



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-first session
5-23 August 2002

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 fifth periodic report of Estonia (CERD/C/373/Add.2) at its 1542nd and 1543rd meetings (CERD/C/SR/1542), held on 16 and 19 August 2002. At its 1549th meeting held on 22 August 2002, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed and comprehensive report submitted by the State Party, which was drafted in accordance with the guidelines for the preparation of reports, and the additional oral information provided by the delegation. The persistence and continuation of an open and constructive dialogue with the State Party is equally welcomed.

3. The Committee has also been encouraged by the detailed answers that have been given to the questions and issues raised in its previous concluding observations.

4. Furthermore, the Committee welcomes the fact that, during the preparation of the State party's report, non-governmental organizations were invited to provide the State party with observations and comments.

B. Positive aspects

5. The Committee appreciates the increasing debate and recognition in the State party of the multicultural nature of Estonian society. In this regard, the Committee welcomes the progressive implementation of the State programme 'Integration in Estonian Society 2000-2007', aiming at furthering the integration of minorities at the socio-economic level, and appreciates the improved public access to the reports and preliminary results of the programme, including through the website of the Ministry of Foreign Affairs.

6. The Committee welcomes the enactment of the new Penal Code, which contains provisions relating to the criminalization of incitement to racial hatred and violation of equality.

7. The Committee also welcomes the amendment to the Act of Basic and Upper Secondary Schools, which authorizes secondary schools to continue teaching in languages other than Estonian beyond 2007.

8. The Committee notes with satisfaction that the immigration quota no longer applies to the spouses of both Estonian and non-Estonian citizens residing in Estonia as well as to children under the age of 15.

9. The Committee welcomes the facilitation of better access to the office of the Legal Chancellor and, especially, the opening of a new office in the Ida-Viru county.

C. Concerns and recommendations

10. The Committee remains concerned by the significantly high number of stateless persons residing in Estonia. Although it welcomes the fact that the procedure of naturalization has been rendered easier for children and disabled persons, the Committee notes the existence of a significant discrepancy between the number of people passing the language proficiency test and of those effectively filing applications and acquiring Estonian citizenship. The Committee recommends a thorough investigation into possible barriers which may exist, both in terms of the procedure of naturalization and in relation to lack of motivation to apply for citizenship. The Committee also calls for a speedy resolution of the issue concerning the difficulties in obtaining citizenship for children born in Estonia of long-term residents whose legal status has not yet been determined.

11. The Committee is also concerned that former Soviet Union military personnel residing in Estonia are prevented from acquiring Estonian citizenship and is of the opinion that their applications should be considered on a case-by-case basis, assessing each case on its individual merits.

12. The Committee remains concerned by the restrictive definition of national minorities contained in the 1993 National Minorities Cultural Autonomy Act. The Committee reiterates that such a narrow definition may limit the scope of the State Programme on Integration and have the effect of transforming a policy of integration into a policy of assimilation.

13. The Committee is concerned by the scope of language requirements in the Language Law in relation to employment, particularly in the private sector, and is of the opinion that they could lead to discrimination against minorities in violation of article 5 of the Convention. The Committee wishes to receive specific information explaining the relationship between language skills, ethnic background and employment, as well as information on the wage levels of different ethnic groups.

14. The Committee remains concerned by the situation of the Russian minority residing in Estonia, *inter alia*, in relation to issues under article 5 of the Convention, especially economic, social, and cultural rights, including the right to employment, health care, and education. The Committee is particularly concerned by double discrimination against women, based on sex and on national or ethnic origin.

15. The Committee is concerned by the limited access to remedies to facilitate complaints over potential discriminatory violations in relation to, *inter alia*, the labour market, housing and education. The Committee recommends that the Equality Council mentioned in the draft Equality Act be established according to General Recommendation XVII of the Committee as a national human rights institution, with the mandate to advise and monitor relevant legislation and practice, and with competence to deal with individual complaints against acts of discrimination in the public or private sector.

16. Although it welcomes the elimination of the language requirements from the Election Act and the Local Government Council Election Act, the Committee expresses concern that, according to article 48 of the Estonian Constitution, only citizens can be members of political parties. Furthermore, the Committee considers it important that political bodies of towns with a majority of Russian-speaking inhabitants are offered the possibility of conducting their work also in Russian, as stipulated in the Law on Languages and in the Local Government Organization Act. The Committee invites the State Party to include in its next periodic report more detailed information on this issue and on the progress achieved.

17. The State party is invited to provide in its next periodic report statistical information on immigration, both in relation to the number of family reunification applications filed, the number of accepted and rejected applications, and the main reasons for rejection.

18. The Committee recommends that the Estonian Government consider becoming a party to the following international conventions: The United Nations Convention on the Reduction of Statelessness (1961), the United Nations Convention Relating to the Status of Stateless People (1954) and the UNESCO Convention Against Discrimination in Education (1960).

19. Noting the steps taken by the State party in order to make the declaration under article 14 of the Convention, the Committee looks forward to receiving information on this issue in the next State party's periodic report.

20. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties and endorsed by the General Assembly in its resolution 47/111.

21. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at national level.

22. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized in Estonian and in languages of national minorities.

23. The Committee recommends that the next State party report from Estonia, due on 20 November 2004, be an updating report, which will address the points made and concerns addressed in the present observations.