

***ESTONIA'S THIRD REPORT  
ON IMPLEMENTING  
THE COUNCIL OF EUROPE  
FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES***

***2010***

## Part I

The Republic of Estonia signed the Council of Europe Framework Convention for the Protection of National Minorities (hereinafter the *Framework Convention*) on 2 February 1995 and it entered into force in respect of Estonia on 1 February 1998.

The second State Report was submitted on 13 July 2004, and the recommendations arising from it are also covered in this Report. The Council of Europe Advisory Committee (hereinafter the *Advisory Committee*) delegation was on a visit to Estonia from 30 November to 2 December 2004. The Committee met with the representatives of the Government and the Riigikogu, NGOs and other experts with the aim to obtain information about the implementation of the requirements of the Convention in Estonia. The opinion of the Advisory Committee in respect of Estonia was adopted on 24 February 2005. The Council of Europe Committee of Ministers passed the decision on the implementation of the Framework Convention for the Protection of National Minorities in Estonia on 15 February 2006.

In accordance with the Committee of Ministers decision ACFC/III(2008)001, Part I of the Report covers mostly the aspects relating to implementation of the second report and the issues of drawing up the report. Part II with reference to specific articles covers in more detail the projects carried out during the reporting period. Changes in the names of non-profit associations or their areas of activity are also pointed out.

Recommendations concerning Estonia's second report on the Framework Convention have been primarily implemented through the Office of the Minister for Population and Ethnic Affairs. This institution has brought together representatives of national minorities and the state. The Office of the Minister for Population and Ethnic Affairs organised integration cooperation in accordance with the Estonian legislation and the Framework Convention while taking into account the Advisory Committee's opinions expressed specifically in respect of Estonia as well as the opinions in general.

The powers of the Minister for Population and Ethnic Affairs ended on 21 May 2009. In order to ensure closer connection of population issues with different policy areas, the Government decided to transfer the Minister's tasks to other ministries. The Ministry of Social Affairs was tasked with coordinating the implementation of basic principles of population policy, analysing the population data and commissioning demographic surveys. Integration policy related tasks, including creating conditions for the development of cultural life of national minorities and their integration into Estonian society, were transferred to the Ministry of Culture. The Ministry of Culture had already established the position of a Deputy Secretary General for Cultural Diversity, which allows for high-level administration of integration policy and coordination of work with other ministries. Tasks relating to compatriots living outside Estonia were transferred to the Ministry of Education and Research, and tasks relating to repressed persons and persons equated to them were transferred to the Minister for Regional Affairs.

The Ministry of Culture, the Ministry of Education and Research, the Ministry of Social Affairs, and the Ministry of Internal Affairs all have an important role in integration policy. The Integration Foundation also plays an important part in implementing projects relating to national minorities.

Organisations of national minorities have been in regular contact with the Office of the Minister for Population and Ethnic Affairs and all the other relevant ministries and local authorities. Regular meetings within different forums have taken place, and although not always have the topics of meetings included implementation of the Framework Convention, discussions have focused on issues of culture, language, education, etc of national minorities, which clearly helps to promote the ideas enshrined in the Framework Convention.

According to the declaration made at the time of ratifying the Framework Convention, Estonia only considers ethnic groups whose members are Estonian citizens to be national minorities within the meaning of the Convention. The declaration was explained in more detail in the previous State Report, and Estonia affirms that in practice a comprehensive definition is used and the rights under the Convention are accessible to all ethnic minorities in Estonia. The term “national minority” is understood in the meaning of the declaration only in connection with the cultural autonomy of national minorities, in all other cases, including in the present State Report, the concept of national minorities is understood in its wider meaning.

The Report covers legislative, administrative and other measures taken to ensure the rights established under the Framework Convention. Involved in drawing up the Report were all the umbrella organisations of national minorities and NGOs dealing with human rights, such as the Legal Information Centre for Human Rights and the Human Rights Centre. They have been involved in two stages. First, in the stage of collecting information where these organisations were asked to comment on Estonia’s activities under the Framework Convention. In the second stage, the organisations were able to comment the final Draft Report.

Involved in drawing up the Report were the Ministry of Justice, the Ministry of Social Affairs, the Ministry of Education and Research, the Ministry of Internal Affairs, and the Office of the Minister for Population and Ethnic Affairs until the end of its operation.

The Report covers the period 2005-2009. Statistics are presented as at 2007, 2008 or 2009, depending on availability. The Report also covers the changes made in 2009 for better implementation of the aims of the Convention.

The Estonian Government highly appreciates the dialogue with the Advisory Committee and continues to make efforts to inform the public about the rights and duties under the Framework Convention. The Government believes that information can best be provided through specific activities. State integration policy is enshrined in the Estonian Integration Plan 2008-2013. The plan does not follow the structure of the Framework Convention but, nevertheless, it is very important for guaranteeing the rights under the Convention through promoting common understanding and multiculturalism.

The Advisory Committee’s opinion and the Government’s comments have been translated into Estonian and are available on the homepage of the Ministry of Foreign Affairs. Following the example of other countries, the Government published the Advisory Committee’s opinion with comments before the adoption of the relevant decision by the Committee of Ministers.

## **Part II**

### **Article 1**

**The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.**

### **Article 2**

**The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.**

Protection of national minorities is part of international protection of human rights, and as such it is one of the priorities for Estonia. Guaranteeing the rights of minorities is an ongoing process. Estonia considers important the development of bilateral good-neighbourly relations with ethnic kin-states, internal cooperation in the European Union, as well as active participation in the work of regional and universal international organisations.

In the following section we will provide an overview of Estonia's international human rights obligations and activities.

During the reporting period, Estonia has acceded to the following conventions:

- the European Code of Social Security, entered into force on 20 May 2005;
- the Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin), entered into force on 1 May 2005;
- Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances, entered into force on 1 June 2004;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, entered into force on 11 June 2004;
- Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, entered into force on 11 June 2004;
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, entered into force on 3 September 2004;
- the European Convention on the Compensation of Victims of Violent Crimes, entered into force on 1 May 2006;
- the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (the Dublin Convention), entered into force on 1 November 2004;
- ILO Convention on Worst Forms of Child Labour, ratified on 24 September 2001, and the ILO Minimum Age Convention, ratified on 15 March 2007.
- ILO Convention concerning Discrimination in Respect of Employment and Occupation (No. 111), entered into force on 10 July 2005;
- ILO Convention Concerning Labour Inspection in Industry and Commerce (No. 81), entered into force on 1 February 2006;
- ILO Convention Concerning Labour Inspection in Agriculture (No. 129), entered into force on 1 February 2006.

Estonia is preparing to ratify the Council of Europe Convention on Action against Trafficking in Human Beings and the United Nations International Convention for the Protection of All Persons from Enforced Disappearance.

Estonia is also preparing to make a declaration under Article 14 of the UN Convention on the Elimination of All Forms of Racial Discrimination.

The Ministry of Education and Research is analysing the UNESCO Convention against Discrimination in Education in order to ascertain its effect on Estonia.

Estonia has concluded agreements containing provisions on cultural issues with more than 40 countries. Cooperation agreements and programmes make it possible to develop and support bilateral cooperation with foreign countries and their cultural institutions. Often cooperation takes place through the mediation of embassies and with active participation of the ministries of culture of the two respective countries. Cooperation between countries based on effective agreements and programmes allows organising larger events than would otherwise be possible.

Active cultural cooperation takes place with the Russian Federation. For example, the Estonian Ministry of Culture and the Russian Ministry of Culture and Mass Communication concluded a cultural and mass communication cooperation agreement on 10 February 2008.

In addition, during the reporting period Estonia concluded cultural and sports cooperation agreements with Armenia, Bulgaria, Egypt, Philippines, Georgia, Spain, Kazakhstan, Cyprus, Mexico, Poland, Tunisia, and Belarus.

In protecting the rights of national minorities, Estonia cooperates with international organisations. Within the OSCE, Estonia has had fruitful cooperation with the High Commissioner on National Minorities Knut Vollebaek. In cooperation with him, the Baltic Sea states roundtable on the protection of national minorities and their relations with the kin-states was organised in Tallinn on 8 June 2009.

In its second opinion, the Advisory Committee emphasised the importance of the European Union in the protection of national minorities. In the European Union, Estonia actively participates in the work of the Agency for Fundamental Rights and supports its activities. With the help of EU funds, it is possible to implement integration activities more effectively. For example, funding from the EU Structural Funds can be used for this. The European Social Fund, which is aimed at promoting employment, raising the qualification and competitiveness of persons and increasing social coherence in society, has funded several programmes in Estonia (e.g. to promote equal opportunities on the labour market). The current EU programming period covers the years 2007-2013.

In addition to the European Social Fund, under the general programme “Solidarity and management of migration flows”, created by the EU Council decision of 25 June 2007, the European Fund for the Integration of Third-Country Nationals (EIF) was established for the period 2007-2013. The aim of the Fund is to raise the capacity of member states to develop, implement and evaluate strategies, policies and measures concerning nationals of third states. The EIF is also used to support the exchange of information and best practice and cooperation

between member states. In Estonia, the Fund participates in funding the activities foreseen under the state integration programme.

During the past two years, Estonia has received visits from the UN Special Rapporteur on Racial Discrimination and the Council of Europe Commission against Racism and Intolerance. Estonia appreciates the cooperation with the UN and Council of Europe committees and special rapporteurs. Estonia has issued a standing invitation to all the UN rapporteurs.

### **Article 3**

**1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**

**2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.**

The Advisory Committee in its opinion has concluded that the relevant Estonian authorities should continue to pursue an increasingly inclusive approach in legislation, policies and practices concerning persons belonging to national minorities.

The Government affirms that all the relevant authorities continue to pursue an inclusive approach in policies and practices, and representatives of all the ethnic groups in Estonia have access to relevant programmes and measures.

The Advisory Committee has recommended that Estonia should amend the National Minorities Cultural Autonomy Act or adopt a new law on national minorities to affirm wide-ranging protection of national minorities.

The Government is of the opinion that the rights of national minorities are guaranteed by current legislation, in particular by the Constitution, under which everyone is equal before the law and the rights, freedoms and duties of each and every person shall be equal for Estonian citizens and for citizens of foreign states and stateless persons in Estonia. The Government is of the opinion that, instead of adopting a declarative law providing additional confirmation of the rights, it would be first and foremost necessary to guarantee effective protection of the rights and implementation of the existing legislation. The most important aspect in this is cooperation between the national minorities and the state in implementing different programmes.

According to the 1993 National Minorities Cultural Autonomy Act the Estonian citizens of German, Russian, Swedish and Jewish ethnicity can form national minorities' cultural autonomy, as well as the national minorities bigger than 3000 people. Seven groups of national minorities meet the conditions under the Cultural Autonomy Act, but the number of existing cultural autonomies is smaller. The Ministry of Culture has convened a working group consisting of representatives from the Riigikogu, the Ministry of Justice, the Ministry of Culture and academic circles in order to prepare amendments to the National Minorities Cultural Autonomy Act with the aim to eliminate practical obstacles to the functioning of cultural autonomies – the current Act does not clearly stipulate that cultural autonomies constitute a legal person. This is a significant obstacle for the already established cultural

councils of national minorities (Ingrian-Finnish, Swedish) in implementing the objectives of the Act. Currently under consideration are both the possibility of granting the cultural councils the status of a legal personality in public law or in private law (in the form of a non-profit association). The Act would also specify the procedure for granting the right to operate as a cultural autonomy, i.e. the procedure for granting authority to a particular cultural society for drawing up a list of their national minority (e.g. concerning requirements for such cultural societies), but also establishing the grounds for refusal to grant this authority/right. The regulation under the current Act is also insufficient with regard to competence of managing bodies of cultural autonomies, their financing and state supervision.

In addition to Finnish cultural autonomy one new cultural autonomy was established during the reporting period. On 12 July 2006, the Government approved the composition of the lead committee for the election of the Swedish national minority cultural autonomy council. The elections of the Swedish cultural autonomy council took place on 2-4 February 2007. Participation in elections was active – more than 75% of the persons eligible to vote used the right to participate in the election of the first cultural self-government. Election results were disclosed and the elected members were introduced on 7 February. The cultural council consists of 21 members.

Estonia supports the 2 established cultural autonomies. In 2009 the total government support to cultural autonomies was 1.5 mio Estonian kroons.

The Legal Information Centre for Human Rights has in their letter recommended to address in the report also the issue of the failure to establish a Russian Cultural Autonomy. In 2006, a non-profit organisation established by the Russian Party in Estonia applied to register the Russian Cultural Autonomy. The Minister of Culture denied the application on the recommendation of the major Russian cultural organisations in Estonia and of the commission established to process the applications, for the reason that this particular organisation did not represent the Russian community and did not have the support of the other Russian societies.

The Advisory Committee in its second opinion has recommended that the authorities should identify further ways to obtain increasingly reliable and up-to-date disaggregated data on national minorities, while continuing to pay careful attention to the principles contained in Article 3 of the Framework Convention.

The Advisory Committee has found that in Estonian legislation the aim of ensuring personal data protection is at times pursued in a manner that excludes the collection of ethnicity-based data in any other manner than voluntarily, and therefore it is not always possible to collect information on implementing the Framework Convention.

The data concerning ethnicity are covered by principles and requirements stemming from the the European Parliament and Commission directive 95/46/EC. Although under the Databases Act and the Personal Data Protection Act the data on ethnic and racial origin are considered delicate data, the legislation does not exclude collection of ethnicity data in general, and this has been done, although in case of all the surveys commissioned by the Government there is the requirement that personal data can only be processed to fulfil the duties provided by law, international agreement or directly applicable legal act of the Council of the European Union or the European Commission and that processing for any other purposes is only allowed with the consent of the subject of the data.

Statistics Estonia and the Estonian Unemployment Insurance Fund collect statistical information to enable making better political decisions concerning measures intended for specific target groups.

In addition the authorities have commissioned specific surveys in cooperation with national minority groups to obtain regular and adequate overview of their needs and requirements. For example, in 2008 the Office of the Minister for Population and Ethnic Affairs organised a survey among parents with undetermined citizenship with the aim to obtain information about the reasons why they had not applied for Estonian citizenship for their children under the simplified procedure provided for in § 15 of the Citizenship Act. The survey was carried out in the form of interviews and was voluntary. Its results are used to provide better information to parents with undetermined citizenship.

In 2011, a census will take place in Estonia. This will provide more precise information about the number of people living in Estonia, their gender, age, migration patterns, composition of households and a large amount of other information necessary for policy-making. The census is considered the only possibility to ascertain the precise number of the population and their geographical and social distribution. The Government has not yet made the final decision on the methodology for carrying out the census.

#### **Article 4**

**1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**

**2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.**

**3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.**

The Advisory Committee in its second opinion has noted that the authorities and the legislature should expedite the passage of new non-discrimination legislation, ensuring that adequate legal safeguards and procedures are in place in respect of discrimination on the basis of citizenship.

The Government would like to emphasise once again that equal treatment is guaranteed under the Constitution. Estonia's first and second report contain an overview of legislation concerning the issue of equality. Earlier reports also contain the text of the relevant articles of the Constitution. However, general legislation and practice have somewhat changed since the submission of the last report, and the changes are reflected in the current report.

The Government is glad to note that the **Equal Treatment Act**<sup>1</sup> entered into force on 1 January 2009. The purpose of the Act is to guarantee protection of individuals against discrimination on the grounds of nationality (ethnic origin), race, colour, religion or other

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<sup>1</sup> Equal Treatment Act (consolidated text as of October 2009):

<http://www.legaltext.ee/et/andmebaas/paraframe.asp?loc=text&lk=et&sk=en&dok=XXXX006K1.htm&query=v%F5rdse%20kohtlemise&tyyp=X&ptyyp=RT&pg=1&fr=no>



beliefs, age, disability or sexual orientation. Definition of the scope of the Act is based on EU Council Directives 2000/43/EC and 2000/78/EC. The Act defines both direct and indirect discrimination. It establishes the principles of equal treatment, duties in implementing and promoting equal treatment, and the procedure for resolving discrimination disputes. The Act does not deal with gender discrimination, which falls within the scope of the Gender Equality Act. The Act also does not contain the prohibition of discrimination on the basis of citizenship. The Act was drafted in accordance with the principles set out in the 1965 UN International Convention on the Elimination of All Forms of Racial Discrimination and the EU Council Directives 2000/43 and 2000/78, under which distinction on the basis of citizenship does not fall within the scope of such legislation.

However, the Government would like to stress that persons with undetermined citizenship in Estonia have mostly the same rights and freedoms as Estonian citizens (the only difference is in the right to vote on the elections of the highest legislative organ of Estonia). Under § 15 of the Constitution, all persons have the right of recourse to the court for the protection of their rights, whereas the equal treatment provision in the Constitution is not exhaustive. Each Ministry monitors implementing and promoting of the principle of equal treatment within its area of government and engages in relevant cooperation with other persons and agencies. Coordination of the activities relating to equal treatment is the responsibility of the Ministry of Social Affairs.

The Gender Equality Commissioner, established under the Gender Equality Act, was also entrusted with the competence of monitoring compliance with the Equal Treatment Act. Under the Equal Treatment Act, the Commissioner shall:

- 1) monitor compliance with the requirements of the Equal Treatment Act and the Gender Equality Act;
- 2) advise and assist persons with submission of complaints regarding discrimination;
- 3) provide opinions concerning possible cases of discrimination on the basis of applications submitted by persons or on his or her own initiative on the basis of the obtained information;
- 4) analyse the effect of Acts on the situation of men and women in society;
- 5) make proposals to the Government of the Republic, government agencies, local authorities and their agencies for amendments to legislation;
- 6) advise and inform the Government of the Republic, government agencies and local government agencies on issues relating to the implementation of the Equal Treatment Act and the Gender Equality Act;
- 7) publish reports on implementation of the principle of gender equality and equal treatment;
- 8) cooperate with other persons and agencies to promote equal treatment and gender equality;
- 9) take measures to promote equal treatment and gender equality.

The Advisory Committee has recommended that no undue obstacles for persons belonging to national minorities should be created in their access to employment when implementing the Employment Contracts Act.

The Government would like to point out that, in addition to the Equal Treatment Act, the new **Employment Contracts Act** has been adopted, replacing the outdated 1992 Act. The Act also establishes the principle of equal treatment, under which the employers must ensure protection of employees against discrimination, observe the principle of equal treatment and promote equality in accordance with the Equal Treatment Act and the Gender Equality Act.

The Legal Information Centre for Human Rights have in their letter acknowledged the adoption of the Equal Treatment Act as an important step in elimination of discrimination on the basis of race and ethnicity but have pointed out that so far the authorities have not been sufficiently interested in implementation the law.

To inform of the Equal Treatment Act and other possibilities to seek protection from discrimination the Ministry of Culture, the Ministry of Social Affairs and the Gender Equality and Equal Treatment Commissioner are planning to carry out an information campaign.

In addition to the Commissioner, the implementation of the principle of equal treatment is within the area of competence of the Chancellor of Justice since 2004.

The Advisory Committee recommends that the authorities should ensure that in the decision-making pertaining to temporary and permanent residency permits due attention is paid to the rights of the persons concerned, including their right to respect for private life and home. In the following part we will provide an overview of the relevant legislative amendments and developments in the judicial case-law.

On 1 June 2006, **amendments to the Aliens Act** entered into force, aimed at harmonising the legal status and social guarantees of long-term residents who are third-country citizens with those of citizens of EU member states. The aim of the amendment was to establish, as far as possible, similar living and working conditions with EU citizens for citizens of third countries who are legally residing in the territory of an EU member state.

At the same time, provisions concerning permits for long-term residents were introduced and the previous provisions on permanent residence permits were abolished. Residence permits of long-term residents are valid permanently, similarly to the previous permanent residence permits. All person in possession of a permanent residence permit were automatically considered to be holders of the new long-term residence permit (there was no obligation for persons to replace the documents). The amendments also abolished a restriction according to which certain groups of persons (e.g. retired military personnel) were not granted long-term residence permits. A long-term residence permit may be denied if it is proved that a person poses a serious danger to national security or public order. In deciding the issuing of temporary as well as long-term residence permits, the relevant authorities pay attention to the rights of persons (e.g. a person's right to family life, their connection to Estonia, possibility to take up residence in another country, etc).

The Supreme Court has also had to deal with the issue of the application of the Aliens Act on several occasions. For example, several cases have concerned the issue of consequences of refusal to grant a residence permit to prisoners with a view to the fact that only foreigners with a residence permit may be released on parole. The Supreme Court in case No. 3-3-1-6-06 said the following: "The practice of processing of residence permit applications may not lead to a situation where aliens are discriminated in the review of applications for release on parole. [---] Refusal to grant residence permits to aliens serving a sentence of imprisonment may in certain conditions lead to a violation of a person's rights, including the right to enjoy a family life in Estonia." By this, the court elaborated its earlier opinion in case No. 3-3-1-53-06 where it had concluded that the Citizenship and Migration Board was not competent to consider the possibility of release on parole while deciding a person's application for a temporary residence permit. However, the Citizenship and Migration Board must consider that persons have a subjective right for review of their applications for release on parole.

Thus, while deciding a person's application for a temporary residence permit the Citizenship and Migration Board must, in the interests of protection of human dignity and physical freedom, initially consider the possibility of expulsion of the person because if the person is not granted a residence permit and they are released from prison, they should be expelled. If, as a result of such consideration, it is found that expulsion would be impossible the person must be granted a residence permit, regardless of the fact that the law only permits granting a residence permit in exceptional circumstances. Such regulation ensures the right of prisoners to review of applications for release on parole.

The Supreme Court in case No. 3-3-1-73-07 has also found that uprooting a person, as a result of an unforeseeable event, from an environment with which the person has close links would constitute a serious interference in privacy. In this particular case, extension of a residence permit for an alien was refused because their spouse who was an Estonian citizen failed to submit a mandatory written statement. At the same time, the police had entered the spouse on the missing persons list. The Supreme Court concluded that the person had close links with the local environment and such an unforeseeable event could not be a reason to cut those links.

In addition to the above cases, in various other decisions the Supreme Court has also provided guidance to the Citizenship and Migration Board, emphasising that in deciding the issuing of residence permits attention should be given to the rights of persons, including the right to privacy and inviolability of home.

The Advisory Committee has recommended Estonia to make citizenship more accessible and provide more free-of-charge Estonian language training for all persons.

In comparison with the previous report, the basic principles for acquiring citizenship have not changed. However, measures have been taken to raise the interest of persons with undetermined citizenship in applying for Estonian citizenship and the application procedure has been simplified. The Government would like to provide an overview of the measures arising from the State Integration Plan for 2008-2013<sup>2</sup> prepared in cooperation between the Office of the Minister for Population and Ethnic Affairs, civil society representatives and experts. The Government approved the Integration Plan on 10 April 2008.

The Integration Plan is divided in three areas: social and economic integration, legal and political integration, and educational and cultural integration. Each area contains specific objectives and activities.

The Integration Plan views integration as an important issue involving the whole society. The aim of the Plan is to achieve a situation where all permanent inhabitants in Estonia, regardless of their ethnic origin, feel secure, know the state language, share the values enshrined in the Constitution, and are able to participate in social, economic and cultural life of the country. Everyone is ensured the right to maintain and develop their language and culture.

The aim of integration is to strengthen the common state identity of Estonia and develop common understanding of the state among permanent residents based on the constitutional values of Estonia as a democratic state governed by the rule of law, as well as on valuing Estonian citizenship and appreciating the contribution of every person to the development of society, while accepting cultural differences.

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<sup>2</sup> Integration Programme 2008-2013 in English:  
[http://www.kul.ee/webeditor/files/integratsioon/Loimumiskava\\_2008\\_2013\\_ENG.pdf](http://www.kul.ee/webeditor/files/integratsioon/Loimumiskava_2008_2013_ENG.pdf)

Integration is seen as a two-way process. Successful integration depends on the level of contacts between Estonians and other ethnic groups in Estonia. Until now, integration tended to be a state-level activity where the role of local authorities remained modest. 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.

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 reduced 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 ethnic nationalities trust each other and the Estonian state;
- e. the majority of those whose mother tongue is not Estonian regularly receive information via mass media in Estonian and trust this information;
- f. differences in employment and income of employees of different nationalities have reduced.

In line with the objectives of the Integration Plan, several campaigns explaining the benefits of naturalisation have been launched to raise people's awareness and motivation.

Information events have been successful because the number of persons with undetermined citizenship has declined significantly. At the beginning of November 2004 there were 155 820 persons with undetermined citizenship in Estonia while on 31 December 2009 their number had dropped to 104 852

**Table: The number of persons who have acquired Estonian citizenship through naturalisation.**

1992 – 5 421	2001 – 3 090
1993 – 20 370	2002 – 4 091
1994 – 22 474	2003 – 3 706
1995 – 16 674	2004 – 6 523
1996 – 22 773	2005 – 7 072
1997 – 8 124	2006 – 4 753
1998 – 9 969	2007 – 4 228
1999 – 4 534	2008 – 2 124
2000 – 3 425	2009 – 1 670
<b>Total</b>	<b>151 021</b>

Although the Citizenship Act provides for a simplified procedure for applying for Estonian citizenship for persons under 15 years old, not all parents are aware of their rights and possibilities. Therefore, in 2007 an active information campaign was launched to reduce the number of children with undetermined citizenship. The target group includes persons under 15 years old with undetermined citizenship as of birth as well as their parents. Currently, plans are being prepared to improve the efficiency of the information campaigns and find possibilities for personal consultation of persons with undetermined citizenship. A personal approach includes, for example, conversations of officials of the Citizenship and Migration Board with parents of children with undetermined citizenship. Parents of such children also receive a letter signed by the Minister of Internal Affairs, explaining the possibilities for applying for citizenship. This approach has received very positive feedback and has raised the speed of naturalisation among children under 15 years old (933 applications in 2008, 1062 applications in 2009).

In 2009, the project “Exchange of information between the Citizenship and Migration Board and the Population Register” was launched with the aim to obtain information about all the children born in Estonia and their parents. Based on the information, parents of newborn children with undetermined citizenship are informed about the need to legalise the stay of their children in Estonia. In the framework of the project, parents are explained that they may apply for Estonian citizenship for their child during the child’s first year of life without having first to apply for a residence permit or right of residence for the child.

In addition, in October 2008, information sessions in schools with Russian as the language of instruction were launched. Information sessions are used to distribute brochures with information on the benefits of the Estonian citizenship and to explain the possibilities for acquiring Estonian citizenship for children in different age groups. Information is provided in 61 schools.

Children under 15 years of age make up most of all the citizenship applicants and practically no cases of refusal to grant citizenship occur with regard to them. Thus, mostly all children under 15 years of age receive the Estonian citizenship if their parents decide to apply for it for them. Only in exceptional cases, the application procedure had to be terminated for the reason that the child was not relieved of his or her existing citizenship.

Thus, the number of children with undetermined citizenship under 15 years old has constantly decreased in Estonia. While in 2005 there were 6451 of such children, as at 30 September 2009 there were 2305 children with undetermined citizenship under 15 years old in Estonia.

On 8 July 2006, an amendment to the Citizenship Act entered into force, establishing the right of discretion for the Government in granting and restoring Estonian citizenship in respect of persons who have been repeatedly punished for committing intentional criminal offences and whose criminal record has expired. The aim is to avoid disproportionate decisions in refusing Estonian citizenship to persons due to a lack of the right of discretion. Exercising the right of discretion by the Government provides a possibility to assess the severity of the actual criminal offence and weigh the values protected by criminal law.

In 2008, the tradition of festive ceremonies for presenting citizenship certificates was started with the aim to raise civic pride and awareness of the rights and duties of being a citizen. In 2008 10 ceremonies and 2009 19 ceremonies have been held. The citizenship certificates were handed to 855 Estonian citizens who participated on the ceremonies during 2 years.

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” which entered into force on 1 March 2009. The new examination model aims to make the examination and its preparation more practical, i.e. main attention would be paid to applying the Constitution in daily life and to understanding the meaning and principles of the law. Examination questions were made more meaningful but at the same time easily understandable also for people with limited knowledge of the language. The examination questions are now presented with multiple-choice answers. A special handbook explaining the examination and its topics has been compiled for those preparing to sit the examination. The handbook is available free of charge in paper form and electronically on the webpage of the National Examination and Qualification Centre. The handbook has been translated into Russian and English. Examinees may also use the texts of the Estonian Constitution and the Citizenship Act in Estonian, and special examination related Estonian-Russian and Estonian-English dictionaries. Everybody can attend free-of-charge public consultations prior to the examination, where the examination procedure and topics are explained and sample tests are practised.

As a new possibility, the examinee will be able to challenge the examination result. The new regulation also provides a possibility to organise examinations according to the need, only laying down the minimum number of examinations per year (12 examinations). Under the previous regulation, examinations could be organised once a month but the need for them was significantly higher.

In addition to free-of-charge public consultations, the Integration Foundation started organising preparatory courses for the examination on the Estonian Constitution and the Citizenship Act since April 2009. The course is free of charge and consists of 12 academic hours.

The new regulation also contains amended provisions on taking the examination as part of the national examination on civic studies in the upper secondary school and as part of the final examination on civic studies in the basic school. Now the result of the examination on the knowledge of the Estonian Constitution and the Citizenship Act does not affect the result of the national examination in the upper secondary school or the final examination in the basic school, thus motivating pupils to choose the combined examination.

Since May 2009, a free-of-charge information line is available, offering information about the possibilities for applying for Estonian citizenship and learning the Estonian language.

Opportunities for free-of-charge study of the Estonian language have also been expanded. In addition to the compensating the costs of language study for persons who successfully pass the Estonian language and constitution and citizenship examination as provided by the Citizenship Act, a programme financed by the European Fund for the Integration of Third-Country Nationals was launched in autumn 2009. This allows offering Estonian language courses to all persons with undetermined citizenship or third-country citizens, regardless of whether they take the citizenship examination or not. Language courses are free of charge and are intended first and foremost for the inhabitants of Harju County and Ida-Viru County. This measure takes fully into account the Advisory Committee’s recommendation and is aimed at integration on a wider scale, not just applying for citizenship. Separate programmes also exist for developing employment-related Estonian language proficiency (see further in the report).

The Advisory Committee has recommended that the authorities should create and implement special programmes to combat social marginalisation of persons belonging to national minorities.

The Estonian State Integration Programme 2000-2007 did not include measures in the area of social and economic integration. However, the experience gained with implementing the programme and the surveys and analyses carried out demonstrated the need to prepare special activities aimed at social and economic integration. The new development plan includes such measures. The aim is to ensure for all inhabitants in Estonia equal opportunities for economic self-realisation and social coping, regardless of their ethnicity, mother tongue or place of residence. This means that a person's success on the labour market in Estonia would no longer depend on their ethnic origin, everyone within the education system can acquire the skills and knowledge (including about career choices) corresponding to the requirements of the labour market, and through re-training and in-service training additional opportunities for improving one's competitiveness on the labour market are provided.

The Government notes that, on the one hand, offering of social services should take into account the needs of risk groups with different mother tongues while, on the other hand, carrying out special measures based only on people's ethnicity would not be justified, as it would encourage division of the population according to their ethnic origin. Thus, in implementing general measures on state and local government level it is important to understand regional differences in needs and problems, and on this basis to channel proportionally more funds to risk areas when necessary.

In the provision of labour market services the Ministry of Social Affairs gives extra attention to those regions where the rate of unemployment is higher. The non-Estonian population is concentrated in Ida-Viru County where unemployment is higher than Estonian average. To improve the situation, Integration Foundation has carried out a number of projects targeted at non-Estonian speaking population and improving their possibilities in finding employment.

The projects implemented by the Integration Foundation, "Reducing the unemployment risk of non-Estonian speaking young people in Ida-Viru County, Tallinn and Harju County through Estonian language training and occupational re-training and in-service training" and "In-service training and language training for non-Estonian speaking unemployed persons", try to bring unemployed persons with multiple risks (language, age, geographic location) to the labour market, thus creating preconditions and possibilities for their better integration to Estonian society. The project was financed from the state budget and the European Social Fund. The Ministry of Economic Affairs and Communications is also taking preparatory steps, so as to enable the state to participate in newly established foundations aimed at concentrating, coordinating and developing industrial parks in Ida-Viru County. Their creation contributes to the development of industry and the region as a whole.

As a subsidiary measure, the language training programme "Development of language training 2007-2010" is being carried out. It was established within the "National strategy for the use of Structural Funds 2007-2013" under its implementing plan "Development of the human resource" for implementing the measure "Language training" under the priority axis "Lifelong learning". In cooperation with the Ministry of Education and Research, the Integration Foundation is creating new Estonian language study possibilities for various target groups through twelve different activities. As a result of the language training development

programme, equal opportunities for all Estonian inhabitants are created for acquiring education and coping on the labour market, regardless of their mother tongue, age and ethnicity. The target groups of the language training development programme are:

- pupils from the age of 14 whose mother tongue is not Estonian;
- teachers and civil servants who work with pupils whose mother tongue is not Estonian;
- employed persons with insufficient Estonian language proficiency.

The programme compensates the costs of language studies to all grown-ups who have received Estonian language training outside the formal education system. Under the same programme support is given to additional Estonian language training to students of vocational schools and university students. As a separate activity there free language training is organised for public sector employees, including employees of educational institutions.

The Advisory Committee also considers that the prevention and treatment of HIV/AIDS should continue to be a high priority for the Government.

The Government affirms that the prevention and treatment of HIV/AIDS is a priority and significant steps in this respect have been made. Through the Ministry of Social Affairs and non-profit associations prevention materials have also been made available in Russian. To coordinate HIV/AIDS prevention, the Government has adopted several programmes and action plans. On 1 December 2005, the Government approved the HIV/AIDS strategy for 2006-2015 and its action plan for 2006-2009<sup>3</sup>. The strategy deals with the following areas of activity in stopping the spread of the HIV epidemic and alleviating its effects on Estonian society: prevention among different target groups, HIV testing and counselling; treatment and welfare of persons with HIV/AIDS; monitoring and evaluation and development of the human and organisational resource. The general aim of the strategy is to achieve a constant decline in the spread of HIV. By 2015, the number of new cases of HIV per 100 000 inhabitants should drop to 22 (55 in 2004). The strategy should help to avoid generalisation of the epidemic (i.e. the proportion on HIV-infected pregnant women among all pregnant women should remain below 1%; in 2004 it was 0.5%). The strategy also points out that among new cases of HIV infection young Russian-speaking people are in the majority, therefore it is important to intensify prevention campaigns among national minorities. This means that the knowledge, information and training for promoting sustainable health behaviour and changing risky behaviour should equally reach both Russian-speaking and Estonian-speaking young people.

Particular attention to HIV prevention is given in prisons. Upon admission to prison all prisoners undergo preliminary health examination to identify possible diseases, including infectious diseases such as tuberculosis, hepatitis, and HIV. If necessary, further treatment is prescribed. HIV/AIDS prevention in prisons takes place in accordance with the national strategy. All prisons have laboratories for preliminary HIV diagnostics, health workers carry out voluntary testing and counselling. Due to such organisation of the health care system, HIV no longer spreads in prisons. In 2007, the HIV project in Tartu Prison received the best practice award from the World Health Organisation for combating HIV and for medical care provided to HIV-infected persons.

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<sup>3</sup> Attached document in Estonian:

[http://www.sm.ee/fileadmin/meedia/Dokumendid/Tervisevaldkond/Tervisepoliitika/HIV\\_ja\\_AIDSi\\_strateegia\\_2006-2015.pdf](http://www.sm.ee/fileadmin/meedia/Dokumendid/Tervisevaldkond/Tervisepoliitika/HIV_ja_AIDSi_strateegia_2006-2015.pdf)



The Advisory Committee has also pointed to the need to collect more information concerning the large proportion of persons belonging to national minorities among prison inmates.

Estonian prisons do not maintain statistics on prisoners based on their language. The latest survey of the prison population by citizenship was carried out at the end of 2007. It was found that the proportion of prisoners who are foreign citizens was smaller among prisoners than their proportion of the population as a whole. The proportion of stateless persons among prisoners is similar to their proportion of the whole population in 1990. In comparison to the 1990s, the number of persons with undetermined citizenship has decreased significantly among the Estonian population in general. However, carrying out procedures necessary for receiving citizenship is more complicated for prisoners and thus the current prison population to a certain extent still reflects the distribution of the population in the 1990s. Currently, the distribution of new suspects and convicted offenders by citizenship is considerably more similar to their share in the population than their share of the total number of prisoners.

Estonian language courses are still also offered to prisoners and attending the courses is paid.

The Advisory Committee has recommended examining how the principles of the Framework Convention are reflected in various stages of law-enforcement. This is done under Articles 6 and 10.

#### **Article 5**

**1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**

**2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

The Advisory Committee has recommended that Estonia should continue to support initiatives launched by persons belonging to national minorities and seek further ways to provide core funding in those areas where more sustained support is needed.

The framework document for measures for the development of the language and culture of national minorities is the Estonian Integration Plan 2008-2013 which aims to support belonging of each permanent inhabitant to Estonian society through sharing of common values and knowledge of the state language. As a result of successful integration, all individuals would be able to realise themselves and feel secure by participating in the economic, social, political and cultural life of society. Possibilities to speak other languages and develop national cultures are guaranteed in Estonia.

In the field of culture the Integration Plan is linked with the main activities of cultural institutions of various ethnic groups – cultural heritage programmes, reproduction and presentation of Estonian culture throughout Estonia with the aim of promoting cultural diversity in Estonia. Activities include support for cultural societies, ethnic schools and Sunday schools of various ethnic groups, and other activities aimed at preserving one's cultural and linguistic identity (including development of study and information materials

about languages and cultures of various ethnic groups). Training and informational activities for local level target groups on the topic of integration of new immigrants are planned. In the field of culture, the aim is to ensure conditions for all inhabitants of Estonia for preserving their language and culture. The Ministry of Culture supports activities which promote cultural diversity of national minorities and their links with the country of origin. The new integration plan pays more attention to involving representatives of different ethnic groups in cultural life in Estonia and to expanding the common information space of the Estonian and Russian-speaking population. An important overall objective is strengthening of contacts between Estonians and other ethnic groups and supporting joint activities.

In accordance with the aims of the Integration Plan, the basic school national curriculum has been supplemented with programmes supporting the teaching of topics relating to multicultural environment and valuation of culture of different ethnic groups. A more comprehensive approach to the topic of cultural diversity is also required by the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, currently involving more than 50 countries, which the Government approved on 23 November 2006 and which entered into force in respect of Estonia in March 2007. In 2007, the Cultural Diversity Department was created in the Ministry of Culture to facilitate work in this area and cooperation between cultural societies and the state.

In 2008, on the initiative of the Office of the Minister for Population and Ethnic Affairs and based on proposals received from organisations of national minorities and information collected during different meetings, the conditions of basic financing of the Integration Foundation for offering support to the preservation and development of national culture were changed.

Based on proposals made in summer 2008 by national minority organisations who were dissatisfied with the former system of basic funding, the system was changed and financing is now umbrella organisation centred. This reduces bureaucracy, speeds up processing of applications and makes it possible to organise activities needing sustained support and core funding, as recommended by the Advisory Committee.

The Congress of Ukrainians in Estonia have in their opinion concerning the draft of this report noted that although the issue of basic funding of the ethnic cultural organisations is discussed with their representatives and in spite of the several changes implemented the basic funding system still needs to be thoroughly developed.

Since 2008, evaluation of umbrella organisations of national minorities takes place. The main aim is evaluate how the activities of the organisations relate to the culture of national minorities. Evaluation is compulsory for those applying for basic funding from the Integration Foundation. The evaluation committee is comprised of representatives from the Ministry of Culture, the Ministry of Education and Research, the Integration Foundation, the Office of the Minister for Population and Ethnic Affairs, Tallinn City Government, and the Network of Estonian Non-Profit Organisations. Evaluation results were presented to the applicants directly at a meeting with them. In case of questions, the applicants could submit additional information and thus increase the likelihood of receiving a positive evaluation.

Applications for primary funding were received from 288 organisations. 219 organisations, including 17 umbrella organisations, passed the evaluation successfully. Three umbrella organisations and 66 organisations failed to pass the evaluation.

In 2008, 3 900 000 kroons were allocated for basic funding and the money was distributed in two rounds of applications. Support was given to 146 organisations. Similarly to the previous years, a considerable share of the basic support was given to 18 umbrella organisations. In the framework of the state programme, projects of national cultural societies and art collectives are also financed through competitions to enable them to organise various events and activities. Within the project competition in 2008, thirty projects in the amount of 882 100 kroons were supported.

In 2008, the Ministry of Culture supported cultural societies of national minorities through the programme involving a project competition "Support for cultural projects of national minorities in Estonia". From the programme budget, 47 projects of cultural societies of national minorities in the amount of 1.4 million kroons were supported. The activities of national societies and cultural collectives were also supported from the financial resources of the Estonian Cultural Endowment and the Gambling Tax Council.

In addition, the Ministry of Culture supported two media projects aimed at national minorities in the amount of 300 000 kroons. The projects were intended to shape positive role models in the media.

The amount available for basic funding from the state budget in 2009 was 4 870 584 kroons and support was given to 17 umbrella organisations and 192 subsidiary organisations.

In autumn 2009, the Ministry of Culture carried out the evaluation of organisations of national minorities: 3 new umbrella organisations and 40 subsidiary organisations passed the evaluation and are now eligible to apply for basic funding for 2010.

In 2009, Lake Peipsi cultural programme for 2009-2012 was prepared and launched. By the decision of the programme board, 13 cultural projects relating to Old Believers and the Russian minority in the region were financed. Traditionally the international festival of Old Believers *Peipus* and the Peipsi region cultural days were held, several studies of the culture and history of Old Believers were published, and their heritage of songs presented by the Narva folklore group *Suprjadki* was recorded.

In 2009, 29 cultural projects in the amount of 1 250 000 kroons were financed from the support programme of the Ministry of Culture.

In addition, from the money of the European Fund for the Integration of Third-Country Nationals available during the programming period 2007-2013, co-financed by the Estonian Ministry of Culture and implemented by the Migration and Integration Foundation, support in the amount of 2 373 388 kroons was given to 12 organisations of national minorities through different project competitions.

From the funds for 2007-2013 of the European Fund for the Integration of Third-Country Nationals, both nationwide and regional media projects (television, radio and the printed media for national minorities) in the amount of 8.2 million kroons have been supported.

In 2009, the Day of Ethnic Nationalities in Estonia was celebrated in Tallinn (Russian Cultural Centre) and Kohtla-Järve (Kohtla-Järve Cultural Centre). For the eleventh time, the international festival *Slaavi Pärg* (Slavic Wreath) and for the fifth time the Russian theatre festival *Kuldne Mask* (Golden Mask) were held in Estonia.

In addition, the Ministry of Culture provides consistent support to professional and hobby theatres of national minorities, as well as their concert organisers, museums, publishing projects, and to organising of literary events, festivals and other cultural events of national minorities in Estonia.

Each year from the programme “Music festivals and competitions”, support has been given to the Russian Orthodox clerical music festival *Credo*, Narva City Symphony Orchestra, the international Jevgeni Mravinski music festival in Narva, the Jewish deep culture festival *Ariel*. The Cultural Endowment music foundation also provides very large-scale support to music events of national minorities.

The Ministry traditionally supports the publication of cultural magazines *Võšgorod* and *Tallinn*.

Development of the webpage [www.rvke.ee](http://www.rvke.ee) which introduces national minorities was also continued.

The organisations of national minorities have positively noted the establishment of several consultative bodies dealing with issues of national minorities such as the National Minorities Cultural Advisory Council in the Ministry of Culture and the consultative council to the Tallinn City Government, as well as the roundtable discussions of the state and the local authorities with the representatives of the national minorities.

The following part provides an overview of specific activities for supporting and introducing the culture and language of national minorities in Estonia.

The Society for the Culture and Development of Old Believers in Estonia received support in the amount of 1 379 000 kroons to enable them to develop culture in their own language. A virtual museum and database ([www.starover.eu](http://www.starover.eu)) has been created, preparatory work for compiling reading-books for old believers is underway and a dictionary has been published; display stands for the travelling and permanent exhibition of Kolkja museum of old believers in Estonia have been prepared; singing sessions for old believers in Estonia have been organised; the frames of the iconostasis in the church of Kallaste congregation were conserved.

Money has also been allocated to the Swedish and Finnish cultural autonomies. The Ministry of Culture (previously the Office of the Minister for Population Affairs) concludes an annual contract with the organisations representing each of the national minorities, and on the basis of the contract support in the amount of 1 500 000 kroons is allocated from the state budget to be shared between the organisations.

Estonia recognises national minorities and their languages as an inseparable part of Estonian society. In the framework of the year to celebrate the 90th anniversary of the Republic of Estonia, October of 2008 was dedicated to different ethnic groups living in Estonia. Representatives of more than 100 ethnic groups live in Estonia, which was also reflected in the motto of the anniversary year “The country built together”. In the framework of the anniversary year several events focusing on multiculturalism were held:

- On the day of ethnic nationalities, societies of national minorities introduced their culture to the public. Exhibitions were held, national food was offered<sup>4</sup>.
- A competition “One state – 121 ethnic nationalities” was organised. The aim of the competition was to make Estonian inhabitants notice people of different ethnicity and their daily life in Estonia (gatherings of people of different ethnicity, friends of different ethnicity, mixed families, working collectives, etc). Winner of the competition was the picture called “Mixed Colours of Estonia”<sup>5</sup>. An exhibition was compiled of the works submitted to the competition and it is displayed in larger cities in Estonia.
- Through the competition “Multicultural collective” the best-functioning multiethnic collective or team was sought which would include workers with both Estonian and Russian mother tongue (or any other language). The aim of the competition was to recognise and appreciate companies which value and support the multicultural working environment and create equal opportunities for all employees, regardless of their mother tongue and ethnicity. The competition is organised in cooperation with the business daily *Äripäev* and it will become a regular event: the winner is announced in October each year.

In addition to financial support for national cultural societies, the Integration Foundation has also carried out activities for Estonians in order to raise their awareness of the existence of ethnic minorities and introduce their culture, language and traditions. Publication of the series “Ethnic Nationalities in Estonia” has been started. The series includes booklets on different nationalities and copies are sent to all schools in Estonia. In April 2005, the first booklet introducing Lithuanians was published. It provides an overview of their history, national symbols, nature, people and their character. The booklet also provides information about Lithuanians in Estonia and the world. In 2006 and 2007 similar booklets on Kazakhs and Russians were published, in spring 2009 books on Azerbaijanis and Uzbeks. These materials are intended for use in the basic school and have been sent to all schools in Estonia. .

On the initiative of the Association of Estonian Peoples and with support from the Office of the Minister for Population and Ethnic Affairs, in cooperation with the Estonian Television and the Integration Foundation a project was implemented as a result of which the television series *Etnomosaiik*, consisting of 20 episodes introducing ethnic minorities in Estonia, was prepared. The project was started in 2004 and in the first stage nine films were made (*Etnomosaiik I*), in 2005 six films were made (*Etnomosaiik II*) and in 2007 five films (*Etnomosaiik III*). Altogether twenty short films were made which for the first time provide a wider overview of ethnic minorities in Estonia, their culture and education, daily life and work. Video cassettes with the short films were sent to all schools in Estonia where they are used as study material.

The Ministry of Culture has supported the contacts with kin-states of the cultural societies, participation in cultural festivals and training in kin-state.

As concerns teaching of the languages of national minorities, currently it is possible to acquire general education in Russian in addition to the state language. The Government Regulation No. 154 “The conditions and procedure for creating possibilities for the learning of the mother tongue and national culture for pupils who are acquiring basic education and whose mother

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<sup>4</sup> <http://www.mullmull.com/Rahvustepaev/>

<sup>5</sup> <http://kodanik.err.ee/fotokonkurss.htm>

tongue is not the language of instruction at school” is in force already since 2003. Under the regulation, schools are required to organise the study of language and culture in the amount of at least two lessons a week as an optional subject for pupils who are acquiring basic education, if parents of at least ten pupils with the same mother tongue have submitted a written application with a relevant request to the director of the school. Unfortunately, this opportunity is not widely used. Several reasons for this exist: representatives of national minorities are geographically dispersed, children of cultural societies do not attend the same school and it is complicated to get the necessary number of pupils in one area to create conditions for studying an optional subject, there is also a lack of qualified teachers of respective national cultures. Nevertheless, the Ministry of Education and Research organised preparatory courses for teachers, providing re-training and necessary methodological skills to representatives of national minorities for teaching in their schools. After completing the course, graduates receive a relevant certificate. More detailed information about the teaching of languages of national minorities at basic school is provided under Article 12.

As an alternative, or in addition to learning the mother tongue within the basic education system, it is also possible to establish Sunday schools which have always been a means for supporting national culture and mother tongue. Therefore, the Ministry of Education and Research constantly seeks to facilitate the work of Sunday schools. The concept of Sunday schools is not separately defined in Estonian legislation; they are mentioned in the Education Act among institutions offering further education. Although sometimes it is thought that the use of the name Sunday school refers to the fact that they operate under the church, in practice in Estonia only the Ora Sunday School of the Ukrainian Cultural Centre is connected to the church as it is situated on the territory of the church, while not being a church school. Both in the case of this school and in other cases the manager of the school is a national cultural society and the school’s statutory aims are related primarily to the teaching of the mother tongue and culture.

Sunday schools of national cultural societies must register and hold an education licence, as this enables them to be part of the education system and, on the other hand, it also supports the principle of equality: if a school wishes to participate in project competitions and apply for benefits on the same grounds with schools holding an education licence, it must also apply for the licence on the same grounds. The existence of an education licence increases the opportunities of Sunday schools because registered Sunday schools can apply for additional funding for their activities from the local authorities or from the multicultural education unit (formerly centre of education programmes) of the Integration Foundation. National cultural societies which have established a Sunday school and applied for an education licence become equal partners for the state. All Sunday schools of national cultural societies holding an education licence have been able to apply for support for further training of their teachers in their ethnic homelands. National minorities themselves can also organise language training of teachers on the basis of agreements concluded with their kin-state. For example, Lithuania has supported their Sunday school teacher who teaches the Lithuanian language and culture in Estonia. The Sunday school of Ukrainian Compatriots Sillamäe Vodograi organises teacher exchange programmes, in the framework of which students from the Kiev Dragomanov Pedagogical Institute have been able to train and acquire experience in Estonia.

Currently there are 18 Sunday schools in Estonia, attended by pupils of Russian, Armenian, Azerbaijani, Ukrainian, Uzbek, Dagestan, Finnish, Jewish and Korean nationalities.

Information on Sunday schools of national minorities is also available on the webpage [www.rahvuskool.ee](http://www.rahvuskool.ee) which offers information in Estonian, English and Russian. Non-profit Association of Teachers of Sunday Schools of National Minorities has also been established with the aim to found Sunday schools and organise courses for teachers.

## **Article 6**

**1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation 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.**

**2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

The Advisory Committee has expressed concern about separation between the majority population and the largest minority groups.

Integration monitoring surveys have regularly been carried out to observe relations between Estonians and other ethnic groups, their priorities, views, opinions and future perspectives. Integration monitoring survey 2008 covered nine topics: material situation of Estonian and Russian-speaking population and their satisfaction with life; education; language proficiency; perception of relations between ethnic groups; attitudes and sense of belonging; level of informedness and media consumption; citizenship, citizens and non-citizens; state identity; coherence of the public sphere in society.

It was a comprehensive survey providing a general picture but its results depend on the current political situation.

According to the 2008 integration monitoring survey, both Estonians and the Russian-speaking population have had a generally positive attitude towards a multicultural society over the years. 90% of the Russian-speaking respondents and 70-80% of Estonians agreed with the statement that people of different ethnicity can get along well in the same country and different languages and cultures enrich society.

In comparison to the previous monitoring surveys (2000, 2002, 2005) the indicators characterising the structural integration in Estonian society have improved gradually – this is true for the knowledge of Estonian, proportion of Estonian citizens among the population, as well as various socio-economic indicators. Nevertheless, integration cannot be considered a uniform process. Integration and opinions about it are affected by domestic as well as international current events.

The monitoring survey affirms that Estonians pay more attention to language requirements and citizenship, while the Russian-speaking population rather attaches importance to social goals and mutual dialogue. This, in turn, leads to different understanding of the concepts of equal treatment and mutual tolerance, assessment of the motives and aims of the other party, etc.

The assessment of personal material possibilities is approximately similar among Estonian citizens irrespective of ethnicity, while significantly differing from the assessment among

non-citizens. At the same time, assessment of the possibilities of Estonians and the Russian-speaking population are different depending on ethnicity, which is a sign of intra-group ethnic solidarity.

According to the integration survey, with regard to the transfer to teaching of subjects in Estonian at schools the Russian-speaking population perceives several significant risks alongside the benefits. Nonetheless, there is a prevalent opinion that transfer to partial instruction in Estonian should take place much earlier than now (i.e. rather at the kindergarten or at the latest at elementary school). There is overwhelming support for Estonian-speaking kindergartens where all the children are together and where assistant teachers speaking the mother tongue of children belonging to ethnic minorities exist. Thus, it may be concluded that the Russian-speaking population has a positive opinion about transfer to instruction in Estonian.

Contacts between Estonians and the Russian-speaking population are relatively limited – about one third of Estonians have more than occasional contacts with the Russian-speaking population, and approximately half of the Russian-speaking population have the experience of daily contact with Estonians. Mostly inter-ethnic contacts exist at work, while communication networks outside work are ethnicity-centred.

With regard to Article 6 of the Framework Convention, the Advisory Committee has recommended that Estonia should continue to support initiatives aimed at promoting inter-cultural dialogue and contacts in the media and other pertinent fields and also initiatives to monitor developments in this sphere.

Above in the report we already mentioned the activities of the Integration Foundation and the Office of the Minister for Population and Ethnic Affairs for promoting the culture of national minorities in the public and the media. In 2008, the Ministry of Culture within the programme “Estonian children’s literature” allocated support for Russian translations of children’s books which were published in February 2009.

Within the programme “Estonian literary classics”, last year support was allocated to the Russian-medium Ahtme Upper Secondary School in Kohtla-Järve for the project introducing the Estonian writer A. H. Tammsaare; translation of literature from Russian and its publication was also supported.

Estonian Cultural Capital's Literature Capital has since 2003 issued an award to Russian-language author. According to the statute this is given to the during the previous year firstly printed Russian-language literature work.

Within the cultural cooperation programme between the Estonian Ministry of Culture and the Russian Ministry of Culture, the annual Russian theatre festival *Kuldne mask* (Golden mask) is held in Estonia, and among the participants there are also Estonian theatres.

In March 2008, the National Minorities Cultural Advisory Council was restored under the Ministry of Culture, the activities of which had been suspended with regard to tasking the Office of the Minister for Population and Ethnic Affairs with supporting the national minorities' cultural societies. The Council is an advisory body with the aim to make proposals for promoting cultural life and activities of national minorities in Estonia and to contribute to it. Meetings of the advisory council take place every three months. During the first meeting, it was decided to divide the council into four working groups in order to deal in more detail with



the following areas: the role of the media in creating a common information space, financing possibilities of national cultural societies, activities of national cultural societies and their links with the kin-state, and involvement of young people in social and cultural life. The advisory council of national minorities is comprised of representatives of cultural societies.

The membership of the National Minorities Cultural Advisory Council was increased in summer 2009 with regard to the overtaking of the integration responsibilities to the Ministry of Culture from the Office of the Minister for Population and Ethnic Affairs. The traditional meeting place of the National Minorities Cultural Advisory Council is the conference centre of the Riigikogu. A good practice is emerging of meetings with the Minister of Culture with the representatives of the cultural societies of national minorities in the official rooms and offices of the organisations.

The Ministry of Culture regularly provides societies of national minorities with information in Estonian and Russian and press information. As a new initiative the cultural diversity department of the Ministry of Culture has started issuing two-language information letters to cultural societies and partners, informing about the plans and events of the Ministry of Culture and its institutions. The information letters are publicized also on the webpage of the Ministry of Culture. In January 2008 the Russian-language module was added to the web page of the Ministry of Culture, reflecting the information on all the departments and work areas of the ministry.

In 2008, together with Estonian and Russian-language media the Ministry of Culture carried out a project named "Koosmeel" ("togetherness") during which 30 original and translated stories were published in Estonian- and Russian-language newspaper "Postimees" under integration topics. The Ministry of Culture also supported the series "Ajamärk" ("the sign of times") reflecting on integration in Raadio 4.

The Congress of the Ukrainians in Estonia deemed it necessary to note the role of the local governments in supporting the activities of national minorities cultural organisations: support to cultural projects, free rent of rooms, remuneration to the directors of the collectives. At the same time this support is the initiative of the local governments and the Congress is of the opinion that it is important to legislatively grant the support to cultural organisations.

The Advisory Committee in its opinion has noted the positive effect of language immersion type of programmes on contacts between children belonging to national minorities with Estonian children. Language immersion is covered in more detail under Article 14.

Children and youth camps still take place within the integration programme. Since 1998, more than 18 000 children have participated in them.

The Advisory Committee has recommended that Estonia should pursue its efforts to ensure that ethnically motivated crime is consistently categorised as such and prosecuted vigorously by law-enforcement bodies.

The Government affirms that ethnically motivated crime still occurs only in isolated cases and such offences are committed infrequently.

On 16 July 2006, amendments to § 151 of the Penal Code entered into force, under which incitement to hatred by legal persons also became punishable. The same section now also covers incitement to discrimination<sup>6</sup>.

In 2008, misdemeanour proceedings under § 151(1) of the Penal Code were initiated on one occasion in respect of a person who had allegedly posted comments on a local government internet forum using indecent and contemptuous language and expressions inciting to social hatred with regard to his Russian neighbours. The proceedings were terminated due to the absence of elements of a misdemeanour offence. The criminal proceedings under § 151 were initiated once in 2006. There have not been any convicting judgements; on one occasion one person was acquitted by the Supreme Court.

The relevant authorities deal with prevention and monitoring of the situation. To improve preventive activities, the public is informed about factors facilitating crime, and various possibilities for participating in crime prevention are explained. During campaigns and lectures intended for different target groups, the activities of the police in crime prevention are introduced and cooperation possibilities for inhabitants in counties are explained. For awareness-raising among inhabitants of peripheral regions, including children and young people, a special minibus furnished with necessary equipment and adjusted for prevention campaigns is used. The bus together with the necessary equipment (exhibition tent, portable display stands etc) is used for crime prevention campaigns and other public events in different locations in Estonia. Police information materials on crime prevention have been thoroughly revised both in substance and the extent of topics covered. In 2008, the police carried out 145 crime prevention projects. The public police website contains a link for providing tip-offs to the police by e-mail.

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.

The Criminal Prevention Council (now called the Crime Prevention Council) established by the Government in 1993 also continues to operate. "The crime policy development guidelines to 2010" approved by the Riigikogu in 2003 are valid until 2010. The document lays down uniform principles and objectives for criminal policy to be observed by public authorities in planning their activities.

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<sup>6</sup> § 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) 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) it was committed by a criminal organisation, - is punishable by 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 50 000 kroons.

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(14.06.2006 entered into force 16.07.2006 - RT I 2006, 31, 234)

In October 2009, the crime policy development guidelines 2010-2018 were approved.

The Advisory Committee has noted that some media coverage reinforcing negative stereotypes on national minorities was still reported.

Estonian legislation does not regulate the press or publishing. Therefore, media supervision is possible first and foremost through media organisations themselves. For example, the press have agreed on the Code of Ethics of the Estonian Press. According to its general principles, freedom of communication is the basic premise for a functioning democratic society and the press and other media serve the right of the public to receive true, fair and comprehensive information. Critical observation of the implementation of political and economic power is the main obligation of the press; provided it remains within the limits of the law, the free press and other media may not be restricted or obstructed in the gathering and publication of information; a journalist is responsible for his or her own statements and work. Media organisations undertake to prevent the publication of inaccurate, distorted or misleading information; the reputation of any individual may not be unduly harmed without there being sufficient evidence that the information regarding that person is in the public interest; individuals in possession of political and economic power and information important to the public are to be considered as public figures and their activities subject to closer scrutiny and criticism.

The Estonian Newspaper Association (ENA) is acting for the common benefit of newspaper publishers, its membership includes 44 publications in Estonia, with a total daily circulation of 579 000 copies. The ENA aims to defend the common interests and rights of newspapers, proceeding from internationally recognised principles of democratic journalism.

In 2002, the ENA established the Press Council (*pressinõukogu*) a voluntary body of media self-regulation to provide the public with a possibility to find extra-judicial solutions to disagreements with the media. In addition to representatives of the media sector, the Press Council includes members from the non-media sectors. The Press Council consists of ten members.

The Press Council hears complaints of the public about materials published in the press. Representatives of national minorities may also have recourse to the Press Council if they find that they have been negatively depicted by the media. As compared to the court, the Press Council handles complaints quickly and free of charge. The newspapers undertake to publish any condemning decisions of the Press Council. The decisions of the Council must be published in their original wording without any editorial comments. The Estonian Television and the Estonian Radio undertake to broadcast any condemning decisions of the Press Council. All the decisions of the Press Council are published on the ENA home page under the section "Press Council".

With the similar competence is the Public Media Council (*avaliku sõna nõukogu*), which is a statutory body of the non-profit organisation *Avalik Sõna* and was established in 1991. Members of the non-profit organisation *Avalik Sõna* include the Journalists' Union, the Union of Media Educators, the Consumers' Union, the Estonian Council of Churches, the Estonian Lawyers' Union and the NGO Media Watch. The Public Media Council is formed of representatives of member organisations. During its years of operation, the Public Media

Council has handled more than 350 cases and made both condemning and acquitting decisions in respect of journalists and publications.

Both the Press Council and the Public Media Council in their work proceed from the Code of Ethics of the Estonian Press.

#### **Article 7**

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

Overview of legislation pertaining to Article 7 was given in Estonia's previous reports and no significant changes have occurred in the meanwhile. However, below we will present amendments made to the Public Assemblies Act. As the issues under this article to a certain extent overlap with the issues relating to other articles, the topic of the freedom of religion in general is covered in more detail under Article 8 and the freedom of religion in penal institutions under Article 14. The freedom of expression, thought and conscience is dealt with in more detail under Article 10 and 11.

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 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 organising 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.

It is prohibited to organise a public assembly which:

- 1) is aimed against the independence and sovereignty of the Republic of Estonia or at violent change of the current system of government;
- 2) incites to violently infringe the territorial integrity of the Republic of Estonia;
- 3) incites to hatred, violence or discrimination on the grounds of nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, or financial or social status.

Organiser of a public assembly must submit a notice of organising the assembly to the duly authorised competent official of a government agency or rural municipality or city agency. The official accepts the notice and immediately gives the organiser a note of registration of the notice of public assembly. If the notice of public assembly has not been submitted in conformity with the requirements of the law or if at the same time and in the same place or on the same movement route another public assembly has been registered earlier the official may refuse to register the notice. The official would immediately issue a note on refusal to the organiser. Holding a public assembly is prohibited if notice of public assembly was not registered.

Section 14<sup>2</sup> of the Public Assemblies Act establishes consequences for violation of the requirements of holding public assemblies. Organising a public assembly in violation of the requirements or holding a public assembly the notice of which was not registered or holding of which was prohibited by a reasoned decision is punishable by a fine of up to 200 units.

Under § 265 of the Penal Code (unauthorised public assembly), organising an unauthorised public assembly or incitement to participation in such an assembly is punishable by a money penalty or up to one year of imprisonment.

It is clear that government interference in the rights guaranteed under Article 7 must be minimum but in certain cases interference is necessary and the relevant articles of the European Convention on Human Rights also allow the state to interfere with these rights on certain conditions.

## Article 8

**The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.**

Freedom of religion in Estonia is guaranteed by the Constitution, as well as the Churches and Congregations Act and other legislation. Overview of the legislation was given in Estonia's previous report. No significant changes have occurred. Section 7(3) of the Churches and Congregations Act was revised, and it now stipulates that a religious association whose interests are damaged by the unauthorised use of its name may demand termination of the unauthorised use and compensation for damage caused thereby. The right of recourse to the court is also guaranteed by the Constitution, but the possibility of exercising it under a special Act provides added legal certainty and clarity.

Under the Churches and Congregations Act, 9 churches, 9 associations of churches, 70 individual congregations and 7 monasteries operate in Estonia. Religious associations are not required to inform the state about the number of their members or provide data about the ethnicity of the members. The statistical data on the membership of churches and congregations 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.

### Churches<sup>7</sup>

Name	Members	Congregations
Orthodox Church of Estonia*	ca 25 000	61
Estonian Evangelical Lutheran Church*	ca 180 000	164
Estonian Christian Pentecostal Church*	ca 4500	32
Charismatic Episcopal Church of Estonia*	300	3
Estonian Charismatic Communion Church	503	3+3**
Estonian Methodist Church*	1737	24
Estonian Orthodox Church of Moscow Patriarchy*	ca 170 000	30
Roman Catholic Church*	ca 6000	9
New Apostolic Church in Estonia	2217	3+15**

<sup>7</sup> \* data on religious associations as at 1 January 2008; in the 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.

### Associations of congregations

Name	Members	Congregations
Estonian Conference of Seventh-day Adventists Church*	1711	19
Union of Baha'i Congregations in Estonia	142	5
Union of Evangelical Christian and Baptist Churches of Estonia*	5974	83
Union of Evangelical Christian Pentecost Congregations in Estonia	ca 1000	3
Union of Evangelical and Free Congregations in Estonia	ca 1000	6
Union of Congregations of Jehovah's Witnesses in Estonia	4248	4+51**
Union of Estonian Christian Free Congregations	ca 350	6
Union of Old Believer Congregations of Estonia	ca 15 000	10+1**
The House of <i>Taara</i> and Mother Earth People of <i>Maavald</i>		4

**Individual congregations** (information has not been asked from all the congregations in the register)

Name	Members	Congregations
Estonian St. Gregory Congregation of the Armenian Apostolic Church*	2030	1+5**
Estonian Buddhist Congregation <i>Drikung Kagyu Ratna Shri</i> Centre	34	1
Estonian Islamic Congregation	ca 1400	1
Jewish Religious Community of Estonia	ca 2500	1
Estonian Evangelical Brotherhood Congregation	142	1
Tallinn Congregation of "Evangelical Christians of the Apostles' Creed"	50	1
Krishna Consciousness Tallinn Congregation	ca 150	1
Tibetan Buddhism <i>Nyingma</i> 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

## Monasteries and convents<sup>8</sup>

Name	Members
Monastery of the Dominican Order in Tallinn	3 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	8 nuns
Pühtitsa Dormition Stavropegic Convent in Kuremäe*	174 nuns

The Estonian Council of Churches is an independent and voluntary association of Christian churches and congregations. Its members include the Estonian Evangelical Lutheran Church, the Union of Evangelical Christian and Baptist Churches of Estonia, Estonian Methodist Church, Roman Catholic Church Estonian Apostolic Administration, Estonian Christian Pentecostal Church, Estonian Conference of Adventists Church, Estonian Congregation St. Gregory of the Armenian Apostolic Church, Orthodox Church of Estonia, Estonian Orthodox Church of Moscow Patriarchy, and the Charismatic Episcopal Church of Estonia.

The Estonian Council of Churches receives regular support from the state budget. It uses the money received from the state budget for the maintenance of sacral buildings and the property of cultural value kept there, for the development of educational work of churches, as well as for introducing ecumenical morals, ethics, education and culture, and for promoting domestic and international cultural dialogue.

Support from the state budget to the Estonian Council of Churches and to churches and congregations in 2005 – 2009.

Year	Support to ECC	Support to other religious organisations
2005	6 900 000.- kr	5 000 000.- kr (additional budget)
2006	7 550 000.- kr	8 350 000.- kr (additional budget)
2007	5 900 000.- kr	-
2008	6 120 000.- kr	2 205 000.- kr
2009	7 420 000.- kr	1 580 000.- kr
2010*	7 420 000.- kr	3 080 000.- kr

\* intended

The state programme “Preservation and development of sacral buildings”, funded annually from the state budget, is also underway. In addition, specific projects and churches also receive support from the state budget.

As at 2009, 163 ministers of religion in Estonia have the right of contracting marriages. Under the compatriots programme, Estonia also supports Estonian émigré churches. Support is given for organising services in Estonian by ministers operating in Estonia, as well as for maintenance of congregation rooms and churches.

<sup>8</sup> \* refers to an Orthodox convent (within the canonical jurisdiction of the Patriarch of Moscow and All Russia); the other convents and monasteries are Roman Catholic.

In 2005 the Advisory Committee recommended that Estonia should pursue the implementation of the protocol on the organisation of the property relations between the state and the Estonian Orthodox Church under the Moscow Patriarch on the organisation of property relations. As of 2009 the implementation of the protocol is completed and the State (through the Ministry of Interior) has given all the buildings mentioned in the annexes to the protocol over to the Estonian Orthodox Church under the Moscow Patriarch for use for 50 years under the contract on superficies.

## **Article 9**

**1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**

**2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**

**3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

The freedom of speech in Estonia is guaranteed under § 45 of the Constitution, and the right to receive information under § 44. The relevant sections of the Constitution were explained in the previous reports. In the following part we will provide an overview of some of the legislative amendments and changes in the structure of the Estonian National Broadcasting.

On 18 January 2007, the National Broadcasting Act was adopted, which merged the public broadcasting organisations Estonian Television and Estonian Radio into one organisation called the Estonian National Broadcasting. By operating as one public legal person, it is possible to make more flexible use of the financial resources necessary for operating the Estonian Television and the Estonian Radio and to take better advantage of the opportunities offered by the new media. The National Broadcasting has one management structure. The aim of the National Broadcasting is to contribute to performance of the duties of the state established by the Estonian Constitution<sup>9</sup>.

The most important technological goal in the near future is transfer of the Estonian broadcasting to digital distribution by 1 July 2010 at the latest. Digitalisation opens a way for the emergence of many new channels and introduction of the newest information technology possibilities, which provide added value to traditional programming, e.g. additional information linked to programmes and schedules, additional services such as freely available translations etc.

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<sup>9</sup> The Estonian National Broadcasting Development Plan.



Under Article 9, the Advisory Committee has recommended to expand the scope of public service broadcasting for national minorities and provide increased budgetary support.

Under the National Broadcasting Act, within its possibilities the National Broadcasting offers programming which meets the information needs of all population groups, including minorities. The programming and media services must contribute to communication between individuals and groups in society, promote social coherence and reflect different opinions and beliefs.

The Estonian National Broadcasting has carried out surveys of television audience habits and popularity of programmes for national minorities on Estonian television channels. Among 15-74-year-old Estonian inhabitants one fifth have access to 1-3 channels at home, 11% have access to 4-15 channels, 21% to 16-50 channels and 45% to more than 50 channels. One per cent of the population do not have a television set at home. Persons who have access to only 1-3 channels at home are more frequently represented among the age group 60-74 (29%), inhabitants using Estonian as the language of communication (29%), lower-income population and inhabitants of small towns (28%) and rural population (51%). Persons who have access to more than 50 channels at home are more frequent among the age group 30-39 (52%), non-Estonian speaking inhabitants (61%), higher income population and inhabitants of the capital city or other large cities. According to the media survey carried out in 2007 among the non-Estonian speaking population with the aim to explore people's attitude to the Estonian Television (ETV), the following conclusions can be reached<sup>10</sup>.

- In case of the majority of programmes, the proportion of those who were interested was higher than the proportion of those not interested.
- In case of the ETV, non-Estonians are most interested in news about Estonia.
- With regard to all the other topics, at least 1/5 of the respondents were indifferent.
- Interest in foreign popular films and Russian news is above average, although there is a significant number of those who do not expect the ETV to deliver them.
- The lowest interest was in children's programmes, although 1/3 of the respondents said they would be interested in watching them.

In August 2008 the National Broadcasting started with the partially Russian-language television channel ETV2. The new channel increased the proportions of programmes intended for Russian- and other language viewers and made with their participation. Special emphasis was given to programmes of information and publicity, the representing of life of the national minorities in Estonia. The popular programmes of ETV are broadcasted with subtitles in Russian. The format of the programmes of ETV2 and amount of the programme in other languages was implemented as intended in 2009. The 2009 budget of the National Broadcasting included a 50% increase of the money spent on production of news in Russian as compared to 2008. News in Russian are now shown on the ETV2 channel and are broadcast in prime time. ETV2 is also developing a weekly discussion programme on social and cultural issues. The budget expense for the programme is planned at 1.6-2 million kroons. The volume of new original programming in Russian on ETV2 is planned for four hours a week and 190 hours a year.

In order to make the Estonian information space more attractive for the Russian-speaking population, more operative information relevant for people's daily needs in Estonia should be

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<sup>10</sup> [http://www.err.ee/files/aruanne\\_2008\\_jaan\\_me.pdf](http://www.err.ee/files/aruanne_2008_jaan_me.pdf)

offered as well as opportunities for interactive debates over important topics in Russian. In particular, this concerns the television. The Estonian National Broadcasting creates more opportunities for everyone to participate in public exchange of views in their mother tongue. The ETV plans to produce and broadcast information programmes in Russian in prime time, bilingual debates, daily series, sports broadcasts with both Estonian and Russian commentary. For persons using Russian as the first language, programmes for learning Estonian as well as freely accessible translations for own-produced and procured programming are offered through digital television solutions.

Development of the “Aktuaalne Kaamera” news programme in Russian continues and closer cooperation with [novosti.etv24.ee](http://novosti.etv24.ee) is promoted. Repeat broadcasts of some of the social programmes on the ETV are available with Russian subtitles. The volume of programming in Russian is approximately 200 hours per year (news, educational and environmental programmes, bilingual youth programme). The ETV2 is starting a new information programme in Russian providing 130 hours of original programming a year and bilingual debates including 38 hours a year. Journalistic programmes in Estonian are provided with Russian translations made available digitally. In the future, it is planned to launch a weekly television journal and increase the volume of programming with digitally available translations. The volume of new programming in Russian is 400 hours a year. An important part of the ETV2 is own-produced programming in Russian and programmes with digitally available translations for the audience speaking Russian as the first language; these programmes are broadcast in prime time.

The most popular channels are ETV, Kanal 2 and TV3. Each week, 77% of the 15-74-year old population watch the ETV, 75% watch Kanal 2 and 72% watch TV3.

Among the Russian-speaking channels, most popular is Pervyi Baltiiski Kanal (PBK), watched weekly by 37% of the population, followed by RTR Planeta watched at least once a week by 32% of the population aged 15-74. The proportion of weekly viewers of these channels is largest among the age group 40-59.

Among non-Estonians, the most popular channel is the ETV with 43% of weekly viewers, while 27% of non-Estonians report watching Kanal 2 and 22% TV3 on a regular basis. 86% of non-Estonians are weekly viewers of the PBK, 76% watch the NTV, 62% watch channel 3+ and 60% RTR Planeta. 68% of non-Estonians are also regular viewers of other television channels in Russian. Among the population whose language of communication is Estonian, the most popular Russian-speaking channels are PBK (15%) and NTV (12%).

Practically everywhere in Estonia it is possible to subscribe to foreign channels via cable television. The number of potentially available channels is difficult to estimate as it depends on the package people choose and the technical means available. Transmission of foreign media channels is not restricted.

As for the radio, according the 2008 media survey the most popular radio stations in Estonia were Elmar, Sky Plus and Vikerraadio.

Among the Estonian-speaking radio stations Sky Plus has the largest number of non-Estonian listeners (12% of non-Estonians listen to it weekly). The most popular radio station among non-Estonians is Raadio 4 (59%). Slightly more than half of the non-Estonian speaking population listen to Russkoye Radio, 40% listen to Sky Radio and 35% to Radio 100FM on a

weekly basis. The most popular Russian-speaking radio station among the Estonian speakers is Sky Radio.

Raadio4 regularly broadcasts programmes in Ukrainian, Belorussian, Armenian and Yiddish.

All programmes of the National Broadcasting have their own website on the internet. Radio programmes are available on the internet through their respective homepages in real-time as well as for subsequent listening. Raadio 2 and Klassikaraadio provide the possibility of podcasting through their homepages.

The ETV makes broadcasts of major events available on the internet and on mobiiliTV (mobile phone television) and on the homepage of the respective programmes. Programmes are available for viewing at [www.etv.ee](http://www.etv.ee) for 30 days after airing.

The development of the new media enables making use of new measures. In May 2007, the news portal [novosti.err.ee](http://novosti.err.ee) in Russian was launched which publishes all the main news which appear in the printed, electronic and online media. The purpose of the portal is to develop a topical and up-to-date news environment covering news from both the printed press and the audio-visual media. The system and possibility for live broadcasts is also being developed. The portal makes available news in Russian, including a separate section with the most interesting news stories, as well as individual programmes, long interviews, recorded broadcasts. The latest Raadio 4 news is available for listening on the portal. Once all the necessary editorial staff have been hired and received proper technical training, videos of daily events can be posted already 1-2 hours after the event has taken place. Thus, this has been the first stage of a large-scale project involving both the new media (digital television, internet) and classical media in order to ensure better, faster and more efficient access of the population to information.

In 2008-2009 the Office of the Minister for Population and Ethnic Affairs carried out on the television channel Pervyi Baltiiski Kanal interviews and debates on topical issues with Estonian politicians, business people and opinion leaders.

The National Broadcasting produces and transmits a constant flow of news in three news portals: [etv24.ee](http://etv24.ee) (which is also broadcasts as a teletext on the ETV), its Russian counterpart [novosti.etv24.ee](http://novosti.etv24.ee) and the sports portal [etvsport.ee](http://etvsport.ee). In addition the National Broadcasting manages the children's portal [meieoma.ee](http://meieoma.ee) and provides content for the video portal [etvpluss.ee](http://etvpluss.ee).

For several years already the use of the internet can be considered a daily activity for the majority of the population in Estonia. According to the 2008 survey carried out by Emor<sup>11</sup>, 52% of the population (i.e. 3/4 of all the internet users) are regular users. Two thirds (66%) of non-Estonians use the internet and 55% of them are daily users. More than for watching television programmes or listening to the radio, internet is used for watching video clips and downloading films (more than half of the Russian-speaking population used the internet for these purposes). Listening to the radio in real-time on the internet is more widespread than watching television.

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<sup>11</sup> [http://www.err.ee/files/uuringud\\_aruanne\\_2008.pdf](http://www.err.ee/files/uuringud_aruanne_2008.pdf)

One fifth of the internet users watch the “Aktuaalne Kaamera” news programme or listen to Sky Radio, Russkoye Radio or other radio stations; half of them do so at least twice a week. Listening to Raadio 4 on the internet is less popular (11%).

The Advisory Committee in its opinion recommended reviewing § 25 of the Language Act with a view to ensuring its compliance with Article 9 of the Framework Convention. This provision of the Language Act has remained unchanged. We note that establishment of the translation requirement proceeds from the aim to make broadcasts available for as many people as possible in Estonia via the state language.

#### **Article 10**

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.**

**2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**

**3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.**

The Advisory Committee in its opinion recognises the need to promote and develop the Estonian language, but recommends that it should not be pursued through an overly regulatory approach and at the expense of the protection of national minorities and their languages.

The general principles of protecting the Estonian language and the languages of national minorities have been explained in the previous reports. Some amendments to the legislation have been made, which we explain below.

In 2008, it was established that proficiency in Estonian as a second language is measured according to the language proficiency levels described in the Council of Europe Common European Framework of Reference for Languages. The relevant amendments to the Language Act entered into force on 26 January 2009. Previous proficiency levels were ambiguous (elementary, intermediate and advanced). The new system provides for a more detailed six-level scale (A1-A2, B1-B2, C1-C2). The new system guarantees uniformity and transparency in the evaluation of language proficiency and allows for better comparison of one's language proficiency with inhabitants of other European countries.

According to the transition provisions established in the Act, Estonian language proficiency certificates issued before 1 July 2008 are considered to correspond to the following levels in the new system:

- 1) elementary level proficiency certificate corresponds to level B1.
- 2) intermediate level proficiency certificate corresponds to level B2.
- 3) advanced level proficiency certificate corresponds to level C1.

Thus, previously issued certificates remain valid and it is not necessary to re-sit the examination to apply for a new certificate.

On 1 March 2001, § 2(3) of the Language Act entered into force, under which measures for supporting foreign languages may not damage the Estonian language. The provision is intended to ensure balance between the development and protection of the Estonian language and support provided to foreign languages. The provision does not in any way reduce the right of national minorities to use, support or develop their languages.

No significant amendments have been made in Chapter 2 of the Language Act which deals with the use of foreign languages in state agencies and local authorities. The procedure described in the previous report is still valid. However, we would like to note that although the Act allows to request a translation into the state language in case of a document in a foreign language, in practice state agencies also accept enquiries made e.g. in Russian.

The representatives of national minorities have positively noted the translation into Russian of the web-pages of several state institutions and public organisations. The organisations can get the information concerning their activities in Russian.

The Congress of Ukrainians in Estonia has expressed their satisfaction that the Ukrainians like other nations can use their mother tongue between themselves and also outside their cultural society: to post notifications, concert advertisements, issue information booklets etc.

The new Language Act is also being drafted with the main aim to revise and update the system which has become too complicated due to numerous amendments made to the Act over the years. The Draft Language Act does not intend to change the provisions on the use of languages of national minorities.

In comparison to the previous report, no changes have been made in the provisions of criminal and misdemeanour procedure dealing with the right of persons to be informed promptly, in a language which they understand, of the reasons for deprivation of their liberty.

In judicial practice, no disputes over translation and interpretation have occurred. We can only mention the Supreme Court Criminal Law Chamber decision No. 3-1-1-157-05 (27 March 2006) in which the Court said that under § 161(6) of the Code of Criminal Procedure a translation or interpretation of any aspect of a procedural act rendered by a translator or interpreter must be precise and complete. Under § 161(5), in order to ensure the correctness of a translation or interpretation, the translator or interpreter has the right to pose questions to the participants in the proceedings, examine the report of procedural acts and make statements concerning the report, and record shall be made of such statements. Under these provisions, it is required that a translator or interpreter should be involved in a procedural act at the time of its inception and not later. This is necessary to enable persons who do not speak the language of the proceedings to participate in procedural acts equally with persons who speak the language of the proceedings.

At the end of 2009, 52 staff interpreters and translators (with Estonian and Russian working languages) were employed in county, city, administrative and appeal courts in Estonia. During court hearings interpretation (mostly whispered interpretation for parties in the proceedings) is provided, and written translation of court decisions and, if necessary, of other documents (Estonian-Russian; Russian-Estonian) is made.

The need for interpreters and translators of other languages has been small and occurs only in isolated cases and thus no official statistics are gathered. Local translation bureaus have been used for translation of English, Finnish, German, Turkish, Spanish or other languages. If necessary, translations have been ordered from abroad.

#### **Article 11**

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**

**2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**

**3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

With regard to Article 11, the Advisory Committee encourages the authorities to seek further alternative solutions for the registration of patronyms in official personal documents, in consultation with persons belonging to national minorities.

In the previous report we provided an overview of the main points in the Draft Personal Names Act. Now we would like to explain the regulation in more detail. The Names Act was adopted on 15 December 2004. The whole regulative framework concerning names was brought under the scope of the Act to guarantee better clarity; previously the area was regulated by several different legal acts.

A child who is born alive is given a forename upon agreement between the parents or on the proposal of the single parent of the child. Under the Names Act, a personal name is written using Estonian-Latin letters and symbols and, if necessary, the transcription rules for non-Estonian personal names are used. The spelling of a non-Estonian personal name must be in conformity with the rules of orthography of the relevant language. In the case of doubt with regard to the accuracy of a national or an ethnic name form, an administrative authority or a court assigning or applying the surname shall address the Office of Onomastic Expertise or a diplomatic representation of the corresponding state in order to obtain explanations.

It is prohibited to assign as a forename without good reason an unconventional forename which is not suitable to be used as a forename due to its complex spelling or pronunciation, or spelling or pronunciation which does not comply with the general language use, or due to its meaning in the general language; a name which does not correspond to the gender of the person; a well-known name used as a personal name or a shortened version of the name, a name of a well-known author or a service name. Exceptions to these provisions may be made if, due to their citizenship, family relations, nationality or other circumstances, a child or the parents of a child have personal connection to the foreign-language name tradition and the name applied for complies therewith. In principle, the same rules apply to surnames. Thus, if,

due to their citizenship, family relations, nationality or other circumstances, an applicant has personal connection to the foreign-language name tradition and the name applied for complies therewith, it is considered a sufficient reason to assign a name not corresponding to the requirements of the Names Act.

If a person has a name assigned to them in a foreign state, that name is retained with consent of the person when issuing an Estonian passport or alien's passport or identity card to the person if the name is written in Estonian-Latin letters.

In assigning and applying names to persons, the transcription rules for Estonian-Latin letters and symbols and foreign names are used as established in the Government Regulation No. 61 of 18 March 2005.

Under the Identity Documents Act, if a person's name contains foreign letters, the person's name is entered in a document according to the transcription rules of the International Civil Aviation Organisation (ICAO) and, if possible, the original letters are retained. If a person's forename is longer than 15 characters or surname is longer than 28 characters, the name is entered in a document so that the letters at the end of the name which cannot be supplied in the corresponding data fields are omitted. In this case a person's name is entered in the notations page of a document (except an identity card) in the original form.

It is possible to challenge a decision on assigning or applying a person's name. Within 30 days, the person must submit a challenge to the Ministry of Internal Affairs. The decision is made by the Minister of Regional Affairs who belongs within the jurisdiction of the Ministry of Internal Affairs. The decision on the challenge is made within 30 days and, if necessary, an opinion of the personal names committee is heard. This is an advisory committee established by the Minister of Regional Affairs and consists of five to seven members. The committee may ask for an expert opinion from the designated Office of Onomastic Expertise.

Under the Estonian legislation, a patronym is indeed not entered in personal identity documents, as according to the law a person's official name consists of a forename and surname. The Government is of the opinion that this does not violate Article 11 paragraph 1 of the Framework Convention which provides for the right of a person belonging to a national minority to use their name in the language of the minority. Under the Estonian legislation, the name of a person belonging to a national minority is recognised in its original form, using strict transcription rules in case of foreign names. In case of documentation a person's name is not deprived of the characteristics indicating gender, family status etc; no word endings characteristic for the Estonian language are added to the name; in case of adopting a common surname upon marriage, retaining of foreign language characteristics indicating gender, family status etc in a name is accepted according to the wish of the person. In practice, in case of first-time documentation of personal data, upon a person's wish the administrative authorities have registered a person's patronym as the second forename. The use of a patronym outside official identity documents is not restricted or hindered in any manner. The Government finds that such an approach is in conformity with the meaning of Article 11 paragraph 1 of the Framework Convention.

The Estonian Names Act provides for a possibility to take a surname which reflects either the female or male characteristic depending on nationality. In practice, however, this possibility is rarely used.

The Advisory Committee has recommended to change § 23 of the Language Act, so that languages of national minorities could be used on public signs, notices and advertisements.

In 2007, § 23 of the Language Act regulating the use of language of information was amended. Under the previous version, it was not possible to use signs in foreign languages to display public information although in practice it was accepted. Now § 23(2) establishes that a translation into a foreign language or a special regional linguistic form in Estonian may be used alongside the original text in Estonian to display public information, whereas the Estonian text must be placed first and may not be less visible than the special regional linguistic form in Estonian or the text in a foreign language. § 23(3) also establishes that during public events the organiser guarantees Estonian translation of a public text containing important information in a foreign language. Thus, public information may be presented in any language (including languages of national minorities) if it is also translated into Estonian.

The Advisory Committee has recommended that the Estonian authorities should continue efforts to encourage relevant local authorities to introduce minority language place names, and also consider the possibility of allowing the additional use of script other than Latin for such place names.

In Estonia, the protection of minority language place names concerns mostly Estonian-Swedish place names in Vormsi, Ruhnu, Noa-Rootsi and coastal areas in Northwestern Estonia, as well as Russian place names in Võru County, Petseri region and coastal areas of Lake Peipsi.

Currently, official versions of historical minority language place names have been approved in the areas of inhabitation of coastal Swedes: as parallel names in Noarootsi rural municipality, and only in Swedish version in Vormsi rural municipality. In the latter, no parallel names were established and in two villages Estonian names were retained.

No significant changes have been made to the Place Names Act adopted in 2003. The Act provides that in order to establish a place name in a foreign language the local authority asks for an approval of the Minister of Regional Affairs who makes the decision after consulting with the place names council. In the previous report it was also mentioned that this approval procedure does not have to be followed if the object with the foreign language place name is located in a territory of a settlement the majority of whose inhabitants were non-Estonian speaking as at 27 September 1939.

The Place Names Act also provides for the possibility to establish parallel place names. The principal and parallel name may be established in cases justified by reasons connected with history or cultural history in order to retain a place name in a foreign language in case of objects which already have a place name in Estonian or for which a name in Estonian is going to be established. To establish a parallel name, the local authority must ask for the approval of the Minister of Regional Affairs. The Minister makes the decision after consulting with the place names council.

In general, place names must be in Estonian, but exceptions justified by reasons connected with history and cultural history may be made. To prevent corruption of indigenous place names and unjustified changes to them, exceptions are made based on the language of the permanent settlers of the corresponding place as at 27 September 1939. Place names in non-Latin alphabets are spelled in compliance with official character tables regulating



transcription and transliteration. If a place name is transcribed into the alphabet of a language for which no character table exists, the spelling of the name is established on the basis of an expert assessment of the Office of Onomastic Expertise. The spelling of a place name in a foreign language must conform to the rules of orthography of the relevant language.

## **Article 12**

**1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**

**2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**

**3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

The Advisory Committee recommends making further efforts to ensure that adequate multicultural elements are included in school curricula. Measures for introducing national minorities and their culture were explained under Article 5.

According to the Advisory Committee's opinion, Estonia should step up efforts in the field of teacher training and in the production of study materials suitable for a more bilingual school environment with a view to ensuring quality education.

In the following part we will provide an overview of teaching foreign languages at schools and transfer to instruction in Estonian on different education levels.

Under the Basic Schools and Upper Secondary Schools Act (§ 9), on the level of basic education (school years 1-9) any language may be the language of instruction. Under § 9(2) of the Act, the language of instruction is defined as the language in which more than 60% of the study takes place. The owner of a school decides the choice of the language of instruction taking account of the needs of the region and the existing resources: existence of the teachers, possibilities for procuring study materials, etc. Education in basic schools can be acquired in Estonian, Russian, English and Finnish. In 81% of general education schools the language of instruction is Estonian, in 14% Russian, 4% of the schools have departments with instruction either in Estonian or Russian, and in the remaining schools (1%) the language of instruction is English or Finnish. Approximately 60% of pupils in Estonian-medium schools study Russian as a foreign language and 20% study German. Among the languages of historical minority groups, Swedish, Finnish and Hebrew are studied.

The Government has expressed a clear view that supporting the study of different languages, including languages of national minorities in Estonia, is a priority. On 13 March 2009, the Minister of Education and Research approved the Strategy for Foreign Languages in Estonia 2009-2015. One of the aims of the strategy is to promote linguistic diversity in Estonia and thus create better opportunities for Estonian inhabitants to participate in economic, social and political life both in Estonia and abroad.

Table. The number of general schools by language of instruction 2005–2009.

<b>Language of instruction</b>	<b>2005/2006</b>	<b>2006/2007</b>	2007/2008	2008/2009	2009/2010

Estonian	492	485	478	473	465
Russian	79	74	66	62	61
Estonian/ Russian	22	22	25	27	28
English	2	2	2	2	2
Estonian/English	1	1	1	1	1
Estonian/Finnish	1	1	1	1	1
<b>Total</b>	<b>597</b>	<b>585</b>	<b>573</b>	<b>566</b>	<b>559</b>

Table. Number of pupils by language of instruction 2005 - 2009

Language	2005	2006	2007	2008	2009
Estonian	134811	127833	121348	115221	110520
Russian	36228	32830	30045	28146	27005
Language immersion	2645	3234	3507	4024	4143
English	132	119	161	117	91
Finnish	6	8	10	11	43
<b>Total</b>	<b>173822</b>	<b>164024</b>	<b>155071</b>	<b>147519</b>	<b>141802</b>

In order to help maintain the national identity of pupils, schools in cooperation with the state and local authorities ensure possibilities for studying mother tongue and national culture for pupils acquiring basis education whose mother tongue is not the language of instruction in their school. A language learning group may be opened if parents of at least ten pupils with the same mother tongue have submitted a written application with a relevant request. In the school year 2007/2008, Ukrainians (one group), Lithuanians (one group) and Italians (one group) studied their mother tongue and culture as an optional subject within the school curriculum. Each year the Ministry of Education and Research has asked for feedback about successes as well as problems from schools. On the basis of this, amendments to the relevant regulation have been initiated; it is planned to reduce the compulsory number of pupils from ten to five and provide an opportunity to receive support for teaching one's mother tongue both within subject classes as well as hobby groups.

In the school year 2007/2008, there were 77 pupils in Estonian schools who had lived and studied in Estonia for less than three years and whose language of communication at home was different than the language of instruction at school. The overall number of pupils whose mother tongue was different than the language of instruction at school was 5300 in 2007/2008. Of them, the majority were pupils with Russian as their mother tongue or language of communication at home who attended schools or classes where the language of instruction was Estonian. Classes with Russian as the language of instruction were attended by 640 pupils for whom Russian was not the mother tongue.

In cooperation with the North Estonian Roma Association, the Ministry of Education and Research has planned various activities for improving educational opportunities of Roma children. It is important to carry out a survey to find out the actual number of children belonging to the Roma community, as the current data are rather controversial: according to the Roma community there are 300 Roma children in Estonian schools while according to the information of the Ministry of Education and Research there are only 100 Roma children at

schools. As of this school year, the Estonian Education Information System distinguishes Roma as a separate ethnic group. This should help to ensure availability of more adequate information about Roma children in the future. Together a film is being made which depicts the daily life of the Roma community on the example of one large Roma family, and also describes the educational needs and opportunities of the Roma. The aim of the film is to increase tolerance and break down prejudices about the Roma community.

### Secondary education

Under the Basic Schools and Upper Secondary Schools Act, in the upper secondary school stage (school years 10-12), the language of instruction is Estonian. In the upper secondary school stage of municipal schools and in specific classes of municipal schools, any language may be the language of instruction. Permission for instruction in another language is granted by the Government of the Republic on the basis of an application by a local government council. A corresponding proposal is made to the local government council by the board of trustees of an upper secondary school based on the development plan of the school. In private schools, the owner of the school decides the choice of the language of instruction.

Information about the transfer to instruction in Estonian that started in 2007 is provided under Article 14 of the Report. The following section describes only further training opportunities available for teachers.

Teachers of Estonian literature, civic studies, history, music and geography have received relevant training. Additional study aids and materials have been prepared. Training courses continue for teachers of music and civic studies. Training of teachers on methodology of teaching in the second language continues. The main target groups are teachers of physical education and art (these are subjects most frequently chosen by the schools for instruction in Estonian). At the same time, training courses for other subject teachers are offered as well.

Great emphasis is also given to improving the language proficiency of teachers who teach subjects in Estonian in Russian-medium schools. The state organises and finances the Estonian language training for teachers. Courses are free of charge for teachers. A teacher who does not have an advanced proficiency on level C1 in Estonian cannot teach a subject in Estonian; however, they may teach subjects which according to the school's curriculum are taught in Russian (or another language). Teachers who teach subjects in a language other than Estonian must have attained intermediate level Estonian language proficiency (B2).

At the end of 2008, regional monitoring and counselling centres for teachers who teach subjects in Estonian in Russian-medium schools were opened. In the centres teachers have access to new methodological literature and study materials, and the centres also have coordinators who cooperate with regional counsellors in order to provide counselling to those interested. The counsellors have received relevant training. Such regional centres are in Narva, Kohtla-Järve, Tallinn and Tartu.

Each year some external evaluation visits to schools are made – the visits carried out in the school year 2008/2009 showed that teaching of subjects in Estonian was on a good pedagogical and linguistic level. As a result of such evaluations, it is possible to modify the amount or substance of the services provided.

In addition to the regular in-service training of the existing teachers, the state has started supporting young teachers.

In the autumn of 2008, the project for providing start-up support for young teachers in both Estonian and Russian-medium schools was started. The project involves payment of start-up support to teachers with the aim to attract fresh graduates to work in schools outside Tallinn and Tartu. Constant teaching of Estonian to teachers of Russian-medium schools is provided, thus enabling them to improve their language proficiency and start teaching in Estonian. As the number of pupils is also decreasing in Estonian-medium schools, one possibility is to find teachers from Estonian-medium schools.

In cooperation with the Universities of Tallinn and Tartu, for two years a grants project for students of teacher training who do their traineeship in Russian-medium schools has been underway. The aim of the project is to introduce Russian-medium schools as a future employment opportunity to students. The results of the project so far have been very good – several students have decided to take up employment at the place of their traineeship.

### Vocational education

In the school year 2008/2009, there were 46 vocational educational institutions in Estonia, of which 9 were privately owned<sup>12</sup>. Under the Vocational Educational Institutions Act (§ 18), the language of instruction at schools is Estonian but 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 can be acquired in Estonian and Russian; Russian is used in 21 vocational schools. In 2008/2009 there were 27 239 pupils in vocational education. 32% of those are studying in Russian.

Under the Vocational Educational Institutions Act (§ 13), curricula of vocational educational institutions are prepared on the basis of the requirements specified in the vocational education standard and the corresponding national curriculum. Under § 22 of the Act, the study of the Estonian language is compulsory on the secondary school level in vocational educational institutions where Estonian is not the language of instruction: in order to graduate from the school the graduates who acquire secondary vocational education must pass the state examination in the Estonian language.

The extent of compulsory study of the Estonian language in vocational educational institutions in groups where the language of instruction is not Estonian is four weeks. The strategy for the development of the Estonian language for 2004-2010 provides that graduates of vocational educational institutions should be capable to communicate in Estonian within their speciality and be able to work in an Estonian-speaking environment, and their level of proficiency of the Estonian language should conform to the qualification requirements for their occupational post. For this, the quality of language teaching needs to be raised and more attention should be paid to learning the language of one's vocational speciality. The amount of instruction in Estonian in vocational educational institutions with Russian as the language of instruction or with bilingual instruction needs to be increased.

### Higher education

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<sup>12</sup> Here and further data from the Estonian Education Information System as of 10.11.2008

Under the Universities Act (§ 22(8)) and the Applied Higher Educational Institutions Act (§ 17), the language of instruction at the level of higher education is Estonian. The use of other languages is decided by the council of a higher educational institution. At the same time, these two Acts do not define the concept of the “language of instruction”. An exception are specialities of foreign languages where the language of instruction is the target language (e.g. in the speciality of English philology also other subjects besides English are studied in English). Currently it is possible in Estonia to acquire higher education in Estonian, Russian or English. Mostly the language of instruction is Estonian. In year 2010 there are 10 universities in Estonia of which 7 have Russian and 10 English groups. There are 20 applied higher educational institutions, in 11 of those it is possible to study in Russian and in 2 in English. In the eight state-owned applied higher educational institutions instruction takes place in Estonian, in one institution Russian-speaking study groups have been opened. Higher educational institutions in English also exist.

Table. Number of students in higher education in the academic year 2008/2009:

<b>Language of instruction</b>	<b>Estonian</b>	<b>English</b>	<b>Russian</b>	<b>Total</b>
<b>Number of students</b>	<b>60 180</b>	<b>1 076</b>	<b>7 143</b>	<b>68 399</b>

In accordance with the Universities Act and the Applied Higher Educational Institutions Act, students whose proficiency in Estonian is not sufficient to complete the curriculum in Estonian may undertake intensified Estonian language study. In this case their nominal period of studies is extended by up to one academic year.

Among students starting to acquire higher education there is an equal proportion of those who acquired secondary education either in Estonian or Russian. According to the data of 2007, 8929 pupils graduated from an Estonian-medium upper secondary school (73% of all graduates), of them 5770 (65%) entered a higher educational institution. The number of pupils graduating from a Russian-medium upper secondary school was 3258 (27%), of them 2169 (67%) continued to acquire higher education (60% in 2005).

Among graduates of Russian-medium schools the number of those entering a higher educational institution has increased during the past three years, and in 2007 their number exceeded by two percent the number of graduates from Estonian-medium schools who continued to acquire higher education.

52% (i.e. 1131) of graduates of Russian-medium schools who entered a higher educational institution in 2007 chose Estonian as the language of instruction on the higher education level. 34% of those continuing to acquire higher education in Estonian and 14.4% (i.e. 316 students) of those continuing with Russian as the language of instruction were admitted to a student place financed from the state budget. Thus, 48% of graduates of Russian-medium schools were admitted to a state-financed student place (the indicator was the same in 2006). 46% (1008) of the graduates continued to acquire higher education in Russian. Of graduates of Estonian-medium upper secondary schools 55% were admitted to a state-financed student place. 3% of graduates of upper secondary schools continued to acquire higher education in English.

Since 2008, in addition to the curriculum of their chosen speciality all students may also study Estonian to a different extent and for different periods. Previously, only those students whose score in the Estonian language state examination had been below 60 points could receive such support.

The Advisory Committee also recommends further developing two-way contacts between children belonging to the majority and those belonging to a national minority. This topic was covered under Article 5.

### **Article 13**

**1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**

**2. The exercise of this right shall not entail any financial obligation for the Parties.**

In connection with Article 13 the Advisory Committee has noted that although the state supports various voluntary language schools (Sunday schools) established mostly by cultural associations of national minorities, the Government should ensure that support for such private initiatives is coupled with adequate measures also in the public educational system.

The Hobby Schools Act which entered into force in September 2007 establishes a definition of a hobby school (§ 3) 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. In accordance with the Hobby Schools Act, in autumn 2007 the Minister of Education and Research adopted an order on the principles of basic financing of Sunday schools, under which 12 Sunday schools with 178 pupils of different nationalities were financed in the school year 2007/2008. The aim of financing of Sunday schools is to enable ethnic minorities to study their mother tongue and culture. In 2007/2008, Armenian, Azerbaijani, Dagestan, Jewish, Turkish, Ukrainian, Uzbek and Russian Sunday schools were financed. In total 850 000 kroons were allocated for basic financing of Sunday schools in 2008.

Financing from the state budget also continues for extracurricular language learning projects in the form of camp and family study models mentioned in the previous report. The projects are intended for young people with Estonian or other mother tongue (as a rule, children speaking both languages participate, as in addition to language learning this also promotes creating closer contacts between young people with different mother tongues) and the attendance is approximately 1200 young people.

The Private Schools Act also regulates covering of operating expenses by the state. In accordance with the Private Schools Act, the salaries of teachers employed at a pre-school child care institution on the basis of the framework curriculum for pre-school education and the costs of acquiring teaching aids may be covered from the relevant rural municipality or city budget on the bases provided for in the Pre-school Child Care Institutions Act

The costs of nursery-primary schools (the primary school part), nursery-basic schools (the basic school part), primary schools, basic schools and upper secondary schools shall be partially covered on the bases provided for municipal schools in § 44(3) of the Basic Schools

and Upper Secondary Schools Act. On the basis of the number of pupils and in accordance with the State Budget Act, every year support is allocated from the state budget for covering the expenses for salaries of teachers, social tax, further training and procurement of textbooks.

In the school year 2008/2009, there were 31 general schools belonging to business or non-profit institutions in Estonia, of them 24 with Estonian as the language of instruction, 5 with Russian as the language of instruction, 2 with Estonian/Finnish as the languages of instruction, and 3 with Estonian/English as the languages of instruction.

#### **Article 14**

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**
- 3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

Under Article 14, the Advisory Committee has found that there is a need to provide the schools, local authorities and others concerned with more procedural and other guidance on how to invoke the possibility to have a minority language as a language of instruction after 2007.

Under the Government regulation, as of the school year 2011/2012 Estonian upper secondary schools must ensure instruction in Estonian to the extent of at least 60% of the minimum compulsory curriculum to pupils entering the tenth school year. The transfer is flexible – five of the subjects to be taught in Estonian are determined on the national level, and the schools themselves may choose the remaining subjects. The main purpose of transfer to instruction in Estonian is to increase the competitive ability of Russian-speaking young people. In basic schools, instruction of subjects in Estonian is not compulsory. Teaching of national culture and language continues in the mother tongue of the respective minorities. The number of lessons of Russian language and literature does not decrease and is equal to the number of lessons of Estonian language and literature in Estonian-medium schools. The schools may offer optional subjects to provide in-depth study of pupils' national language and culture.

The purpose of upper secondary school education is and should be to provide high-quality education and knowledge meeting the national curriculum in all subjects. Instruction in Estonian also helps to ensure better Estonian language proficiency of the pupils which helps them in applying to higher educational institutions and studying in Estonian in those institutions, as well as in obtaining Estonian citizenship and finding employment. This way young people with Russian as the language of communication at home also gain a certain advantage on the labour market as they know more languages.

In the school year 2007/2008, teaching of Estonian literature in Estonian was begun. Each year, one more subject taught in Estonian is added.

In the school year 2008/2009, upper secondary schools must teach in Estonian at least Estonian literature and music or civic studies.

In the school year 2008/2009 instruction in Estonian is provided as follows:

- 49 schools (79%) teach music in addition to Estonian literature (in Ida-Viru County 14 schools, 64%);
- 30 schools (48%) teach civic studies in addition to Estonian literature (in Ida-Viru County 12 schools, 54%);
- 17 schools (27%) teach both civic studies and music (in Ida-Viru County 4 schools, 18%);
- 41 schools (66%), in addition to the two compulsory subjects, teach also some other subjects in Estonian, e.g. physical education, art, or computer classes (in Ida-Viru County 14 schools, 64%).

In comparison to the school year 2007/2008, ten new schools have started teaching more subjects in Estonian in addition to the compulsory subjects.

In the school year 2008/2009, similarly to the school year 2007/2008, the Ministry of Education and Research continues to provide support in the amount of 70 000 kroons per one subject to all schools with Russian as the language of instruction if they teach more than the compulsory subjects in Estonian. All schools have received support for purchasing study materials and equipment for teaching Estonian literature, civic studies and music.

Pupils may choose the language of their school-leaving examination. Examination questions are prepared in both languages. The experience gained so far shows that most pupils choose to sit the examination in the language in which instruction took place.

Under Article 14, the Advisory Committee has also recommended to identify the obstacles that hinder the optional study of the language and culture of national minorities. This issue was covered under Article 5 and 15.

The Advisory Committee has considered it important to monitor issues relating to voluntary language immersion. Language immersion is a form of study which is implemented as a state programme in Estonia to contribute to better proficiency in Estonian as the second language. By now one third of schools where the language of instruction is not Estonian use the language immersion methodology. Almost 2000 children attend language immersion schools and kindergartens. The volume of instruction in Estonian is more than 50% of the total volume of instruction in language immersion classes and groups. Estonian is studied by actively using it, including by studying different subjects or participating in activities in the kindergarten.

Under the Basic Schools and Upper Secondary Schools Act (§ 9(3)), in a school or class where instruction is not conducted in Estonian the Estonian language study is compulsory as of the first school year. Language immersion programmes are implemented in more than a third of schools with Russian as the language of instruction (32 schools), and a total of 10% of basic schools pupils of Russian-medium schools participate in the programmes. Two types of language immersion exist: early and late immersion. Early language immersion programme (in 14 schools) means that in the first school year all teaching takes place in Estonian, the study of Russian begins in the second year, in the third year the first foreign language is added, and as of the fourth year some subjects are taught in Estonian and some in Russian. In the case of late language immersion (in 20 schools), which begins from the sixth school year,



in the sixth year in addition to Estonian (as a subject) four more subjects are taught in Estonian, in the seventh and eighth year the teaching is conducted in Estonian while the study of Russian language and literature also continues, in the ninth year the proportion of teaching in Estonian and Russian is more or less equal (50:50). The number of pupils participating in language immersion programmes has constantly increased. Although there has not been a significant increase in the number of schools applying language immersion, all the schools that have started the programme continue to implement it and therefore the number of participating pupils increases.

### **Article 15**

**The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

Under Article 15, the Advisory Committee has noted that Estonia should take further steps to develop and consolidate the role of consultative bodies representing national minorities in order to ensure their effective participation in the decision-making process concerning national minorities.

The Government would like to inform that on the initiative of the President of Estonia the Estonian Cooperation Assembly (*Eesti Koostöö Koda*) was established under the Office of the President. This is an umbrella organisation involving 70 non-governmental organisations (employers' and employees' associations, educational institutions and youth associations, religious organisations) and has a purpose to make proposals regarding long-term goals of Estonian state and society. Cooperation Assembly is directed by an independent council establishing the strategic courses of action of the Cooperation Assembly - education, population, ethnic relations, workforce and economy and public health. With regard to population and ethnic relations the overall aim of the Charter 2008 of the Estonian Cooperation Assembly is to help create a society in Estonia where different nationalities do not just live alongside each other but live together. The basis for this is respect for the basic objectives of the Estonian state enshrined in the preamble to the Estonian Constitution.

The main goal of the Estonian Cooperation Assembly is to develop a dialogue between all nationalities in Estonia and increase the importance of civil society organisations in improving inter-ethnic relations and tolerance in society.

The Council of Culture of National Minorities operates under the Ministry of Culture since 2008. It is a body which meets regularly to promote constant dialogue between national minorities and the state.

To ensure more effectiveness, cooperation between the state and societies of national minorities has become field-specific. One example of the participation of national minorities in the decision-making concerning issues of interest for them is definitely reorganisation of basic financing of national cultural societies and the debate about changing the Cultural Autonomy Act which was described in more detail under Article 5.

The Advisory Committee has also recommended that the Government should launch regional development initiatives and measures to fight direct and indirect discrimination on the labour market.

The average participation of Estonian inhabitants on the labour market is necessary not only for individual welfare of persons but is also of primary importance for the development of the state as a whole. Thus, one of the Government's priorities is to ensure a high level of employment and equal opportunities for all nationalities in Estonia.

Under Article 4, the Equal Treatment Act that entered into force in 2009 was described in more detail. The Act transposes into Estonian legislation the EU Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

In the following part we will provide an overview of the main indicators of the Estonian labour market and measures aimed at raising the competitiveness of the Russian-speaking population.

The reporting period was mostly characterised by economic growth and increasing demand for labour. The rate of employment in the age group 15-64 was 69.1% and unemployment 4.7% in 2007 in Estonia. In 2008, the rate of employment in the same age group was 69.5% and unemployment 5.5%. Sudden increase in unemployment from the second half of the 2008 and throughout 2009 can be attributed to the impact of the global financial crisis on the labour market. The unemployment indicators for 2009 demonstrate further increase (14.6% in the third quarter of 2009) and prognosis indicates further growth in 2010.

On 1 January 2009, the Estonian Unemployment Fund had registered 30 307 unemployed persons, which is 115% higher than on 1 January 2008<sup>13</sup>. Its reasons are clearly related to the general economic crisis and unemployment has affected all the counties. This is also demonstrated by the fact that in the mostly Russian-speaking Ida-Viru County unemployment grew by 87% as compared to 1 January 2008, while percentagewise this indicator was lower only in five counties out of fifteen.

The Estonian Unemployment Insurance Fund also collects data by language of communication of unemployed persons. Statistics are maintained for the Estonian, Russian, English and German language.

The number of persons who registered as unemployed in 2008 was more or less similar among Estonian speakers and Russian speakers, i.e. 30 467 and 31 427 respectively. One person may also have several languages of communication. Among Russian speakers there were more women unemployed than men, which is opposite to the trend among Estonian speakers. According to the statistics for 2008, 80 persons with English as the language of communication and 22 persons with German as the language of communication had registered as unemployed<sup>14</sup>.

Optimum employment of the working age population is often impeded by poor knowledge of the state language. According to the "Integration Monitoring" survey carried out in 2005, 48% of Russian speakers considered their knowledge of Estonian either good or very good. In the recent years, the knowledge of Estonian among adult non-Estonian population has been stable, and has increased among young people. At the same time, unemployment among non-Estonians is higher than among Estonians. However, as the rate of employment among non-Estonians is on the same level with Estonians, the higher registered rate of unemployment

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<sup>13</sup> Source: [http://www.tootukassa.ee/public/aasta\\_kokku\\_2008.xls](http://www.tootukassa.ee/public/aasta_kokku_2008.xls)

<sup>14</sup> Source: Unemployment Insurance Fund, [http://www.tta.ee/public/aasta\\_kokku\\_2008.xls](http://www.tta.ee/public/aasta_kokku_2008.xls)

among non-Estonians is rather due to their increased willingness to register as unemployed. Nevertheless, in order to improve the competitive ability of non-Estonians, it is necessary to raise their proficiency in Estonian in addition to raising their employment-related capacity. There are plans in the nearest years to carry out Estonian language training, as well as Estonian language training integrated with professional training, and labour exchange programmes.

Important changes in the legal regulation of the labour market have taken place during the reporting period. The Social Protection of the Unemployed Act and the Labour Market Services Act mentioned in the previous report were repealed. The Labour Market Services and Benefits Act was adopted (entered into force on 1 January 2006) as well as the new Employment Contract Act (entered into force on 1 July 2009). The purpose of the Labour Market Services and Benefits Act is, through the provision of labour market services and payment of labour market benefits, to achieve maximum possible employment rates among the working population, and to prevent their long-term unemployment and exclusion from the labour market. The types of labour market benefits are unemployment allowance, grants, and transport and accommodation benefits. A number of labour market services exist to allow for a most suitable approach to assist persons in need. Currently, twelve labour market services are offered under the Act. In addition, there are measures under the programme “Increasing the supply of qualified labour 2007-2009”, financed from the European Social Fund. The programme also enables to support persons who are not registered as unemployed by the Estonian Unemployment Insurance Fund. In 2008 unemployment allowance was paid 22 878 persons. The use of active measures was more or less on the same level as in 2007.

In drawing up the new Employment Contracts Act, the aim was protected flexibility in employment relations to create a legal framework suitable to changed economic situation and taking account of risk groups, including non-Estonian speaking people,. There is constant work on the basis of training programmes and projects aimed at specific target groups to ensure their equal opportunities on the labour market.

The Integration Foundation implements projects “Reducing the unemployment risk of non-Estonian speaking young people in Ida-Viru County, Tallinn and Harju County through Estonian language training and occupational re-training and in-service training” and “In-service training and language training for non-Estonian speaking unemployed persons”. These projects aim to involve unemployed persons with multiple risks (language, age, location) on the labour market, thus creating preconditions and opportunities for their better integration to Estonian society. The projects were financed from the Estonian state budget and the European Social Fund.

Under Article 15, the Advisory Committee has also dealt with the requirement of language proficiency on the labour market and found that, inter alia, the existing Estonian language proficiency requirements should be reviewed to ensure that they are realistic, clear and proportional to the aim pursued.

The Government would like to emphasise that the use of the Estonian language by companies, non-profit associations, foundations and their employees, as well as self-employed persons, is regulated only in cases where it is justified in public interest. Within the meaning of the Language Act, this includes public safety, public order, public administration, education, health care, consumer protection and occupational safety. The requirements of proficiency

and use of the Estonian language must also be proportional to the aim pursued and must not distort the nature of the rights restricted.

According to the amendment made to the Language Act on 1 July 2008, language proficiency requirements should be brought in line with the Council of Europe Common European Framework of Reference for Languages. The relevant changes were introduced on the basis of the Government Regulation No. 105 “The requirements of proficiency and use of the Estonian language by public servants, employees and self-employed persons”. The regulation establishes a system of six proficiency levels (A1-A2, B1-B2, C1-C2). The previous proficiency levels were too ambiguous. The new system guarantees uniformity and transparency in the evaluation of foreign languages. The Government would like to emphasise once again that the earlier language proficiency certificates remain valid.

Language requirements in the private sector have remained in principle the same. However, proficiency requirements for locomotive drivers, rescue workers and security staff have been lowered. The evaluation of the new language requirements must also take into account specific legislation. The language requirement does not necessarily derive from the regulations established under the Language Act but may also derive from specific Acts, for example the Education Act.

Supervision over compliance with the Language Act is performed by the Language Inspectorate which proceeds from the law, good administrative practice and strategic documents, for example the development programme “Smart and active people 2008-2011” adopted by the Ministry of Education and Research, or the strategy for the development of the Estonian language 2004-2010.

In 2007, 3115 inspection reports in the course of supervision of compliance with the requirements of the Language Act were drawn up, of which in 3029 cases a violation of the Language Act was found. In the course of initial inspection, 1482 reports were drawn up, of which in 1292 cases a violation of the Language Act was found. In the course of follow-up inspection, 1633 reports were drawn up (including 1552 reports on verification of the language proficiency and 81 reports on compliance with the requirements for use of the Estonian language). Supervision over the Language Inspectorate is performed by the Ministry of Education and Research. Decisions of the Language Inspectorate may also be challenged in the administrative court.

In 2008, 2562 inspection reports in the course of supervision of compliance with the requirements of the Language Act were drawn up, of which in 2402 cases a violation of the Language Act was found. In the course of initial inspection, 1120 reports were drawn up, of which in 955 cases a violation of the Language Act was found. In the course of follow-up inspection, 1442 reports were drawn up (including 1104 reports on verification of the language proficiency and 338 reports on compliance with the requirements for use of the Estonian language)<sup>15</sup>. The large number of violations found by the Language Inspectorate is due to the fact that the inspection visits are made mostly to the places in the case of which information about non-compliance has been received. Prior to the inspection visit the Language Inspectorate verifies documents and ascertains the number of employees subject to the language proficiency requirement and the number of persons who lack the language certificate.

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<sup>15</sup> More detailed information about the activities of the Language Inspectorate is available on its homepage: <http://www.keeleinsp.ee/?menu=30&news=513>

## **Article 17**

- 1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**
- 2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.**

Under Article 17 and 18, the Advisory Committee has recommended that Estonia should continue to introduce initiatives to facilitate cross-border contacts between Estonia and the Russian Federation and involve persons belonging to national minorities in relevant bilateral initiatives.

Estonia has taken various measures to facilitate contacts in border regions. Some changes with a wider effect have also been introduced. For example, in summer 2009 Estonia abandoned the requirement of a visa invitation. This is of considerable importance for citizens of the Russian Federation who often visit Estonia. Various special measures have also been taken.

By the Minister of Regional Affairs Regulation No. 70 of 1 June 2007 “Support scheme for compensation of the visa fee of the Russian Federation in 2007” the basic principles for the support scheme were established. The scheme aims to reduce economic obstacles for communication among the *Seto* community who was geographically split by the establishment of the provisional border line between the Republic of Estonia and the Russian Federation.

Support was available for persons living in Põlva and Võru Counties or persons outside those counties who needed to visit their relatives or graves of relatives or real estate in Petseri district of the Russian Federation. The support scheme was also operational in 2008. Under the scheme, the cost of two visas of the Russian Federation is compensated (minus income tax) on the basis of supporting cost documents.

Since January 2009, when the ordinary visa regime was applied on the basis of a visa facilitation agreement between the European Union and the Russian Federation, some changes to the visa fee compensation scheme were made:

- the compensation scheme is also applicable to persons (in all the counties in Estonia) who visit Jaanilinn (across the Narva River);
- visa fee of the persons (from all the counties in Estonia) who visit Petseri district of the Russian Federation is still compensated;
- the cost of one Russian visa issued for the purpose of visiting the graves of close relatives is compensated.

Regional cross-border cooperation between Estonia and Russia is financed mostly in the framework of the European Union neighbourhood policy: in 2006-2008 under the Priority IIIA North: Estonia-Latvia-Russia within the INTERREG IIIB Programme; within the new programming period 2007-2013 it is planned to implement the Estonian-Latvian-Russian cross-border cooperation action plan financed within the new European Neighbourhood and

Partnership Instrument (ENPI). The purpose of the programmes is to develop and support good-neighbourly relations, support socio-economic development of the regions, tackle jointly the environmental problems, strengthen contacts between individuals, etc.

Beneficiaries of the programmes are local authorities, state agencies, foundations and non-profit associations of the specific regions (e.g. within the new ENPI Estonian-Latvian-Russian cross-border cooperation action plan NUTS III level regions North-East Estonia and South Estonia and the close neighbouring areas North Estonia and Central Estonia). For example, cooperation between two border cities Narva and Ivangorod in tourism development, preservation of cultural heritage and transport has been supported.

The crossborder contacts of Estonian old believers are supported from the 2009 - 2011 cooperation programme between the Estonian Ministry of Culture and Ministry of Culture of Russian Federation. The goal is to help to study and promote the culture of the old believers in both countries.

Joint environmental activities also play an important part in improving cross-border cooperation. The NGO Peipsi Cooperation Centre is a civil society organisation which aims to contribute to the balanced development of the Lake Peipsi region and border regions in the European Union. The organisation was established in 1993 under the name Lake Peipsi Project. At the time of its establishment the main aim of the Centre was solving environmental problems in the Estonian-Russian border area, in particular on Lake Peipsi. Now the activities have been expanded and, for example, there are regular meetings of the economic and environmental cooperation roundtable; another form of international communication is the cross-border cooperation summer school the latest of which had the attendance of 170 people from ten different countries.

The Advisory Committee in its recommendations has also drawn attention to the need to pursue further bilateral projects to tackle environmental issues concerning Lake Peipsi in cooperation with persons belonging to national minorities. Peipsi Cooperation Centre provides a good forum for persons belonging to national minorities and residing in lakeside communities along Lake Peipsi.