



**International Convention
On the Elimination
Of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/EST/7
...August 2006

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-ninth session
31 July to 18 August 2006

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

ESTONIA

1.The Committee considered the sixth and seventh periodic reports of Estonia due in 2002 and 2004, respectively, and submitted in one document (CERD/C/465/Add.1), at its 1761st and 1762nd meetings (CERD/C/SR.1761 and 1762), held on 31 July and 2 August 2006. At its 1778th and 1779th meetings (CERD/C/SR.1778 and 1779), held on 14 and 15 August 2006, it adopted the following concluding observations.

A. Introduction

2.The Committee welcomes the report and the continuation of an open and constructive dialogue with the State party. It also welcomes the fact that the report addresses some of the concerns and recommendations set forth by the Committee in its previous concluding observations, and it appreciates the efforts made by the delegation to respond to the numerous questions raised by Committee members.

3.The Committee notes with appreciation the involvement of civil society organisations in the preparation of the report, and references made in the report the comments of such organisations.

B. Positive aspects

4.The Committee notes the decisions of the Supreme Court on the principles of equality and protection of family life, which declared unconstitutional several decisions that refused the granting of residence permits on the sole basis of immigration quotas.

5.The Committee commends the State party for its continuing efforts to encourage social integration of non-citizens in Estonia, including the planned adoption of a new State Integration Programme for the years 2008-2013 following the expiry of the current Programme in 2007.

6.The Committee welcomes the fact that non-citizens in Estonia have the right to participate in local elections.

7.The Committee also welcomes the efforts made by the State party to combat trafficking in persons, including the adoption, in January 2006, of the National Action Plan against Trafficking in Human Beings.

8.The Committee welcomes the efforts made by the State party to combat hate speech on the Internet.

C. Concerns and recommendations

9.While acknowledging the existing possibilities of participation of non-citizens in the activities of cultural and educational institutions and religious congregations of national minorities, the Committee notes that the current official definition of national minority, provided under the Law on Cultural Autonomy of National Minorities of 1993, excludes non-citizens, the category of which includes stateless persons of long-term residence in Estonia. The Committee is concerned that such a situation might lead to alienation of such groups from the Estonian state and society (art. 1).

The Committee recommends that the definition of minority under the Law on Cultural Autonomy of National Minorities of 1993 be amended to include non-citizens, in particular, stateless persons of long-term residence in Estonia. The Committee also requests further clarification of the distinction made by the State party between “ethnic” minorities or groups, and “national” minorities.

10.While acknowledging the amendment of 1 January 2004 of the Chancellor of Justice Act which grants competence to the Chancellor of Justice for the resolution of disputes related to racial discrimination in the private sphere, the Committee notes with regret that the procedure before the Chancellor remains a limited instrument in terms of protection of the rights set out by the Convention, and notes the absence in the State party of a national human rights institution established in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (art. 2 (1)).

The Committee recommends to the State party that it consider the establishment of a national human rights institution, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles, General Assembly resolution 48/134, annex).

11.While acknowledging the amendments of the Penal Code in July 2004 which establish different degrees of penalties for acts of racial discrimination and the fact that the State party expressed its intention to transpose European Union Directive 2000/43/EC against racial discrimination in the domestic legal order, the Committee remains concerned about the absence of comprehensive anti-discrimination legislation, in particular legislation and regulations in the civil and administrative fields (art. 2 (1) (d)).

The Committee recommends that the State party enact comprehensive anti-discrimination legislation in accordance with the provisions of the Convention, in particular in the fields of housing, healthcare, social security (including pensions),

education and access to public services and that it transpose European Union Directive 2000/43 EC into its domestic legal order.

12. The Committee is concerned that some television programmes may portray discriminatory images of the Roma community and that insufficient measures have been taken by the State party to address this situation (arts. 4 (a) and 7).

The Committee recommends that the State party encourage the media to play an active role in combating prejudices and negative stereotypes which lead to racial discrimination and that it adopt all necessary measures to combat racism in the media, including through investigations and sanctions under article 151 of the Criminal Code for all those who incite racial hatred.

13. The Committee is concerned that persons belonging to Russian-speaking minorities are disproportionately represented in the population of convicted prisoners, and that, despite recommendations by competent bodies, no specific study to identify the reasons for this phenomenon has yet been carried out (art. 5 (b)).

The Committee recommends that the State party conduct a study to fully examine the reasons for the disproportionate representation of members of Russian-speaking minorities in the population of convicted prisoners, in order to identify adequate solutions to address this situation. The Committee requests the State party to include results of this study in its next periodic report.

14. The Committee reiterates its previous concern that article 48 of the Constitution recognises the right of membership of political parties only to Estonian citizens (art. 5 (c)).

Taking into account the high number of long-term residents in Estonia who are stateless, the Committee recommends that the State party give due consideration to the possibility for non-citizens to participate in political parties.

15. While acknowledging the State Party's political will to preserve its cultural heritage as well as the positive steps taken by the State Party to ensure a broader access to the naturalization procedure, in particular through subsidised language courses, the Committee reiterates its concerns about the strict language requirements set forth in the Citizenship Act for the acquirement of Estonian citizenship. The Committee further notes with regret that the State party has not yet implemented the recommendation made in its previous concluding observations to become a party to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons (art. 5 (d) (iii)).

Given the considerable number of persons who remain stateless in Estonia, the Committee recommends that the State Party make further efforts to enhance and facilitate access to the naturalization process. In particular, the Committee recommends that the State Party consider providing to all citizenship applicants high-quality and free-of-charge language courses, and to strengthen awareness-raising efforts on the naturalization procedure and its benefits. The Committee reiterates its invitation to the State party to ratify the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons.

16. While the Committee recognises the efforts made by the State party in the field of employment, including the action plans for 2004-2007 under the State integration programmes, it remains concerned by the high rate of unemployment among members of minorities, in

particular Russian-speaking minorities. The Committee reiterates its previous concern that the scope of the requirement of Estonian language proficiency, including in the private sector, may have a discriminatory effect on the availability of employment to members of this community (art. 5 (e) (i)).

The Committee recommends that legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented in practice and that further measures be taken to reduce unemployment among members of the minority communities, inter alia, by focusing on professional training and providing high quality and subsidised language training, in particular to members of Russian-speaking minorities.

17. While acknowledging the State party's efforts to implement programmes and projects in the field of health, in particular, for prevention and treatment of HIV/AIDS, the Committee is concerned at the high rate of HIV/AIDS amongst persons belonging to minorities (art. 5 (e) (iv)).

The Committee recommends that the State party continue to implement programmes and projects in the field of health, with particular attention to minorities, bearing in mind their disadvantaged situation; to this end, the Committee encourages the State party to take further measures to combat HIV/AIDS.

18. While acknowledging the existing programme to increase educational opportunities for children belonging to the Roma minority, the Committee is concerned about the limited proportion of Roma children who attend school (art. 5 (e) (v)).

The Committee draws the attention of the State party to its general recommendation XXVII on Discrimination against Roma and recommends that the State party strengthen its efforts to address the low level of school attendance among children belonging to the Roma community by, inter alia, recruiting additional school personnel from among members of the Roma community and promoting intercultural education.

19. The Committee is concerned that very few acts of racial discrimination have been prosecuted and punished in the State party (art. 6).

The Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be mainly an indication of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute. The Committee requests the State party to ensure that appropriate provisions are available in national legislation, and to inform the public about all legal remedies in the field of racial discrimination.

20. While noting that the number of minorities in Estonia is very large, in particular the Russian minority, the Committee is concerned that only 4.8% of Estonian television has bilingual programming.

The Committee recommends that the State party elaborate and implement equitable and balanced language policy in mass media to prevent and eradicate racial discrimination in this field.

21. The Committee reiterates its recommendation that the State party take into account the relevant provisions of the Durban Declaration and Programme of Action when implementing the Convention in its domestic legal order, particularly as regards Articles 2 to 7 of the Convention. The Committee also urges that the State party include in its next periodic report information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

22. The Committee is encouraged to learn that despite a technical delay, the State party still intends to make the optional declaration provided for in Article 14 of the Convention, and reiterates that it consider doing so..

23. The Committee strongly encourages the State party to ratify the amendments to Article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this regard, the Committee refers to General Assembly resolution 59/176 of 20 December 2004, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment, and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

24. The Committee encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

25. The Committee notes that the State party has not ratified Protocol 12 to the Convention for the protection of human rights and fundamental freedoms of the European Convention on Human Rights, and recommends that it consider doing so.

26. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission in the main languages spoken in the State party including minorities' languages, and that the observations of the Committee with respect to these reports be similarly publicized.

27. The State party should within one year provide information on the way it has followed up on the Committee's recommendations contained in paragraphs 11, 15 and 16, pursuant to paragraph 1 of rule 65 of the rules of procedure.

28. The Committee recommends that the State party submit its 8th periodic report jointly with its 9th periodic report in a single report, on 20 November 2008, and that it address all points raised in the present concluding observations.
