolution CM/ResCMN(2012)9
on the implementation of the Framework Convention for the Protection of National Minorities
by Estonia**

*(Adopted by the Committee of Ministers on 13 June 2012
at the 1145th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention"),

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification submitted by Estonia on 6 January 1997;

Recalling that the Government of Estonia transmitted its state report in respect of the third monitoring cycle under the Framework Convention on 13 April 2010;

Having examined the Advisory Committee's third opinion adopted on 1 April 2011, as well as the written comments of the Government of Estonia received on 30 September 2011;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Estonia:

a) Positive developments

Estonia has maintained a generally positive approach towards the Framework Convention and its monitoring system and has been co-operating constructively with the Advisory Committee. The overall climate between ethnic Estonians and non-Estonians has significantly improved over the years. Although Estonia's legal framework related to the protection of national minorities formally still excludes the high number of long-term residents without citizenship, apart from the significant right to stand in elections or vote in parliamentary elections, non-citizens belonging to national minorities enjoy effectively equal access to rights protected under the Framework Convention.

The Equal Treatment Act, which entered into force in January 2009, provides protection from discrimination on the grounds of nationality, race, colour, religion or other beliefs, age, disability and sexual orientation. The competencies of the Gender Equality Commissioner were broadened to cover complaints of discrimination based on these grounds. Related awareness-raising campaigns among the public and some training activities with relevant civil servants are ongoing. A new Estonian Integration Strategy (2008-2013) was prepared by the government which declares integration as a two-way process affecting society as a whole.

The number of persons without citizenship has considerably decreased since the last monitoring cycle. The authorities have made commendable efforts to facilitate the naturalisation of minors under the age of 15.

Two national minorities (the Ingrian-Finnish and the Swedish) receive baseline funding in line with the National Cultural Autonomy Act. Other minority cultural centres have access to substantial project-based funding via the Ministry of Culture as well as the Integration Foundation for their cultural initiatives.

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

The authorities have made considerable efforts to increase the proportion of radio and TV programmes intended for Russian-speakers and those persons speaking other languages. Available budgets have also been increased.

Concerted efforts have been made in the prevention and treatment of HIV/AIDS that have benefitted large numbers of persons belonging to national minorities, and have led to the containment of the epidemic in the country.

b) Issues of concern

The office of the Gender Equality and Equal Treatment Commissioner has not received any increase in support following the broadening of her tasks and is seriously under-resourced. So far, only few ethnicity based complaints have reached the office, as there appears to be insufficient knowledge of its new responsibilities among persons belonging to national minorities as well as within law enforcement services and the judiciary, particularly in remote areas.

The Estonian Integration Strategy appears focused on non-Estonians and efforts to increase their State language capacity, but does not contain sufficiently concrete measures aimed at promoting more openness of ethnic Estonians towards diversity in society.

The number of persons without citizenship still remains at around 100,000. While significant numbers of minors have acquired citizenship, the overall rate of naturalisations per year has been decreasing since 2005. The non-availability of free Estonian language classes to prepare for the citizenship examination is cited as an important reason for this decrease among adults, particularly the elderly. The situation requires further steps by the authorities to encourage and facilitate naturalisations.

In a generally difficult economic environment for print media, publications in minority languages appear to be rapidly decreasing. Significant parts of the minority readership are no longer using local print media but have been orientated towards foreign media instead. The translation requirement concerning "foreign language" broadcasts into Estonian remains unchanged. The few bilingual options appear to offer different sets of news and perceptions to their respective readership and there is continued negative stereotyping of minorities in some media, particularly on the internet, with harmful effects on social cohesion.

The Language Act was amended in February 2011 in order to revise and update the language regulations which had become rather complicated following a number of previous amendments. There was no comprehensive consultation with minority representatives and international recommendations for a more balanced promotion of the State language while fully guaranteeing the linguistic rights of persons belonging to national minorities were not taken into account. The Language Inspectorate still follows a regulatory approach, imposing fines that are sometimes considered disproportionate. In addition, some of the requirements for State language proficiency in professional occupations appear not to be proportionate to the legitimate aim pursued and more flexibility should be used in their application, particularly as regards the areas where the majority of the population speaks Russian. The threshold for using a minority language in relations with local authorities remains at 50% and is applied without flexibility. Knowledge among the population in Ida-Viru County about possibilities to introduce parallel place names in minority languages appears very limited.

While the Estonian Integration Strategy acknowledges the significance of education as a tool for integration and mentions the importance of cultural diversity in the school curricula, there are insufficient multicultural elements in the curricula and textbooks; integration activities of schools centre mainly on the promotion of State language skills of non-Estonian pupils. The transfer to Estonian as the main language of instruction in upper-secondary schools continues to be implemented despite the fact that many schools and teachers are not sufficiently prepared for this change and are reportedly experiencing a significant loss in the quality of education offered.

The National Minorities Cultural Advisory Council under the Ministry of Culture constitutes the main consultative mechanism for persons belonging to national minorities. There appears to be no institutionalised channel for minority representatives to discuss important issues of concern that are not related to culture with relevant government bodies. The Round Table of Nationalities, whose members are appointed by the recently created Estonian Co-operation Assembly under the President, cannot be considered an effective consultation instrument as it has no representative function regarding the views and concerns of persons belonging to minority communities.

The unemployment rate among ethnic non-Estonians is still disproportionately high compared with that among Estonians. There are perceptions among non-Estonians that ethnic Estonians are the preferred candidates irrespective of qualification or language ability. The region of Ida-Virumaa, which is predominantly populated by non-Estonians, has been particularly affected by the economic crisis.

2. Adopts the following recommendations in respect of Estonia:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action²

- take a more balanced approach towards the legitimate aim of promoting the State language while ensuring the rights of persons belonging to national minorities to speak and use their languages in public, also in relations with local authorities; favour a policy of incentives over punitive methods with regards to the implementation of the Language Act as amended in February 2011;
- ensure that the ongoing transfer to Estonian as the main language of instruction in upper-secondary Russian language schools is implemented gradually and with due regard to the quality of education offered in Estonian as well as Russian language; expand the availability of relevant teacher training courses including as regards bilingual and multicultural education;
- take appropriate measures to expand consultative mechanisms for persons belonging to national minorities beyond the cultural sphere; ensure that minority representatives are effectively involved in and have a substantial impact on all relevant processes of decision making affecting them.

Other recommendations²

- provide adequate financial and human resources to the Office of the Gender Equality and Equal Treatment Commissioner and ensure that awareness of her responsibilities is raised among society at large and relevant public services throughout the country;
- ensure that minority representatives are effectively consulted on the Integration Strategy, and that initiatives that create common social spaces and networking opportunities between ethnic Estonians and non-Estonians are enhanced, focussing in particular on promoting openness towards diversity among the majority population;
- take all appropriate measures, while fully respecting freedom of expression, to curtail stereotyping of minorities in the media and further promote minority language broadcast and print media, particularly as regards locally produced news; reconsider the translation requirement of the media and develop, in consultation with minority representatives, more appropriate means to ensuring a diverse but shared media space for the entire Estonian society;
- conduct a constructive dialogue with minority representatives on language-related developments, including with regards to the approach and functioning of the Language Inspectorate;
- expand opportunities to introduce minority language place names, in line with the principles contained in Article 11 of the Framework Convention, and ensure that relevant minority communities are aware of their rights in this respect;
- ensure that more intercultural elements are introduced in the school curricula and expand opportunities for bilingual education to increase opportunities for contacts between the ethnic Estonian and non-Estonian communities;

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- combat perceptions about ethnic Estonians being favoured on the labour market in order to ensure that persons belonging to national minorities feel motivated to enter and remain in the Estonian labour market; create targeted development initiatives in the particularly disadvantaged region of Ida-Virumaa.

3. Invites the Government of Estonia, in accordance with Resolution Res(97)10:

- a. to continue the dialogue in progress with the Advisory Committee;
- b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.