

**Sixth Periodic Report on the Implementation of  
the International Convention on the Elimination of All Forms of  
Racial Discrimination  
Submitted by the Republic of Estonia  
under Article 9 of the Convention**

November 2004

## I INTRODUCTION

1. The present report is submitted pursuant to Article 9 of the UN International Convention on the Elimination of All Forms of Racial Discrimination, according to which the States Parties are required to submit periodical reports to the UN Secretary General on the measures taken to implement the Convention and the progress achieved. The UN Convention on the Elimination of All Forms of Racial Discrimination entered into effect in respect of Estonia on 20 November 1991. Estonia submitted its consolidated initial, second, third and fourth report in February 1999 and the fifth periodic report in May 2002. The Committee on the Elimination of Racial Discrimination published its concluding observations with regard to Estonia's first report on 19 April 2000 and with regard to the fifth periodic report on 23 August 2002.

2. The present report reflects legislative, administrative and other measures that have been taken to implement the rights provided for in the Convention. In drawing up the report the guidelines for writing reports were taken into account. The questions and recommendations by the Committee during the discussion of the fifth periodic report of Estonia were also taken into account. Particular attention was paid to concerns raised by the Committee in its concluding observations.

3. 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, the Ministry of Culture and the Office of the Minister for Population Affairs. The Ministry of Foreign Affairs also asked information from the Office of the Chancellor of Justice\*.

4. In its concluding observations on the fifth periodic report the Committee welcomed the fact that during the preparation of the report non-governmental organisations were invited to submit their remarks and comments to the State Party. The Estonian Government is also of the opinion that the activities of non-governmental organisations in society are of great importance and therefore it continued cooperation with various non-governmental organisations in Estonia also in drawing up this report. The Committee's questions with translation into Estonian were forwarded for comments and proposals to three different relevant non-governmental organisations: the Legal Information Centre for Human Rights, the Estonian Institute of Human Rights, and Jaan Tõnisson Institute. Positive feedback was received from the Legal Information Centre for Human Rights and the Institute of Human Rights. Information provided by non-governmental organisations and the problems raised by them were reflected in the report.

5. In its concluding observations on the previous report the Committee expressed a wish that the reports of the State Party would be available to the public from the moment of their submission. It should be noted in this regard that Estonia's reports to international organisations are published on the homepage of the Ministry of Foreign

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\* Previously, the tradition was to translate Estonian *Õiguskantsler* as 'Legal Chancellor'. The currently preferred English translation is 'Chancellor of Justice'.

Affairs (<http://www.vm.ee>) and they are available to all relevant organisations as of the time of their submission.

6. The Committee also considered it important that the concluding observations of the Committee would be published in both Estonian and in languages of national minorities. As the first report was mostly drawn up in English it is available to the public on the homepage of the Ministry of Foreign Affairs in English. The fifth periodic report was originally drawn up in Estonian and translated into English and it is available in Estonian and English. Concluding recommendations of the Committee on the Elimination of Racial Discrimination are also available on the Foreign Ministry's homepage in Estonian and English.

7. With the aim to continue informing the public about the rights and duties arising from the Convention, the reports submitted by the State Party and the concluding recommendations will be published on the Foreign Ministry's homepage also in the future. It should be admitted, however, that the state does not have the possibilities to translate the reports and the recommendations into languages of national minorities. It is not ruled out that in the future the concluding observations of the Committee will be translated into languages of national minorities, which, in the Estonian circumstances, would be the Russian language. The proportion of other national minorities in Estonia is very small and, moreover, the mother tongue of many of the persons belonging to national minorities in Estonia is often Russian. As Russian is one of the official languages of the UN, the translation of the concluding observations of the Committee into the official UN languages is an issue that should be probably solved in cooperation with the Committee, in order to use the existing resources effectively and avoid replicating of translations.

8. To ensure the clarity of the report and of the topics covered, information has been presented article by article and answers to the Committee's questions are given under the article dealing with the particular topic.

## **II INFORMATION ON ARTICLES 2 TO 7**

### **Article 2**

9. Estonia continues to pay close attention to the protection of human rights and fundamental freedoms by legislative as well as other measures. Estonia has always condemned racial discrimination and made all efforts to create possibilities for carrying out the policy of elimination of racial discrimination. The main laws and legislation that regulate combating of racism and discrimination have been referred under Article 2 of Estonia's previous report. The following part contains some new legislative provisions that have been adopted after the submission of the previous report.

10. The fundamental bases for the prohibition of racial discrimination are provided for in the Constitution. More specifically the issues of discrimination are regulated in the

Penal Code, the Gender Equality Act and various other legislation. It should be kept in mind that during the period of re-independence Estonia has essentially built up a new legislative base in a relatively short period of time. In order to ensure compatibility of legislation with current requirements, the existing legislation is also regularly reviewed and, if necessary, amended and elaborated.

11. In the field of criminal law the penal law reform launched in 1995 should be mentioned. The conception of the reform of penal law envisaged an entire and radical reorganization of the existing criminal law with the aim to move towards the creation of new criminal law along European traditions. In the course of the reform a number of various laws were passed, such as the Penal Code, the Code of Criminal Procedure, the Code of Misdemeanour Procedure. One of the most important results of the reform was the drawing up of the Penal Code which entirely reformed the principles of penal law. Until the passing of the Penal Code, the modified Criminal Code of the Estonian Soviet Socialist Republic from 1961 was in force, which, however, did not meet today's requirements. The new Penal Code entered into effect on 1 September 2002. The Code provides for punishments for crimes against humanity (§ 89), genocide (§ 90). For the above offences, in addition to punishing the principal offender, the representative of state powers or the military commander who issued the order to commit the offence, consented to the commission of the offence or failed to prevent the commission of the offence although it was in his or her power to do so shall also be punished (§ 88). The Code also provides for punishments for incitement to social hatred (§ 151), violation of equality (§ 152), and discrimination based on genetic risks (§ 153).

12. With the aim to create a unitary penal policy, define the specific principles of penal policy and evaluate their fulfilment, the Criminal Policy Centre was established under the structure of the Ministry of Justice in 2003. The Centre deals with surveys of criminality. In cooperation with other state agencies, primarily the Ministry of Internal Affairs and the Ministry of Social Affairs, it also coordinates the general implementation of sustainable and effective criminal policy in the country. The establishment of the Criminal Policy Centre as a structure that has a comprehensive overview of the whole field was necessary to ensure careful consideration of strategic criminal policy decisions and precise targeting of resources to raising the level of safety and reducing of criminality in the country.

13. The Crime Prevention Council that was established by the Government in 1993 also continues to operate. In 2003 the Riigikogu (Parliament) approved the crime policy development directions until 2010 which are aimed at consistent implementation of state's policies for the prevention of crime. This document describes criminal policy related, social and circumstantial measures to be used in the fight against crime. The implementation of the state's criminal policy is first and foremost in the competence of the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Social Affairs, the Ministry of Education and Research and the Ministry of Culture. The ministries must involve local governments, the business community and non-governmental organisations in the implementation of criminal policy development directions as much as possible. Supervision over the implementation and achievement of the activities determined by the criminal policy development directions is exercised by the Ministry of Justice who also has a duty to provide counselling on these issues to other relevant institutions.

14. To improve preventive activities the public is informed about the factors that facilitate crime and various possibilities for participation in combating crime are explained to the public. In the course of campaigns for various target groups the activities of the police in crime prevention and cooperation possibilities for ordinary people are introduced in various counties. For carrying out information campaigns among the inhabitants of peripheral regions, including among children and youth, activities on a minibus fitted with necessary equipment and materials were started in 2000 (and continued subsequently) to run prevention campaigns. The bus together with supplementary materials (exhibition tent, portable stands etc) was used at public events during the month dedicated to crime prevention and also at other times in various locations in Estonia. In order to examine occurrences of school and family violence and other offences against children, the projects “*Murekasti*” (Worry Box) and “*Murekiri*” (Worry Letter) were launched in Rapla, Põlva, and Ida-Viru counties to provide opportunities for children to notify their problems and concerns and receive appropriate help. On the public web page of the police there is an e-mail link [murelink@pol.ee](mailto:murelink@pol.ee) for children through which they can also inform about their problems. Young people have already made use of this possibility.

15. In the recent years the competencies of the Chancellor of Justice have been expanded considerably. With the amendment of the Chancellor of Justice Act, since 1 January 2004 the Chancellor of Justice is also competent to solve discrimination disputes arising from the Constitution and the laws between private persons. In accordance with the amended Chancellor of Justice Act, everyone has the right of recourse to the Chancellor of Justice for conducting of a conciliation procedure if he or she finds that a natural person or a legal person in private law has discriminated against him or her on the basis of sex, race, nationality (ethnic origin), colour, language, origin, religion or religious beliefs, political or other opinion, property or social status, age, disability, sexual orientation or other attributes specified by law. Performance of an agreement approved by the Chancellor of Justice is mandatory to the parties to conciliation proceedings. The law also entrusts to the Chancellor of Justice the task of implementing the principles of equality and equal treatment. The Chancellor of Justice Act specifically provides for the activities of the Chancellor in the implementation of the principles of equality and equal treatment.

16. In addition, the amendment of the Act expanded the competence of the Chancellor of Justice so that now people can file to the Chancellor petitions requesting verification of alleged violations of fundamental rights and freedoms not only by state agencies but also by local government agencies or bodies, legal persons in public law, natural persons or legal persons in private law performing public duties.

17. In its concluding observations on the previous report of Estonia, the Committee welcomed the possibility of better access to the Office of the Chancellor of Justice and particularly the opening of a new office in Ida-Viru County. In addition to Tallinn, the representative offices of the Chancellor of Justice are also in Tartu, Narva, Jõhvi and Sillamäe. Individuals are also received monthly in Pärnu and Tartu. The need for this arose in connection with the constant increase of the workload of the Chancellor’s Office and the wish to ensure that the Chancellor of Justice through his representatives would be accessible to as many people as possible. The functions of the regional offices are the same as the functions of the Chancellor of Justice himself,

i.e. supervision over the constitutionality of legislation as well as fulfilling the function of the ombudsman in supervising the work of state agencies.

18. Thanks to extensive coverage of the activities of the Chancellor in the media and elsewhere, people are better aware of the Chancellor's work and this means an increased flow of complaints to the Chancellor about infringements committed by public officials. Great interest in the Chancellor's work is also reflected in the fact that in 2002 the Chancellor of Justice was given the title of the Friend of the Media because he has made his institution more open and visible than it had been ever before. The Chancellor of Justice has also been ready to explain to the media the essence of complicated legal problems and offer possible solutions to them.

19. In the previous report of Estonia, also the State Liability Act was mentioned that entered into effect on 1 January 2002. As at the moment of the submission of the previous report there was not yet sufficient practice about the implementation of the Act, we will hereby offer an additional overview of the scope of regulation of the Act. Until the adoption of the State Liability Act the compensation of non-contractual damages was regulated by the provisions of the Civil Code dating back to the Soviet time and the provisions clearly no longer complied to the requirements of the current legal order, and the new law was intended to provide better regulation of this field.

20. The main purpose of the State Liability Act is to compensate to people direct proprietary damage and loss of income caused by officials. As it is not always possible to ascertain the persons who are actually at fault, the new law requires the state and not the particular official to compensate the damages to the victim. Compensation can only be demanded by a person or undertaking whose legally protected rights have been violated by a state authority and only for the damage which the state could have prevented. If damage can be eliminated by other means, for example by contesting the agency's decision in court, such means should be used.

21. On the basis of the law, a person can demand compensation of proprietary damage as well as compensation of expenses arising from a bodily injury or damage to health, such as medical treatment expenses and loss of income due to incapacity for work etc.

22. A natural person may also demand the compensation of non-proprietary damage in money in the case of damage to health, deprivation of liberty, violation of the inviolability of the home or private life etc. Instead of financial compensation, an injured party may request from a public authority the elimination of the unlawful consequences of a repealed administrative act or a partially amended administrative act or a measure.

23. According to the law, a person who has suffered damage as a result of the activities of a public authority can request the compensation of damage by the authority or have recourse to the court for assistance.

24. The State Liability Act has an important role in practice. From the entry into force of the Act in 2002 until the beginning of 2004 the administrative court has declared partly or fully unlawful 835 legal acts or measures, made 25 precepts for enforcement of compliance with an act, for issuing of an act or taking a measure, and has enforced the payment of damages to the claimant on 19 occasions. For example, interest on the

sum unjustifiably withheld by a state agency was declared to be payable to a person as compensation of damage (Tallinn Administrative Court decision No. 3-123/2003), as well as compensation of damage caused to a person with an unlawful act of a local government body (Tallinn Administrative Court decision No. 3-401/2003).

25. One of the most important developments in recent years in the field of equality is the passing of the Gender Equality Act. The Act entered into effect on 1 May 2004 and its purpose is to ensure gender equality arising from the Constitution and to promote equal treatment for men and women as a fundamental human right and for the public good in all areas of social life. The Act prohibits discrimination on the basis of sex in the private and public sector and defines the notions of equality, direct and indirect discrimination based on sex and the notion of sexual harassment.

26. The Committee in its concluding observations considered as important the establishment of the gender equality council as a national human rights institution. The Committee established on the basis of the Convention on the Elimination of All Forms of Discrimination against Women also criticised Estonia in its concluding observations to the effect that the Equality Bureau of the Ministry of Social Affairs is responsible for the promotion of gender equality but it does not have enough power, public attention or staff and financial resources to effectively promote gender equality. The Committee also expressed concern about insufficient general treatment of the issues of equality (CEDAW/C/SR 539, 540 and 548).

27. The Gender Equality Act that entered into effect in 2004 should help to improve the situation of gender equality. The scope of regulation of the Act is extensive and it covers all areas of life in society – politics, economy, social sphere and culture. Inter alia, the Act provides for the establishment of the institution of the Gender Equality Commissioner. The task of the Commissioner will be the supervision of the implementation of the Gender Equality Act. The Commissioner will also receive applications and requests from persons and will give opinions on the possible cases of discrimination. The Act also provides for the creation of the Gender Equality Council whose task will be the drawing up of gender equality policy and monitoring of compliance with the principle of gender equality in the implementation of programmes prepared by government agencies.

28. Based on the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women and arising from the need to deal more extensively with the problems of gender equality, the Gender Equality Department was established under the structure of the Ministry of Social Affairs. The department's task is to plan gender equality policy and measures for the reduction of inequality. It will also monitor the guaranteeing of equal treatment in the public and private sector and will coordinate the implementation of relevant measures and the strategy of gender mainstreaming. Earlier, the Gender Equality Bureau dealt with the issues of gender equality but due to the need to pay more attention to the area of equality, a relevant department was established and specialists of the field were hired.

29. Estonia has acceded to the main international conventions on equality and other instruments, such as the UN Convention on the Elimination of All Forms of Discrimination against Women, the Revised European Social Charter. Also important are instruments adopted by various bodies of the Council of Europe, such as the

Council of Europe resolution 855 on equality between men and women (1986), Council of Europe Parliamentary Assembly recommendation 1229 on equality between women and men (1994) etc. Estonia has also acceded to the relevant conventions of the International Labour Organisation.

30. Estonia has also transposed relevant European Union directives on equality, for example directive on the harmonisation of laws relating to the application of the principle of equal remuneration of men and women in Member States (75/117/EEC), directive on the implementation of the principle of equal treatment of men and women in connection with access to employment, vocational training and promotion and working conditions (76/207/EEC) etc.

#### Other measures for the elimination of racial discrimination

31. Since 1994 there has been a debate in Estonian society about the need to conclude a nationwide social contract to guarantee the development of society as a whole, including issues of the future of rural life as well as culture, education and local governments. The President of Estonia Arnold Rüütel as well as political parties and third sector organisations have talked about the need to conclude a social contract. On 10 April 2003, the Social Contract Foundation was established with the aim to organise the conclusion and implementation of the social contract.

32. On 20 October 2003, representatives of political parties, employers and employees, universities and third sector organisations signed the Estonian Social Contract covering the fields which are of primary importance for the sustainable development of Estonia. The central focus of development under the social contract is raising the standard of living of all people in Estonia – regardless of their nationality, religion, sex, language, origin, property and social status – which must take place in conjunction with a significant reduction of social and regional disparity. For the implementation of these aims, the parties to the contract established a social contract forum which will monitor the implementation of the contract and make proposals to the Government and the Parliament for improving the situation.

33. For example, the Social Contract Forum has started targeted activities for outlining the main problems relating to children and finding the best possible solutions. To this end, a project “*Kallis laps*” (Precious Child) was launched. In the framework of the project, five roundtables on county level were organised to find out about regional differences in the child support system and to bring the debate closer to those who have so far had less opportunities to participate in it. The proposals made by the forum will be presented to the Parliament, the Government and local governments. There is also the social contract educational forum “*Põhihariduseta noor*” (Youth without basic education) which should develop awareness in society about the existence of a large number of children who have interrupted their basic education and the problems arising from this and possible solutions for improving the situation. The proposals made by the forum were also presented to the Government for initiating bills of legislation.

#### Integration

34. In Estonia's fifth report the Estonian state integration policy was described in detail (paragraphs 44-72). In the recent years the state has made great efforts to implement the integration policy. In the spirit of tolerance and intercultural dialogue, efforts have been made to integrate national minorities to society while creating possibilities for them to maintain and develop their national culture.

35. On 14 March 2000, the Government approved the state integration programme "Integration in Estonian society 2000-2007) (available in Estonian, English and Russian at <http://www.riik.ee/saks/ikomisjon>).

36. On 6 May 2004, the Government approved the Integration Action Plans for 2004-2007 with the aim to continue supporting the activities that contribute to the adaptation of persons of different nationalities with the local language, culture and history in Estonia, while helping to maintain the linguistic and cultural identity of national minorities. The main focus in the new action plans is on the extension of language immersion throughout the country, allocation of more support from the state budget for cultural societies of national minorities, and more intensive development of the socio-economic aspects of the Integration Programme. The action plan also considers it important to raise the level of teaching of the state language, speed up the naturalisation process and create possibilities of vocational training in regions with high unemployment.

37. It is essential to have independent assessments of the success of integration. For this, annual monitoring surveys are carried out. On the basis of the "Integration monitoring survey 2002" it can be concluded that the priorities set so far have justified themselves. The survey demonstrated that people's attitude towards the form of integrative national relationships has become more positive; there is also positive attitude in society towards the need of financing of integration.

38. Cooperation continues within the foreign aid project "Integrating Estonia 2002-2004" aimed at promoting multiculturalism. The total budget of the project is 24.9 million kroons, of which the Estonian state has contributed 9.7 million kroons and foreign aid is 15.2 million kroons. A large part of the project activities are focused on young people. Support is given to Estonian language learning, including language immersion at the level of pre-school and elementary education, to promotion of daily contacts between Estonian and Russian speaking youth and between organisations and schools. There are also activities to strengthen linguistic and professional competitiveness of non-Estonians on the labour market and in vocational schools; non-Estonians are also involved in the media sector and the knowledge and motivation of non-Estonians in applying for citizenship is raised.

39. Four European Union structural funds projects have been prepared for 2004-2007 with the total budget of 56 million kroons in the following fields:

- expansion of instruction in Estonian in vocational schools where the language of instruction is Russian;
- labour exchanges within Estonia with the aim of practicing language;
- integration of non-Estonian population to the labour market;
- reducing the unemployment risk among non-Estonian young people.

40. The Committee in its concluding observations expressed concern about the narrow definition of national minorities in the 1993 National Minorities Cultural Autonomy Act. The Committee found that such a narrow definition may restrict the scope of the state integration programme and turn integration policy into assimilation policy.

41. As concerns the definition of national minorities in the 1993 National Minorities Cultural Autonomy Act, Estonia made a declaration upon acceding to the Council of Europe Framework Convention for the Protection of National Minorities, specifying whom it considers to belong to a national minority. As the Convention did not provide for a definition of national minorities, the Contracting Parties had certain freedom of interpretation as for who are domestically understood as persons belonging to national minorities, at the same time considering that the definition should be in compliance with international law and the principles established in the Convention. A number of other Contracting Parties have made similar declarations of interpretation in ratifying the Convention.

42. In making the declaration, the guidance came from the provisions of the National Minorities Cultural Autonomy Act. Today, the declaration to the Framework Convention should be seen in the context of the Constitution, general legislation and political developments, first and foremost as regards the integration programme. On the basis of the “Rules for the election of the cultural council of a national minority”, adopted by the Government in May 2003, the elections of the Ingrian-Finnish cultural council were held on 14-16 May 2004; 58.55% of the persons eligible to vote participated in the elections. The central committee of the elections confirmed the results on 1 June 2004.

43. In reply to the Committee’s observation that the definition in the National Minorities Cultural Autonomy Act may restrict the scope of the integration programme, we would like to note that the integration programme covers all ethnic minorities living in Estonia. Its principles are applicable with regard to everyone who consider themselves as belonging to a national minority, regardless of the size of the minority or other conditions, including the citizenship of persons belonging to a national minority. The integration programme emphasises that language, religion, family relations and other traditions and lifestyle must not be the same for all members of society. These belong in the sphere of private interests of each person and possibilities have been created for their promotion. The approval of the integration programme and its consistent implementation have made a significant contribution to the development of society through better understanding between different nationalities. If before the drawing up of the programme there could indeed be some criticism that persons belonging to national minorities may have felt excluded from society, now there are nationally approved measures to eliminate the effects of such a phenomenon.

44. There are no restrictions based on nationality, race or other attributes for participation in cultural life and in creating of culture. All societies and collectives of national minorities can apply for support for their activities on equal grounds. Since re-independence the state has supported cultural societies of national minorities. In 2002, 2.079 million kroons of support was allocated to national minorities through the Ministry of Culture, in 2003 the sum was 2.5 million kroons and in 2004 also 2.5 million. 3,2 million kroons are planned in the state budget for 2005. Support for cultural

activities of national minorities is also available through local governments, the Integration Foundation, the Gambling Tax Council and other sources.

45. Representatives of national minorities in Estonia participate increasingly actively in the work of non-profit associations. Non-profit associations also actively apply for support to their projects. One of the aims of the state programme is also to ensure that non-Estonians would be able to participate equally with Estonians in the activities of the third sector organisations. It should also be underlined that the definition of national minorities contained in the declaration in no way restricts the establishment and activities of non-profit associations, and non-profit associations are actually the main form of operation of the third sector. In the financing of various non-profit associations and national cultural societies there are also no restrictions arising from the declaration, everyone has equal opportunities to participate in project competitions.

46. It should also be emphasised that the concentration of national minorities to non-profit associations and the activities of the minorities for maintaining and developing their language and culture are not restricted in any way. National minorities living in Estonia are ensured the opportunities for maintaining their language and cultural identity, primarily as concerns organisation of education and activities of societies in their national languages. There are also possibilities for the promotion of cultural identity of national minorities in Estonian society. Such activities in no way depend on the citizenship of persons.

### **Article 3**

47. There is no genocide, apartheid and racial segregation in Estonia. Penalties for genocide and crimes against humanity are provided for in the Penal Code.

48. In addition, Estonia is party to international conventions concerning this field, such as the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes, and the Rome Statute of the International Criminal Court.

49. We would like to note in this regard that at the time of the submission of the previous report the Criminal Code did not contain a separate provision for punishment for the commission of the crime of genocide. Punishment for genocide was covered by the section on crimes against humanity (§ 61<sup>1</sup>). Lower level courts were of different opinion about the qualification of crimes as a crime against humanity or as genocide. In 2000, the Supreme Court Criminal Law Chamber in its decision (1-1-31-00) drew the attention to various necessary elements of a criminal offence in § 61<sup>1</sup> and found that the failure to distinguish genocide from other crimes against humanity caused the situation where courts interpreted the relevant provision of the Criminal Code differently.

50. In the Penal Code that was passed in 2001 and that replaces the previous Criminal Code, the necessary amendments have been introduced and genocide and crime against humanity are dealt with under separate sections. Section 89 of the Penal Code provides for the punishment for a crime against humanity and section 90 the punishment for genocide.

51. No court proceedings have been initiated to date on the basis of § 89 and 90 of the Penal Code.

52. In August 2002, the Estonian Government decided to declare 27 January as the day of commemoration of victims of Holocaust and other crimes against humanity. In selecting the date it was also taken into account that 27 January was recommended by the Council of Europe and that the same date has been declared the day of commemoration in Finland, Sweden, Norway and Great Britain. Among others, the initiative of the Estonian Government was also approved by the Estonian Jewish community.

53. In the light of the above, more attention is paid in Estonian schools to the issues relating to Holocaust. The Ministry of Education and Research has prepared an information folder about Holocaust and other crimes against humanity for schools. Every year some Estonian teachers have been to Israel to participate in courses about Holocaust. Study materials are also being revised – e.g. in May 2003 the Estonian Ministry of Education and Research together with the Society of the Friends of Israel published a book “Tell Ye Your Children” in Estonian which tells about Holocaust and which is also used at schools.

54. Since the re-establishment of independence several monuments to victims of Holocaust have been opened. The Estonian Jewish community intends to put up five memorial stones in 2005. The putting up of the stones is supported by the Government of Estonia and the Government of the United States.

#### **Article 4**

55. On 6 June 2001, the Parliament passed the Penal Code. Chapter 10 of the Code provides for three offences against equality as offences against political and civil rights: incitement to social hatred, violation of equality and discrimination based on genetic risks.

56. With the amendments of the Penal Code enacted on 1 July 2004 different degrees of penalty were imposed for incitement to social hatred and violation of equality, depending on whether the act was committed under aggravating circumstances or not.

**§ 134. Abduction** (1) Taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on grounds of race or gender or for other reasons, and where he or she lacks legal protection against such treatment and does not have the possibility to leave the state, is punishable by a pecuniary punishment or up to 5 years' imprisonment. (2) The same act, if committed:

1) against two or more persons, or 2) against a person of less than 18 years of age, is punishable by 2 to 10 years' imprisonment.

**§ 151. Incitement to social hatred** (1) Activities which publicly incite to hatred or violence on the basis of nationality, race, colour, sex, language, origin, religion, political opinion, financial or social status are punishable by a fine of up to 300 fine units or by detention. (2) The same act, if committed: 1) at least twice, or 2) significant damage is thereby caused to the rights or interests of another person protected by law or to public interests, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

**§ 152. Violation of equality.** (1) Unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her nationality, race, colour, sex, language, origin, religion, political opinion, financial or social status is punishable by a fine of up to 300 fine units or by detention. (2) The same act, if committed: 1) at least twice, or 2) significant damage is thereby caused to the rights or interests of another person protected by law or to public interests, is punishable by a pecuniary punishment or up to one year of imprisonment.

**§ 153. Discrimination based on genetic risks.** (1) Unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her genetic risks is punishable by a fine of up to 300 fine units or by detention. (2) The same act, if committed: 1) at least twice, or 2) significant damage is thereby caused to the rights or interests of another person protected by law or to public interests, is punishable by a pecuniary punishment or up to one year of imprisonment.

57. In Estonia very few crimes have been committed on national, cultural, linguistic or other incentives. The relevant government agencies deal with prevention and monitoring of the situation.

58. Until 1 July 2004, preliminary investigation of offences containing characteristics of incitement to social hatred was only within the competence of the Security Police Board (since that date the Security Police Board investigates those offences if they were committed under aggravating circumstances). One of the tasks of the Security Police is the protection of constitutional order. Arising from these tasks the Security Police has the duty to deal with the detection and combating of unlawful activities of extremist movements, groupings or persons (including those engaged in incitement to national or racial hatred).

59. Non-governmental organisations, representatives of national minorities and ordinary citizens have also pointed to certain phenomena in the media and in the activities of private individuals and organisations which allegedly contained elements of incitement to national, racial or religious hatred. If independent expert assessment confirms the incitement to national or racial hatred, the Security Police will carry out a pre-trial investigation. However, there are also cases where a person's application notifying about the existence of an offence proves to be wrong, as the results of an independent expert assessment do not confirm the claims of incitement to hatred. Notifying the law enforcement authorities about the manifestations of incitement to national, racial or religious hatred is a sign of people's awareness of the essence and

punishability of such offences, as well as confidence towards law enforcement authorities.

60. The Security Police Board informs the public through its annual reports about the matters like characteristics of incitement to social hatred and the activities of extremist movements. Informing of young people about these issues takes place first of all through curricula of general education schools.

61. Officials of the Security Police have regularly attended various international training events, seminars and conferences. For example, in recent years the US Department of Justice and the FBI have organised various training courses on investigating computer crime and incitement of racial hatred. In 2000, four police officials attended a training course organised by the Association of European Police Colleges (AEPC) on controlling extremist phenomena in society. Police officials have also participated in various human rights training events organised by the Council of Europe and other foreign partners.

62. No proceedings have been initiated so far on the basis of §§ 134 and 152 of the Penal Code. As at 2004, three court proceedings have been initiated for incitement to social hatred (§ 151), in one case the court judgment has entered into effect and in two cases the proceedings are pending at the time of submission of this report. In 2003, three persons were prosecuted under § 151 of the Penal Code. They were accused of having written anti-Semitic texts and images inciting to violence on the walls of a house. With the Narva City Court decision No. 1-291/03 of 17 June 2003 persons were convicted of having been members of the skinhead movement and having acted publicly by inciting national and racial hatred, and all of them were punished with a sentence of imprisonment.

63. In autumn 2004 proceedings were also brought against a person who is accused of incitement of social hatred through an Internet site. In the course of preliminary investigation, the Security Police ascertained that the materials published in the Internet in 1995-2003 may have contained a public incitement to hatred and violence based on national, religious or political belief. The case involved an Internet site to which everybody could have unlimited access. Charges were brought under § 151 of the Penal Code according to which such an offence can be punishable by three years' imprisonment. At the moment of the submission of this report, the proceedings in this case are pending.

## **Article 5**

(a) the right to equal treatment before the tribunals and all other organs administering justice;

64. In this connection we would first like to refer to paragraphs 111-116 of the previous report and to some constitutional principles. The Constitution ensures everyone's right to the protection of the state and the law. Everyone whose rights and freedoms are violated has the right of recourse to the courts. Everyone has the right, while his or her case is before the court, to petition for any relevant law, other

legislation or procedure to be declared unconstitutional. This topic was dealt with in more detail in Estonia's previous report and the Committee did not have any recommendations to Estonia in this regard.

65. Justice shall be administered solely by the courts. The courts shall be independent in their activities and shall administer justice in accordance with the Constitution and the laws (Art 146 of the Constitution). The legal basis for the administration of courts and court service are provided for in the Courts Act. For more detail about the administration of courts, we would refer to answers provided under Article 6. Under Article 6 and Article 2 the competence and activities of the Chancellor of Justice are described in more detail.

(b) the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

66. The Penal Code that entered into effect in 2002 defines activities that entail criminal liability and provides for the punishments for the offences. At this point we would only like to describe some changes introduced to the Penal Code as compared to the Criminal Code. Terms of punishment for manslaughter (§ 113) as well as torture (§ 122) became harsher in the Penal Code. Manslaughter is punishable by up to 15 years' imprisonment, and continuous physical abuse or abuse which causes great pain is punishable by a pecuniary punishment or up to 5 years' imprisonment.

67. The chapter on the offences against the administration of justice stipulates liability for a prosecutor who knowingly brings charges against an innocent person (§ 310), for making of an unlawful court judgement or a ruling (§ 311) and coercion into giving false testimony, rendering false expert opinion or provision of false translation or interpretation (§ 322). The Code also provides for liability for degrading the dignity of a prisoner or a person in detention or custody, or discriminating against such a person or unlawfully restricting his or her rights (§ 324).

68. Criminal procedure is regulated by the Code of Criminal Procedure that was adopted on 12 February 2003 and entered into effect on 1 July 2004.

(c) political rights, including the right to participate in elections

69. According to the Constitution, the supreme power of the state is exercised by the people by electing the Parliament and through a referendum. Estonian citizens who are at least 18 years old have the right to vote at the elections of the Riigikogu. Estonian and European Union citizens who are at least 18 years old have the right to vote at the elections of local government councils. Also foreigners who live in Estonia on the basis of a permanent residence permit and who have lived in the respective rural municipality or city for five years have the right to vote at the elections of local government councils. According to law, voters must be registered in the Estonian population register.

70. Estonia is one of the few countries in the world where non-citizens, regardless of their origin, can participate in the elections of local government councils. The Council of Europe Advisory Committee on the Framework Convention on National Minorities

in its opinion also noted that the right of persons belonging to national minorities to participate in public life is better guaranteed as non-citizens can vote at the elections of local government councils.

71. According to the Parliament Election Act and the Local Government Council Election Act that were in force until 2001, candidates at elections were required to have certain proficiency in Estonian. Many international organisations, including OSCE and the Council of Europe Advisory Committee on the Framework Convention on National Minorities, criticised Estonia for the imposition of language proficiency requirements in the election law. The Advisory Committee found that these conditions hindered the participation of persons belonging to national minorities in elections and were not in conformity with the Framework Convention and that such conditions had to be removed from the legislation.

72. By now this issue has been solved and the relevant amendments have been passed. In November 2001 the relevant laws were amended and the requirement of language proficiency for candidates was abolished. These laws are now in compliance with international norms, including Article 25 of the UN Covenant on Civil and Political Rights.

73. The latest local government council elections took place on 20 October 2002 on the basis of the amended laws. There is a tendency among voters at local government council elections not to base their choice on the national belonging of a candidate but on his or her world-view. As data about person's nationality is considered to be sensitive personal data, there is no statistics of the results of local government council elections by breakdown into nationalities of elected candidates. However, as among the elected persons there are relatively many non-Estonian forms of names, it can be assumed that a number of elected candidates belong to national minorities.

74. In its concluding observations on the previous report, the Committee considered it important that political bodies in cities where the majority of the population are Russian speakers would be guaranteed a possibility to conduct their work in Russian. On 1 January 2002, amendment to § 8 of the Language Act entered into force that specified the use of other languages in communication with state and local government agencies. According to these provisions, in oral communication with servants or employees of state agencies and local governments, and in a notary's office, bailiff's office or certified interpreter or translator's office, by agreement of the parties, a foreign language which both parties understand may be used. State and local government agencies may also accept applications, requests or other documents in other languages besides Estonian.

75. This provision established a legal basis for the widespread practice in state and local government agencies to use in communication a language suitable for both parties. The earlier version of the Language Act only envisaged communication in Estonian. In practice a foreign language was often used for communication with persons not proficient in Estonian also before the entry into effect of the amendment to the law. The new provision in the law is worded flexibly, so that the use of any language is not ruled out. Usually, however, the other language that is used is Russian, as the majority of the persons who are unable to communicate in Estonian speak Russian as their first language.

76. Several international organisations and experts have expressed their concern in connection with § 23 of the Language Act, which provides that public signs, signposts, announcements, notices and advertisements should, as a rule, be in Estonian. It was found that the provision could be interpreted to mean that posting of election advertisements in a language of a national minority is prohibited.

77. Although § 23 of the Language Act can be interpreted as meaning that any information visible to the public should be only in Estonian, by the time of the submission of this report both the Language Inspectorate and the Chancellor of Justice have expressed the opinion that election advertising can also be in another language besides Estonian and that § 23 of the Language Act cannot be interpreted as meaning that the use of any other language in parallel with Estonian would be prohibited.

78. In accordance with the practice of the Language Inspectorate, such a strict interpretation of the law and imposing of restrictions is not in compliance with Estonia's international obligations. Therefore, the Language Inspectorate has not ascertained any violations in the cases where another language alongside Estonian was used on public signs, notices or advertisements.

79. For the past two years the Language Inspectorate and the Ministry of Education have repeatedly discussed the possible amendment of § 23 of the Language Act, so that it would be explicitly allowed to use other languages alongside Estonian on public signs, notices and advertisements.

80. In conclusion it can be said that all citizens and, on local government level, also permanent residents have the opportunity to participate in political life regardless of their knowledge of the Estonian language.

81. As concerns the observation of the Committee about the fact that only citizens can belong to political parties, we would like to refer to Article 48 of the Constitution, which indeed provides that only Estonian citizens may belong to political parties. As this is a norm contained in the Constitution approved at a referendum, the Government does not see a possibility to amend this principle.

(d) other civil rights, including:

(i) the right to freedom of movement and residence within the border of the State:

82. According to Article 34 of the Constitution, everyone who is legally in Estonia has the right to freedom of movement and to choice of residence. The right to freedom of movement may be restricted in the cases and pursuant to procedure provided by law to protect the rights and freedoms of others, in the interests of national defence, in the case of a natural disaster or a catastrophe, to prevent the spread of an infectious disease, to protect the natural environment, to prevent the leaving of a minor or a person of unsound mind without supervision, or to ensure the administration of a criminal procedure. There are no other restrictions to the freedom of movement.

83. The arrival and stay of foreigners in Estonia, as well as the conditions of their living and working in Estonia and the legal liability of foreigners is regulated by the Aliens Act. The bases for the stay in Estonia of the citizens of the European Union

member state, European Economic Area member state or citizens of the Swiss Confederation and their family members are regulated by the European Union Citizens Act. Foreigners staying in Estonia are guaranteed equal rights and freedoms with Estonian citizens, unless otherwise provided in laws or international treaties concluded by Estonia. According to the law, foreigners are guaranteed the rights arising from generally recognised norms of international law and international customs.

84. The Committee asked Estonia to provide information about family reunion in its next periodic report. We would like to note that after the submission of the previous report, changes have taken place in the relevant practice as well as in legal regulation.

85. The protection of family life is stipulated in two articles of the Constitution. The first sentence of Article 26 provides for everyone's right to inviolability of private and family life; the first sentence of Article 27 confirms that the family, being fundamental to the preservation and growth of the nation and as the basis of society shall be protected by the state. This provision gives everyone the right to assume that state agencies, local governments and their officials would not interfere with people's private and family life except for the purposes specified in the Constitution. The first sentence of Article 27 concerns the external protection of the family and gives individuals the right to positive action of the state that would help them to fully enjoy family life. The state is also required to ensure the right of foreigners to live a full family life in Estonia, but this right is not unlimited.

86. A temporary residence permit may be issued to a foreigner to settle with his or her spouse who resides in Estonia permanently and who is an Estonian citizen or to settle with his or her spouse who is a foreigner who has resided in Estonia for at least five years on the basis of a permanent residence permit if the spouses share close economic ties and a psychological relationship, if the family is stable and the marriage is not fictitious, and if the application for a residence permit is justified.

87. Section 6(1) of the Aliens Act provides that the Government shall establish an annual immigration quota which may not exceed 0.05 per cent of the permanent population of Estonia. At the same time, there are also persons who have the right to settle in Estonia outside the immigration quota or with regard to whom the immigration quota is not applicable. The Supreme Court in its decisions, referring to the principles of equality and protection of the family life, has declared unconstitutional several decisions to refuse the granting of the residence permit when the refusal had been justified only with the fulfilment of the immigration quota. In the light of the Court decisions the Parliament passed the amendments to the Aliens Act on 12 June 2002, extending the range of persons with regard to whom the immigration quota is not applicable. The immigration quota does not apply to the spouse of an Estonian citizen or of a foreigner who resides in Estonia on the basis of a residence permit or to a minor child, adult child, parent, grandparent or ward of an Estonian citizen or of a foreigner who resides in Estonia on the basis of a residence permit. The amendment entered into effect on 1 October 2002.

88. The Supreme Court Constitutional Review Chamber in its decision (No. 3-4-1-2-01) declared unconstitutional § 12(4) clause 10 and § 12(5) of the Aliens Act because these provisions did not enable to take into account the behaviour of a foreigner who

had stayed in the country for a long time, which would be a basis for assessing the foreigner's threat to national security, the duration of permanent living, the consequences of expulsion for his or her family members and the relations of the immigrant and his or her family members with their country of origin.

89. In the preparation of this report, the Legal Information Centre for Human Rights (LICHR) pointed out that the provisions of the Aliens Act that concern the immigration quota could constitute hidden discrimination of non-citizens on the basis of their ethnic nationality. Considering that the Aliens Act has been repeatedly amended in this context and that the immigration quota is not applicable to various groups of persons, including the spouse and a child under 15 years old of a foreigner residing in Estonia on the basis of a residence permit, the problem raised by the LICHR should not be very topical any more. The Committee on the Elimination of Racial Discrimination also noted as a positive aspect that the immigration quota is not applied to these groups of persons.

90. In 2002, 1919 applications were granted on the basis of §§ 12<sup>3</sup> and 12(4) of the Aliens Act which concerns family reunification. In 2003, 2383 applications were granted and in the first ten months of 2004 606 applications. In the period 2002-2004 also 7458 temporary residence permits have been issued to foreigners whose application for a residence permit was based on an international treaty. In the case of applicants on the basis of an international treaty there is no separate statistics how many of them mentioned their family as the reason for application, and therefore such information cannot be provided in this report.

91. In addition, we would like to note that the bill of amendment of the Aliens Act entered into force on 16 January 2004 which was intended to put an end to the unclear situation with the legal regime for issuing of residence permits to retired personnel of the armed forces of the Russian Federation and their family members. The amendment to the law provided that a temporary residence permit is given to retired military personnel and their spouses and minor children and it is extended if the foreigner does not pose a threat to national security of Estonia.

92. The situation of refugees in Estonia is regulated by the Refugees Act. Foreigners who have a well-founded fear of being persecuted in their country of nationality or country of permanent residence for reasons of race, religion, nationality, membership of a particular social group or political opinion have the right to apply for asylum. Foreigners can also apply for asylum on the grounds that their return or deportation may cause the consequences specified in Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms or Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the application of death penalty in their country of nationality or country of permanent residence. On the basis of a refugee's request, asylum may also be granted to the refugee's spouse or a minor child if he or she is staying outside Estonia and corresponds to the definition of the refugee provided in the Convention and the Protocol.

93. Since the submission of the previous report, some amendments have been made in the Refugees Act. The amendments were due to the need to revise and specify the provisions of the Refugees Act, to regulate in more detail the issues relating to the

reception of applicants for asylum and to guarantee speedy processing of applications for asylum. The law was revised so that the authorities dealing with asylum applications would have a competence to make decisions on the granting or refusal of asylum or the termination of asylum. The aim was also to apply expedited procedure more broadly.

94. In the previous Refugees Act several important issues were regulated insufficiently or there were contradictions between provisions. There was also no uniform procedure for the conducting of initial interviews and the acceptance of the required application for asylum in terms of sequence of steps in applying the expedited and ordinary procedure. It was also not clearly stipulated who would make the decision on the termination of the refugee status. The conditions of stay of the asylum applicant in Estonia as well as the conditions of stay in the reception centre were not regulated. With the new Refugees Act these shortcomings have been eliminated and the law also contains the notions of a safe country or country of permanent residence which are used in the legislation of European Union member states and which create clear criteria for applying expedited procedure. The new law also provides that during the expedited procedure the applicant may also leave the border point when he or she is in need of emergency medical assistance. The previous version of the law did not provide for such a possibility and this was not in conformity with the generally recognised principles of humanity.

95. In the period 1997-2004, 94 applications for asylum were submitted to the Republic of Estonia and four of the persons were granted asylum. Subsidiary protection was granted to nine foreigners who were not refugees in the meaning of the Convention but in whose case there was well-founded reason to believe that their return or deportation may cause the consequences specified in Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms or Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the application of death penalty in their country of nationality or country of permanent residence. In addition, 12 residence permits were granted on ground of family relations which the asylum applicants had developed during the time of processing of their applications in Estonia. The total volume of positive answers is 35% of the applications, which quantitatively corresponds to European average.

96. The Citizenship and Migration Board actively cooperates with several international organisations to support its main activities. The Citizenship and Migration Board participates in the Council of Europe working groups and closely cooperates with the International Organisation for Migration, and the Office of the UN High Commissioner for Refugees. The Citizenship and Migration Board has long-term relations with institutions in many countries whose competence includes the implementation of migration and asylum policy. The Citizenship and Migration Board also participates in the work of international and regional cooperation organisations and cooperates with the institutions responsible for the issues of asylum and migration in other countries. In the framework of the integration programme, the Integration Foundation organises qualification courses for teachers on work with refugee students in general education schools. The main aim of the training is to ensure the reception to the school environment of children originating from different cultural and linguistic environment and integrating them in society.

(iii) the right to nationality;

97. The Committee in its concluding observations expressed concern about the considerable number of stateless persons in Estonia.

98. Acquiring and loss of citizenship are regulated in the Citizenship Act in Estonia. The relevant provisions of the Act were discussed in more detail in paragraphs 198-205 of Estonia's fifth report. Since the submission of the previous report, however, the Citizenship Act has been amended, particularly with the aim to reduce bureaucracy and to shorten procedures in applying for citizenship.

99. On 1 March 2003, the amendment to the Citizenship Act entered into force which was also aimed at solving the problems that had arisen in connection with the citizenship of a child in the cases when an Estonian citizen adopts a minor child from abroad. According to the amendment, on the written application of an adoptive parent who is an Estonian citizen, the authorised governmental authority by its decision shall deem a minor alien child to have acquired Estonian citizenship by birth if the adoptive parent was an Estonian citizen at the time of the birth of the child and if the child is not a citizen of another state or it is proven that the child will be released from the citizenship of another state in connection with his or her acquisition of Estonian citizenship. According to the previous version of the law, the adopted alien child could acquire Estonian citizenship only through naturalisation.

100. State's support to the learning of Estonian increased from 1 January 2004. According to the version of the Citizenship Act that entered into effect on 1 January 2004, the state will compensate the second half of the sum spent on language studies to persons who successfully pass both the language examination as well as the examination of the knowledge of the Constitution and the Citizenship Act. When the PHARE programme ends on 31 December 2005, the state will compensate 100% of the language learning costs to persons who successfully pass the examinations.

101. On 20 March 2004, the amendment to the Citizenship Act entered into force which reduced the term of processing of applications for citizenship. According to the previously effective provisions, a person who wished to acquire Estonian citizenship was required, one year after the date on which his or her application to receive Estonian citizenship was registered, to give written confirmation to the governmental authority authorised by the Government of the Republic that he or she still wished to acquire Estonian citizenship. With the amendment the term for the confirmation of the wish to acquire citizenship following the registration of the application for citizenship was reduced to six months. The authorised governmental authority shall submit the person's documents together with its substantiated proposal to the Government of the Republic within three months for a decision to be taken on the grant of Estonian citizenship, instead of the earlier six months.

102. In addition to legal measures, Estonian authorities have also planned a number of steps to create better possibilities and motivation for applying for Estonian citizenship. Active measures have been taken to explain the possibilities and necessity of acquiring Estonian citizenship to persons who for various reasons have not applied for citizenship so far. For example, the Office of the Minister for Population Affairs

has concluded agreements with the umbrella organisations of national minorities for the distribution of information concerning the possibilities of applying for citizenship, and also employers in cooperation with state agencies have started to inform their employees about the issues relating to applying for citizenship.

103. In 2005, in the framework of the Transition Facility programme the project “Supporting the integration of stateless persons” will be launched with the financial support from the European Union. The project is aimed at increasing the number of applicants for Estonian citizenship among stateless persons. On the basis of the project there are plans to prepare adults as well as pupils for passing the examination necessary for acquiring of citizenship, and to prepare and distribute information materials to promote the value of citizenship and raise awareness of applying for citizenship, and to create a network between trainers, local government agencies and non-governmental organisations.

104. The provision of comprehensive information to the population about the possibilities of acquiring citizenship has proved to be justified because the number of persons applying for citizenship has somewhat increased. In the period from 1992 until October 2004, 129 404 persons, including 26 568 minors acquired citizenship through naturalisation. At the beginning of November 2004 there were 155 820 persons with undetermined citizenship in Estonia. In the first ten months of 2004, 5747 applications for citizenship were registered, in 2003 within the same time, 3916 applications for citizenship were registered.

105. The Committee has welcomed the fact that the process of naturalisation has been made easier for children and disabled persons. Since the submission of the previous report the Supreme Court has passed a decision concerning the acquiring of citizenship by disabled persons. On 10 December 2003, the Supreme Court *en banc* with its decision No. 3-3-1-47-03 declared invalid § 35(2) clause 2 of the Citizenship Act in so far as it did not allow to exempt from the requirement to pass the language proficiency examination for citizenship the persons who due to their disability were unable to comply with these requirements. The Supreme court *en banc* also declared unconstitutional § 35(4) of the Citizenship Act in so far as it required that in order to be exempted from the language proficiency examination needed for acquiring the citizenship the person who due to a hearing impairment was unable to comply with this requirement had to have at least moderate disability and the existence of the disability had to be determined with the decision of the medical assessment committee pursuant to the procedure provided for in the National Pension Insurance Act. The court case was based on a complaint by V. Fedzhenko who claimed that due to his hearing impairment he was unable to learn Estonian and to comply with the requirements for acquiring citizenship. Lower level courts dismissed Fedzhenko’s complaint but the Supreme Court allowed his appeal and found that a person with disability should be exempted from the language proficiency examination for citizenship regardless of his or her degree of disability.

106. The Committee also wished to have a solution to the problem of acquiring citizenship for children born in Estonia to long-term Estonian inhabitants whose legal status is still undetermined. In this connection we would like to provide an overview of the procedure of acquiring citizenship for minor children.

107. According to the Citizenship Act, the child acquires Estonian citizenship by birth if at least one of the parents of the child holds Estonian citizenship at the time of the birth of the child. As was noted in the fifth periodic report of Estonia, in 2000 the Citizenship Act was amended so that a child born after 1992 whose parents are not citizens of any country would receive citizenship by simplified procedure on the basis of the application of his or her parents. In 2004, the time-limits of proceedings for acquiring of citizenship were shortened and since May 2004 the time-limit for the processing of applications for citizenship is three months instead of the earlier six months also in the case of children.

108. Thus, there are no specific difficulties in acquiring citizenship for minor children and the procedure is simple. This is also confirmed by the positive trend indicating that the proportion of children among naturalised persons has sharply increased. In 1996, the proportion of children under 15 years old was 10%, while in 2004 it was 50%. During the first ten months of 2004, 2451 applications for citizenship concerning children under the age of 15 were received, which is 46% more than in 2003. 4984 children born after 1992 to stateless parents living in Estonia have been naturalised, which is 18.75% of the total number of children.

109. In the framework of the above-mentioned project “Supporting the integration of stateless persons”, it is planned to prepare and distribute information materials that would explain to stateless persons their right to apply for Estonian citizenship for their children. Such materials will be distributed for example at the places where birth of children is registered. The project is implemented by the Integration Foundation.

110. At present almost half of the applicants for citizenship are children and there are almost no cases where a child was denied citizenship. It means the number of stateless children is diminishing rapidly.

111. The Committee also expressed concern about the fact that there is a certain discrepancy in the number of persons who have passed the language proficiency test and those who submit an application and receive citizenship. The Legal Centre for Human Rights also referred to the same fact during the drawing up of this report.

112. In 2003, 6165 persons took the basis level language proficiency examination which is necessary for acquiring citizenship, and 5026 persons (77%) passed the examination with a score of at least 60 points. In the same year, 3706 persons acquired citizenship by naturalisation, among them 1895 children under 15 years old. Thus, indeed, the number of persons taking the language proficiency examination is bigger than the number of applicants for citizenship. This can be explained by several factors. After the combining of the Estonian language examination for applicants for citizenship and the general language proficiency examination in 2000, it is no longer possible to distinguish for what reason the person took the examination. According to the Language Act, certain proficiency in the state language is required to be able to hold certain posts. This means that proficiency examinations in the state language are also passed by many persons who for various reasons do not intend to apply for Estonian citizenship. The reasons can be, for example, that they already have Estonian citizenship, but having acquired citizenship by birth or as a child they did not have a reason to pass the proficiency examination in the state language before. According to the information of the National Examination and Qualification Centre, among the

persons passing the language proficiency examination there are also many citizens of other countries who wish to study or work in Estonia and therefore want to receive a certificate of proficiency in Estonian. The Examination Centre does not collect exact statistics about the reasons of taking the examination or the citizenship of persons taking it.

113. At the same time, the Government has constantly tried to support the integration of non-Estonians to the country's social, political and economic life, while considering the reduction of the number of stateless persons and increasing the number of Estonian citizens as one of the important aims. In May 2004 the Government approved the Integration Programme action plans for 2004-2007. One of the aims of the action plans is to receive at least 5000 new citizens through naturalisation every year. Particularly important is the need to create better conditions for schoolchildren for applying for and acquiring of citizenship. As an example, we could mention the initiative of the National Examination and Qualification Centre to organise the examinations for the knowledge of the Constitution and the Citizenship Act and the consultations prior to the examinations on the spot at schools.

114. The model of the citizenship examination has also been changed. On 14 January 2002, the Government passed Regulation No. 14 on "The procedure for the conducting of the examination of the Estonian Constitution and the Citizenship Act for applicants for citizenship". The regulation established a new procedure for testing the knowledge of the Estonian Constitution and the Citizenship Act for the applicants for Estonian citizenship. With the implementation of the new examination model, the examination questions were changed and the percentage of correct answers needed to pass the examination was reduced. In selecting the questions, it was considered important that the new questions would reflect the democratic character of the Estonian Constitution, be positive in nature, reflect the principles of the rule of law and freedom and equality, be important from the point of view of statehood, deal with the so-called typical situations and be necessary in the daily life of an Estonian citizen.

115. In its concluding observations the Committee expressed concern that there are obstacles in the acquiring of citizenship for the military personnel of the former Soviet Union who are living in Estonia.

116. With regard to the issue of retired military personnel, we would like to refer briefly to the decision of 26 July 2004 of the Human Rights Committee concerning the complaint of Vyatcheslav Borzov (CCPR/C/81/D/1136/2002).

117. Retired army officer V. Borzov submitted a complaint to the Human Rights Committee on 2 November 2001 claiming that by refusing to grant him Estonian citizenship he had been discriminated due to his social origin and this is not in conformity with article 26 of the Covenant on Civil and Political Rights. The complainant claimed that § 21(1) of the Citizenship Act unjustifiably and unfairly restricts the person's rights on the basis of his or her social status or origin. The Human Rights Committee passed its decision with regard to the complaint on 26 July 2004, concluding that article 26 of the Covenant was not violated.

118. The Committee noted that, in the present case, the State party concluded that a grant of citizenship to the author would raise national security issues generally on account of the duration and level of the author's military training, his rank and background in the armed forces of the then USSR. The author also has a residence permit issued by the State party and he continues to receive his pension while living in Estonia. The Committee also observed that although the lack of Estonian citizenship will affect the author's enjoyment of certain Covenant rights, notably those under article 25, it notes that neither the Covenant nor international law in general spells out specific criteria for the granting of citizenship through naturalization, and that the author did enjoy a right to have the denial of his citizenship application reviewed by the courts of the State party. The Committee concludes that the author has not made out his case that the decision taken by the State party with respect to the author was not based on reasonable and objective grounds.

(iv) the right to marriage and choice of spouse;

(v) the right to own property alone as well as in association with others;

(vi) the right to inherit;

119. No significant changes have taken place in Estonian legislation in relation to these paragraphs. The main legal acts regulating this field and the relevant practice were explained under Article 5 in the previous report.

(vii) the right to freedom of thought, conscience and religion;

120. Freedom of religion in Estonia is guaranteed by the Constitution, the Churches and Congregations Act and other legislation. The main legal acts regulating the field were referred under Article 5 in the previous report.

121. On 1 July 2002, the new Churches and Congregations Act entered into effect. The new law was drafted with the aim to specify the legal basis for the activities of churches, congregations, associations of congregations, monasteries and religious societies. The most important substantive change, as compared to the 1993 law, is the introduction of the principle according to which the Estonian register of churches is maintained at the courts, similarly to other registers. In drafting the law, the articles of the Constitution establishing the freedom of religion were taken into consideration, as well as the Non-Profit Associations Act and the Child Welfare Act. The functioning of the previous version of the Churches and Congregations Act in practice was also taken into account.

122. No fundamental changes were made in respect of religious freedom of private individuals. Unlike in the case of the 1993 law, according to which children under 12 years old could only belong to the congregation of their parents, the 2002 law, with the aim to better ensure the freedom of religion of children, provides that under 15-year-old children may also belong to another congregation with the permission of a parent or guardian.

123. On 17 April, the Ministry of Internal Affairs registered the Estonian Orthodox Church under the Moscow Patriarch and the statutes of its three congregations and thereby the church acquired the status of a legal person. As of 1 July 2002 all 31

congregations of the church were entered in the register. The registration had so far been hindered primarily by legal disputes which were solved by negotiations and the registration of the church brought an end to the situation where the legal basis of a large religious community in Estonia was unregulated.

124. On 1 October 2002, the Government approved the protocol of intentions between the Republic of Estonia and the Orthodox Church of Estonia, and the draft protocol of intentions for the organisation of property relations between the Republic of Estonia and the Estonian Orthodox Church under the Moscow Patriarch. On 4 October 2002, the above protocols were signed by the Minister of Internal Affairs and the orthodox churches. The Estonian state gave 18 churches and congregation buildings to the disposal of the Estonian Orthodox Church under the Moscow Patriarch for 50 years. The Estonian Orthodox Church under the Moscow Patriarch thus received the rights of disposal of all the buildings that it had requested. According to the protocol of intentions signed with the Orthodox Church of Estonia, the church gave to the state free of charge the churches and congregation buildings that were in the factual and purposeful use of the Moscow Orthodox Church. According to the protocol, the state will cover the costs of renovation of 28 churches and other sacral buildings of the Orthodox Church of Estonia in the amount of 35.5 million kroons.

125. On 24 November 2002, the Estonian Orthodox Church under the Moscow Patriarch also became a member of the Estonian Council of Churches. The Estonian Council of Churches is an independent and voluntary association of Christian churches and congregations. The members of the Council of Churches include: Estonian Evangelical Lutheran Church, 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 Seventh-day Adventists Church, Estonian Congregation St. Gregory of the Armenian Apostolic Church, Orthodox Church of Estonia, Estonian Orthodox Church of Moscow Patriarchy, and, as an observer, the Charismatic Episcopal Church of Estonia.

126. The Estonian Council of Churches receives regular support from the state budget. In the budget of 2003, 3.9 million kroons had been allocated to it, and 5.1 million kroons in the budget of 2004. In 2003, the Government made an additional appropriation of 1.3 million kroons to the Council in connection with the additional costs relating to the joining of the Estonian Orthodox Church under the Moscow Patriarch. The Estonian Council of Churches 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 promoting ecumenical morals, ethics, education and culture.

127. In 2001, with the leadership of the *Maavalla Koda*, non-Christian religious associations established the Roundtable of Religious Associations. Members of the Roundtable, in addition to the *Maavalla Koda*, are the Estonian Buddhist Congregation Drikung Kagyu Ratna Shri Centre, Tibetan Buddhism Nyingma Estonian Congregation, Estonian Islamic Congregation, Krishna Consciousness Tallinn Congregation and Tallinn Baha Congregation. The aim of the Roundtable is to contribute to the development of religious tolerance and the promotion of religious

freedom in Estonia. At present, the Roundtable of Religious Associations is not entered in the register as a legal person.

128. Tables with the information on the churches, congregations and their associations registered in Estonia, and separate information on the congregations of national minorities, was presented under Article 5 of the previous report.

129. On 1 December 2001, amendments to the Family Law Act entered into effect, according to which the Minister of Internal Affairs may grant the right of the contraction of marriages to a minister of religion of a church, congregation or association of congregations who has received the appropriate training. The Ministry of Internal Affairs in cooperation with the vital statistics offices and the Citizenship and Migration Board organised one training session for ministers of religion in 2001 and two training sessions in 2002. On 30 September 2003, the fourth training session on the topic of contraction of marriages was held. Altogether 134 ministers of religion registered in the Ministry of Internal Affairs have received the right to contract marriages. Thanks to the additional duties voluntarily accepted by the ministers, the contraction of secular and religious marriage is now combined and the procedure has become easier for prospective spouses.

130. The ministers of religion who have received appropriate training must undergo certification in the course of which their knowledge of the Family Law Act and the ability to fill out the documents for contracting marriages is tested. From 1 December 2003 until 1 June 2004 the ministers contracted 1024 marriages: 12 marriages in December 2001, 465 in 2002, 470 in 2003, and 77 in five months of 2004.

(viii) the right to freedom of opinion and expression:

131. Freedom of expression in Estonia is guaranteed by Article 45, and the right to receive information by Article 44 of the Constitution. These and other relevant provisions were described in more detail in the previous report submitted by Estonia.

132. Supervision over the press is performed by the Estonian Press Council that was established in 2002 by the Estonian Newspapers Association. The Press Council is a self-regulatory body of the press that offers the readers a possibility for extrajudicial settlement of conflicts with the press. The Press Council is a broad-based body that also includes representatives from sectors outside the press sphere. The Press Council hears complaints from readers about materials published in the printed press. In comparison with the courts, the proceedings in the Press Council are speedy and free of charge. Every natural or legal person who has complaints about the materials published about them in the press may turn to the Press Council.

133. As an example, the following case settled by the Press Council can be given. The case involved the degrading description of the Russian nationality in the press. In 2002 members of the Parliament submitted a complaint to the Press Council against the advertisements published in the daily *Eesti Päevaleht*. The advertisements used a slogan “*Ei loe Päevalehte? Järelikult tibla*” (“Don’t you read the *Päevaleht*? You must be a *tibla* then”). According to the complainants the word *tibla* is a colloquial derogatory word used by Estonians to denote a person of Russian nationality. Such an expression is insulting and the use of it in an advertisement constitutes incitement to

national hatred. The accused party explained that by the use of the word *tibla* they primarily meant colonists and persons who had carried out deportations. The Press Council in its opinion admitted that *tibla* has been indeed mostly used to denote *homo soveticus* (i.e. Soviet person) whose behaviour is characterised by lack of education and culture and by imperialist views. In the particular advertisement, however, there was also text “*Ole õige eestlane ja loe kindlasti*” (“Be a true Estonian and become the reader”) added to it, and this created an opposition based on nationality. In such a context the word *tibla* indeed contrasted Estonians to other nationalities, which in this context could primarily be interpreted as Russians (or persons of eastern Slavic origin). Public communication, including advertisements, may not insult anybody. The Code of Press Ethics emphasises that it is not appropriate to underline nationality, race or religion without reason, let alone depict it in derogatory terms. Therefore, the Press Council concluded that the particular advertisement was not in conformity with good practice.

(ix) the right to freedom of peaceful assembly and association

134. Public meetings 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 meetings which are necessary to guarantee national security, public order, morality, traffic safety and safety of participants in the meeting and to prevent the spreading of infectious diseases.

135. The Public Assemblies Act bans meetings which are aimed at inciting national, racial, religious or political hatred, violence or discrimination between social strata. According to the Penal Code, organising an unauthorised public meeting or incitement to participation in such a meeting is punishable by a pecuniary punishment or up to one year of imprisonment (§ 265).

136. An example would be the Supreme Court decision of 29 May 2000 by which the Court repealed the decisions of lower level courts on the conviction of persons under § 76(1) of the Criminal Code for organising an illegal public meeting. The defendants had been imposed a fine by the lower level courts. The defendants were accused of having organised five different illegal meetings, as they did not have the permission of the local government agency to hold the public meetings.

137. The Criminal Law Chamber of the Supreme Court was of the opinion that in this case the Public Assemblies Act had been infringed both by the city government officials as well as by the defendants. The first and more important infringement took place by the city government officials who delayed with replying to the request for a permission to hold a meeting. The court found that the meetings that were held had been peaceful, they did not fall under the types of meetings prohibited by law and they also did not take place at a location prohibited by law. The illegality of the meetings merely arose from the fact that they were not registered. The court was of the opinion that although, formally, there were elements of a criminal offence present in the action of the defendants, the applying of criminal repression in respect of them would be disproportionate and unnecessary in a democratic society.

(e) economic, social and cultural rights, in particular:

(i) the rights to work, to free choice of employment, to just and favourable conditions of work, etc:

138. The right to work is guaranteed by the Constitution which stipulates that an Estonian citizen has the right to freely choose his or her area of activity, profession and place of work. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law. Prohibition of discrimination in work-related areas is regulated in more detail by the Employment Contracts Act, the Labour Market Services Act, the Wages Act and other legislation. An overview of these laws was given in Estonia's previous report.

139. According to the labour force survey carried out in 2003, there were 594 300 employed persons, 66 200 unemployed persons and 387 400 inactive persons among people aged 15-74. Unemployment is relatively high in the whole of Estonia, reaching 10% of working age population in May 2004. The proportion of long-term unemployed has grown constantly. Unemployment is above average among young people, people with disabilities and non-Estonians.

140. Unemployment is characterised by considerable regional differences. In different counties, the rate of unemployment differs threefold, ranging from 5% in Rapla County to 18.2% in Ida-Viru County. In addition to north-eastern Estonia, throughout the transition period unemployment has also been above the Estonian average in the counties in south-eastern Estonia.

141. The rate of unemployment is very high (16.8%) among non-Estonians who do not speak Estonian. Inability to speak the state language is often also a hindrance to finding a job farther away from home. Consequently, a large number of unemployed persons live in Ida-Viru County where unemployment has been one of the highest in the country since the beginning of the transition period. High unemployment in north-eastern Estonia is due to the reorganisation of economy and the labour market in the transition period, as a result of which state-owned companies were closed or reorganised.

142. Labour market policy in Estonia is developed by the Ministry of Social Affairs. The Ministry of Social Affairs has taken steps to ensure that particular attention in the provision of labour market services is paid to the regions where unemployment is higher.

143. With the aim to achieve the concentration of the state's resources through an integrated implementation of economic, social and educational measures for reducing unemployment in Ida-Viru County, the state employment programme for Ida-Viru County was drawn up, which was approved by the Government on 10 April 2001. The employment programme was prepared under the leadership of the Ministry of Economic Affairs and Communications in cooperation with the Ministry of Social Affairs and the Ministry of Education.

144. The implementing body for the measures of the Ministry of Economic Affairs is the Ida-Viru County Agency of the Enterprise Estonia Foundation. In accordance with

the agreement concluded between the Ministry of Economic Affairs and Enterprise Estonia Foundation, 25% of the resources directed to the development of entrepreneurship will be used in Ida-Viru County. In addition to this, there will also be investments through PHARE programme and through regional programmes, as well as other measures. To attract investments it was considered necessary to offer additional benefits through infrastructure establishment and training of employees to companies investing in the region. Besides the work with investors, the programme is also aimed at supporting local small businesses, updating the vocational education system, creating the vocational counselling systems for young people and providing further training and re-training for unemployed persons.

145. The main implementer of labour market policy in Estonia is the Labour Market Board whose area of administration includes 16 regional employment offices. Employment offices provide labour market services, register unemployed persons and pay state benefits to them. Various steps have been taken in recent years to improve the efficiency of the national employment system – new consultants have been hired by employment offices and the vocational counselling service has been developed. At the end of 2002, the new labour market information system was launched, and at the end of 2003 the self-service information system was implemented. Despite this, the number of registered job seekers per one staff of employment office is relatively high in Estonia (228), and there is also no sufficient capacity to provide the vocational counselling service to all job seekers who would need it.

146. In order to increase employment, the state's labour market agencies implement active labour market measures with regard to job seekers – labour market training, labour market support to unemployed persons for setting up a business, and labour market support for employers for employing unemployed persons with a lower competitive ability. Only 14.1% of registered job seekers participated in active labour market measures in 2001. According to the European Union's employment guidelines, the aim is to achieve the participation of at least 20% of unemployed persons in active labour market measures. In 2000, the average length of labour market training was 24.7 days, the average length of re-training was 41.5 days. According to the adult training survey carried out in 2001, 63% of persons who had participated in training subsequently found a job.

147. Under the state integration programme, in the action plans for 2004-2007, one of the aims is to improve the work-related knowledge of the Estonian language of non-Estonian unemployed people and employees, in combination with the proficiency in the state language, which would enable them to integrate successfully to the labour market. To this end, 3.4 million kroons are planned in 2004. For the following years, it is intended to raise the sum to 10 million kroons.

148. The Committee in its concluding observations was concerned about the extent of language requirements in the Language Act in connection with employment, in particular in the private sector, and found that these requirements may lead to discrimination of minorities. In connection with this issue we would like to clarify that on 1 July 2000 the amendment of the Language Act entered into force, according to which the scope of regulation of the Language Act was explicitly limited to the public interests. It means that outside the public sphere (state and local government

agencies, courts, national defence forces) the use of Estonian is regulated only if it is justified in the public interest.

149. Public interest for the purposes of the Language Act means public safety, public order, general government, public health, health protection, consumer protection and occupational safety. The Language Act also stipulates that the establishment of requirements concerning proficiency in and use of Estonian with regard to persons employed by private businesses must be justified and in proportion to the objective being sought and shall not distort the nature of the rights which are restricted. Thus, the scope of regulation of the Language Act does not extend to the use of language in the private life of individuals and the language requirements for entrepreneurs and people employed by private businesses can only be imposed in the strictly limited public interests.

150. The Committee in its concluding observations also requested information about the situation of women in the labour market.

151. The situation of women in the labour market is still more difficult compared to men. Women make up approximately two thirds of all the part-time workers; there is considerable horizontal and vertical labour segregation between women and men; the average wage of women is approximately 25% lower than the wage of men.

152. The Wages Act guarantees equal remuneration and prohibits discrimination on the basis of sex in the payment of wages. However, relatively high level of unemployment has forced women to look for employment in the unofficial sector where their wages are low and where they also lack social guarantees. A number of measures have been taken to solve the situation, including joint inspection visits and follow-up visits to undertakings by the Labour Inspectorate and other agencies. Employment action plans for 2001-2003 were also drawn up with the aim to integrate gender equality in the field of employment and vocational measures, to support job creation and equal opportunities and to ensure equal opportunities for women and men.

153. One of the priorities of the Government in this field is the development of policies that would offer equal opportunities for women and men. The Gender Equality Act prohibits discrimination and requires state agencies, local governments and employers to promote equality between women and men. The law serves as a legal basis for the consistent activities of the state in reducing gender equality and promoting equality.

154. Various training events and seminars have been organised to raise the awareness of state and local government officials and the general public about the issues of reducing inequality and promoting gender equality. Also four handbooks on the topic have been published: "ABC of the rights of female employees and gender equality", "Elderly women and employment" which are intended as training materials for reducing discrimination on the basis of age and increasing participation of older women in the labour market; "Different but equal" which explains the main issues and notions of gender equality; and "Women's entrepreneurship as an opportunity for job creation, and cooperation of women's organisations and local government in promoting entrepreneurship among women".

155. The Committee also wished to have information about the level of wages among different ethnic groups. However, as no statistical information is collected by breakdown to ethnic origin, it is not possible to provide such information to the Committee. Data about a person's ethnic nationality are considered as sensitive personal data and therefore the collection of such data is not allowed by law. Data about the level of wages are collected only by breakdown to areas of activity.

(ii) the right to form and join trade unions;

156. The forming and activities of trade unions in Estonia is regulated by the Trade Unions Act. Persons have the right to form trade unions freely, without prior permission, and to join or not to join trade unions. Only members of the armed forces who are in active service in the Defence Forces are not allowed to form or join trade unions. Trade unions have the right to form and join federations and central federations in order to represent the rights and interests of employees. Trade unions have the right to join the international organisations of employees. Issues relating to trade unions were also discussed under Article 5 of Estonia's previous report.

157. An example of the activities of trade unions and their role in society would be the strike organised by the Estonian Engine Drivers Trade Union in October 2004. Ten months of unsuccessful negotiations between the Engine Drivers Trade Union and the company Estonian Railway led to an engine drivers' strike. In support of a collective agreement to achieve fairer wage and better working conditions, 23 trade union organisations decided to support the strike with a written petition and public actions. The Confederation of Estonian Trade Unions turned to the Estonian Employers' Confederation with a proposal to form a conciliation committee for labour dispute settlement, as engine drivers and the Estonian Railway were unable to reach an agreement. As a result of negotiations, the parties reached an agreement according to which the hourly wages of engine drivers rose by 9-15% depending on the nature of work.

(iii) the right to housing;

158. No significant changes have taken place in this field after the submission of the previous report and we would therefore refer to information given under the relevant subsection of Article 5 in Estonia's previous report.

(iv) the right to public health, medical care, social security and social services;

159. Health insurance and social welfare were described in detail in Estonia's previous report. No significant changes have taken place in these fields since then.

160. The payment of social insurance benefits does not depend on person's race or ethnic nationality. Beneficiaries are not registered in the pension register on the basis of their race or nationality.

161. In 2002, the unemployment insurance scheme was launched as a compulsory insurance which is regulated by the Unemployment Insurance Act. In 2002, the collection of unemployment insurance premiums was started, which according to law

is 2% of wages and other remuneration. The payment of benefits was started in 2003. According to the Unemployment Insurance Act, three types of benefits are paid: unemployment insurance benefit, collective redundancy benefit and employer's insolvency benefit.

162. State's family benefits are paid to permanent residents of Estonia or foreigners who stay in Estonia on the basis of a temporary residence permit. Family benefits include child allowance, maintenance allowance, benefit to a family with three or more children and a benefit to a family raising triplets, child's school allowance, single parent allowance, etc.

163. On 1 January 2004, the Parental Benefit Act entered into effect. The purpose of the Act is to compensate to a parent the loss of income in connection with the birth of a child and raising the child in its first year of life. Parents who were not working, receive the parental benefit in the amount of the general benefit rate which in 2004 was 2200 kroons per month. Parental benefits are paid to permanent residents of Estonia and to foreigners residing in Estonia on the basis of a temporary residence permit.

(v) The right to education and training:

164. The right to education is regulated by the Education Act, the Basic and Upper Secondary Schools Act, the Vocational Educational Institutions Act, the Applied Higher Educational Institutions Act and the Universities Act.

165. All persons living in Estonia are guaranteed the right and duty to acquire compulsory level of education. People have equal rights to acquire secondary, vocational and higher education and to participate in hobby education. According to the Education Act, learning is compulsory for school-age children. Children of foreign citizens and stateless persons residing in Estonia are also subject to compulsory school attendance.

166. Currently, it is possible in Estonia to acquire basic and upper secondary and vocational education in Estonian, Russian and English (in private schools). In the school year 2002/2003, there were 636 general education schools with daytime form of study in Estonia, of them 65 kindergarten-primary schools, 52 primary schools, 279 basic schools, 240 secondary schools and upper secondary schools. Of those schools, 525 had Estonian as the language of instruction, 89 Russian and 21 Estonian-Russian, 1 Estonian-Finnish. 572 were municipal schools, 32 were state owned and 32 private schools. There were 45 schools for children with special needs.

167. To our knowledge, there have been no cases of discrimination on the basis of nationality and language in Estonian schools.

168. According to the Basic Schools and Upper Secondary Schools Act, any language can be a language of instruction in a basic school in Estonia. In the case of a municipal school, the decision is made by the local government council on the proposal of the school's board of trustees, in the case of a state school by the Minister of Education and Research. It means that through the board of trustees also parents of pupils attending the school have the right to participate in making the decision about

the choice of language of instruction in a particular basic school. It is also possible to open classes with a different language of instruction than the general language of instruction at the school.

169. As concerns higher education, the Ministry of Education and Research has drawn up a procedure according to which pupils of upper secondary schools with Russian as the language of instruction, who have entered a higher educational establishment, have a possibility to extend their standard study time by one year. This enables young people who did not acquire the knowledge of Estonian in the secondary school to attend intensive courses for Estonian during their first year at the university, and subsequently continue their studies in a group where the language of instruction is Estonian. Even then, by agreement with the lecturer, they can take examinations and do written work in Russian.

170. According to the law, no later than in the school year 2007/2008 the transfer to Estonian as the language of instruction will be started in state and municipal upper secondary schools. It should be noted in this respect that Estonian as the language of instruction will be at least 60% of the curriculum.

171. The Legal Information Centre for Human Rights has expressed criticism that the above reform in the school year 2007/2008 for transfer to Estonian as the language of instruction in state and municipal upper secondary schools may lead to the increased drop-out of Russian-speaking youth from schools. The Government is also of the opinion that the transfer should be based on a carefully considered development plan which also defines necessary and possible measures for transfer to Estonian as the language of instruction. Therefore, the curriculum and the organisation of instruction at non-Estonian schools must guarantee to all basic school leavers the knowledge of Estonian on a level that enables them to continue their studies in Estonian.

172. To achieve this aim, it is necessary to start preparing pupils for it already at the basic school. The relevant surveys have also demonstrated that increasingly more Russian speaking parents seek the possibility to help their children cope equally well in both language areas. The surveys have indicated that parents prefer a curriculum which is partly in Estonian and partly in Russian. Therefore, the development of the language immersion programme has become important. Based on the success of the early language immersion programme, also a late language immersion programme was launched in 2003.

173. In the school year 2000/2001, language immersion in four schools with Russian as the language of instruction was implemented in Kohtla-Järve, Narva and Tallinn. In the school year 2001/2002 and 2002/2003 it was done in seven schools with Russian as the language of instruction in Kohtla-Järve, Maardu, Narva, Tallinn and Valga. In 2003, early language immersion was implemented in seven schools with Russian as the language of instruction and later language immersion in four schools. In autumn 2004, late language immersion was extended to 15 more schools. In 64 out of 89 schools with Russian as the language of instruction certain subjects were taught in Estonian. In adopting such an approach, schools have followed the wishes of the parents as well as the goals set out in the state integration programme and the possibilities suggested for their achievement in the development plan.

174. In the framework of the state integration programme's sub-programme "Education", every year different extracurricular language study models are supported. One of the most popular is the application of the Estonian language camp and family study model. On the one hand, it is an effective language study possibility for children, and on the other hand such a system offers children from different nationalities possibilities to build contacts with each other and get acquainted with each other's customs and culture. In 2002, altogether 60 camp and family study projects were supported which were attended by 2900 children.

### Human rights instruction

175. The national curriculum stipulates that the teaching of civic studies should help pupils to become socially competent members of society who engage in self-realisation and are considerate to other persons. One of the aims of civic studies is the development of democratic principles such as justice, equality, responsibility, freedom, diversity and tolerance.

176. The topic of discrimination is covered in the framework of civic studies and human studies syllabuses. The relevant study materials also cover these topics. There are additional study materials on the issue of tolerance available in the virtual learning environment at MIKSIKE ([www.miksike.ee](http://www.miksike.ee)). Also the European Union Charter of Fundamental Rights and comments to it have been prepared in Estonian and Russian and distributed to schools.

177. In 2003 a compilation "Teaching of civic studies" was prepared which also contains an optional course on human rights for basic schools and materials on human rights for upper secondary schools. The latter contains an overview of the definition, nature, subjects, development, major instruments and the protection of human rights.

178. In autumn 2004, in cooperation with the Integration Foundation the National Examination and Qualification Centre carried out a project "Improving the conditions of teaching the Estonian Constitution in general education schools with Russian as the language of instruction and in schools of general secondary education". The aim of the project was to provide assistance for the teaching of the Estonian Constitution in general education schools with Russian as the language of instruction and in vocational schools providing general secondary education, by offering additional materials explaining the Constitution and providing training for teachers. The aim was to improve the quality of teaching the Constitution at schools and to increase social awareness of pupils. In the framework of the project, a publication in Estonian and Russian was issued ("Of assistance in the teaching of the Estonian Constitution") which was specifically intended for general education schools. Also relevant training courses were held in Tallinn and Narva for teachers of civic studies.

179. With the aim to raise awareness of human rights, various books have been published. In 2001, the handbook "International human rights and their protection" was issued and the handbook on human rights and humanitarian law for police and security forces "*Teenida ja kaitsta*" (Serve and protect) was also published. In 2003, with the support from the Open Estonia Foundation a book with comments on the European Convention on Human Rights was published, containing also the case law of the European Court of Human Rights.

(vi) the right to equal participation in cultural activities;

180. The right to equal participation in cultural activities is dealt with in more detail under Article 7 of the report.

(f) the right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

181. These rights were described in detail in Estonia's previous report and no significant changes have taken place in this field since then.

## **Article 6**

182. The Constitution stipulates that everyone whose rights and freedoms are violated has the right of recourse to the courts. Everyone also has the right to compensation for moral and material damage caused by the unlawful action of any person. Justice shall be administered solely by the courts. The courts shall be independent in their activities and shall administer justice in accordance with the Constitution and the laws.

183. The right of persons for recourse to court and to other competent institutions, and the court system in general, were dealt with in more detail under Article 6 of Estonia's previous report. In the following part the main changes in this field will be described.

184. The legal basis of the administration of courts and court service is provided for in the Courts Act that was passed on 19 June 2002. County and city courts hear civil, criminal and misdemeanour cases. There are currently 16 county and city courts in Estonia. Circuit courts review by way of appeal proceedings the decisions made by county, city and administrative courts. There are three circuit courts.

185. In the course of reform of administrative courts, in 2000 separate administrative courts were formed as first instance administrative courts whose competence includes settlement of disputes in public law and authorising administrative acts in the cases provided for by law. There are four administrative courts in Estonia.

186. The new Constitutional Review Court Procedure Act that was passed on 13 March 2002 regulates the competence of the Supreme Court as the court of constitutional review, the procedure of recourse to the court and the court proceedings.

187. In 2004, the Government drew up the bill for merging of territorial jurisdictions of courts with the aim to balance the workload of the courts, speed up proceedings in problematic areas and to improve the quality of administration of justice.

188. According to the plan for merging of territorial jurisdictions of courts, the present city and county courts would be brought under for districts – North, South, Viru, West. All the courts will be retained and they will be renamed courthouses. Such a solution follows the developments that have taken place in other law

enforcement authorities – the reform under which four territorial jurisdictions were formed in Estonia was also implemented in the police and prosecutor's office in 2004. The aim of the changes is to speed up court service and make it more flexible for persons, so that depending on the workload it would be possible to reallocate resources internally within the court. If the workload is different, cases can be allocated to a judge in the courthouse which according to the court's own division of tasks plan has a smaller workload.

189. The reason for the changes is the current big discrepancy in the workload of the courts – the difference in the number of incoming cases is up to threefold between various courts, and in the duration of proceedings up to eightfold. In 2003, the length of proceedings in 7% of the criminal cases was more than 12 months. In the first half of 2004, the length of proceedings in 8% of the civil cases was over 18 months (and over 18 months in 26% of the cases in Narva City Court) and in 35% of administrative cases over two months (39% of the cases in Tallinn).

190. In the context of a changing legal space it is essential that with the merging of territorial jurisdictions judges will have a possibility to specialise in a certain topic (e.g. juvenile crime, family violence, economic crime) and this will help to balance and improve the quality of court judgements. A sign of varying quality is also the number of decisions that are amended in the circuit court. In 2002, 68.1% of the appealed decisions or rulings of county and city courts in criminal cases were upheld by the circuit court and in civil cases only 47.1% were upheld.

#### The right of recourse to other institutions

191. One of the institutions to which people can turn in the case of violation of their rights and freedoms is the Chancellor of Justice. The Chancellor of Justice is an institution carrying out review of constitutionality of legislation of general application and being a guardian of the constitutional rights and freedoms of persons. According to the Constitution, the main function of the Chancellor of Justice is to review the legislation of the legislative and executive powers and of local governments (laws and regulations) for conformity with the Constitution and the laws. The Chancellor of Justice can verify whether people's rights and freedoms have been unconstitutionally restricted by legislation.

192. It is possible to turn to the Chancellor of Justice for verifying the activities of state and local government agencies, including the verification of the protection of constitutional rights and freedoms of persons. Thus, the Chancellor of Justice can verify whether a law or a regulation is in conformity with the Constitution and whether a state agency or an official has violated a person's fundamental rights.

193. In addition to cases of violation of laws, the Chancellor of Justice also deals with the cases of maladministration which are not necessarily illegal. Maladministration means disregard for the principles of good governance and good practice, failure to fulfil one's duties, negligence, unjustified delays, impolite behavior, giving of false information and other similar cases.

194. The Chancellor of Justice can also verify whether persons in public law and persons in private law who perform public duties violate people's fundamental rights and freedoms.

195. As of 1 January 2004, the Chancellor of Justice also has competence to settle disputes of discrimination between private persons under the Constitution and laws. Everyone has the right to turn to the Chancellor of Justice for the conducting of a conciliation procedure.

196. The Chancellor of Justice does not collect separate statistics about applications where the applicant has referred to his/her potential discrimination. The issue of discrimination can rise in the framework of normative review, ombudsman's proceedings as well as in the conciliation proceedings based on many different circumstances. Violation of the principle of equal treatment is often one of the additional arguments in the person's application and therefore it is complicated to collect separate statistics only with regard to this issue. The Chancellor of Justice has rarely received any applications concerning direct racial discrimination.

197. The Chancellor of Justice has received one application for the conducting of conciliation proceedings in which the applicant claimed that a condition for receiving citizenship was discriminatory due to a social status. As conciliation proceedings are voluntary and the respondent refused to participate in the conciliation proceedings, the proceedings were interrupted and no substantive opinion was expressed with regard to possible discrimination.

198. In the following part we will bring some examples of the issues raised on the basis of racial discrimination. In 2002, an imprisoned person turned to the Chancellor of Justice, claiming that the deputy director of the prison had discriminated him, as the deputy director had allegedly used insulting expressions to tell him to go and serve his punishment in Russia. The applicant found that this was insulting to him as well as the Russian people in general. In the course of verification by the Chancellor of Justice it was found that the applicant's claims were unfounded. According to the explanation of the deputy director of the prison he had told to the prisoner that if the latter did not wish to serve his sentence in Estonia, he could apply for his transfer to Russia. The Russian nationality or the Russian language had not been mentioned. The deputy director's explanation was confirmed by a witness who had been present during the conversation. On the basis of the facts, the Chancellor of Justice concluded that the prisoner's claims concerning alleged indecent or insulting and discriminating behavior of the deputy director towards him were unfounded.

199. In 2004, the Chancellor of Justice received an application from a person who requested the verification of the activities of border guard officials. The persons found that border guard officials had been discriminating him on the basis of his colour because he had frequently been subjected to thorough examination on the border. As a result of the enquiry by the Chancellor of Justice it was found that close examination of the person on the border was due to objective reasons because there were data about the person's earlier illegal crossing of the Estonian border and attempts of illegal border crossing. There were also suspicions that the applicant had connections with persons involved in trafficking of human beings and drugs trafficking. In this

case the Chancellor of Justice concluded that the person's complaint concerning his alleged discrimination on the basis of colour was unfounded.

200. In promoting the principle of equality the Chancellor of Justice has considered it important to develop cooperation with the non-profit sector. A roundtable with representatives of the non-profit sector was held on the topic of equality in March 2004 with the aim to discuss problems of equal treatment in Estonian society and to explain the competence of the Chancellor of Justice in dealing with the issues in this field.

201. In the near future, in the cases of discrimination on the basis of sex it will be possible to turn to the Gender Equality Commissioner. The creation of this institution is prescribed by the Gender Equality Act. The Gender Equality Commissioner will be an independent and impartial expert who will receive applications from people and provide opinions concerning possible cases of discrimination and analyse laws based on the principle of equality. As the Gender Equality Act only entered into effect in May 2004 the Gender Equality Commissioner has not yet been appointed. Presumably the Gender Equality Commissioner's institution will be established at the beginning of 2005.

#### Victim support

202. In Estonia's previous report the system of payment of compensation to victims of crime was described in detail (paragraphs 29-43). At the time of submission of the previous report, this field was regulated by the State Compensation to Victims of Crime Act. Due to the need to improve the service of victim support, the Government decided to initiate a new law to regulate the organisation of the victim support service and payment of state compensation to victims of crime. The Victim Support Act entered into effect on 1 January 2004 but the part of the law concerning the victim support service will become effective on 1 January 2005. Compared to the previous law, the range of persons entitled to victim support services and payment of compensation was expanded.

203. According to the new law, all persons who have become victims of negligence or improper treatment, physical, mental or sexual violence are entitled to victim support. The actual commission of a criminal offence is not a precondition for support. The range of persons entitled to compensation was also expanded. Compensation is now also paid to victims of violent crime committed due to negligence (previously compensation was only paid to victims of intentional crimes).

204. Entitled to compensation are Estonian citizens and foreigners who reside in Estonia on the basis of a permanent or temporary residence permit. According to the new law, compensation is also paid to European Union citizens, regardless of their residence, and citizens of countries that have acceded to the European Convention on the Compensation of Victims of Violent Crimes and refugees staying in Estonia. However, citizens of countries parties to the Convention will have the rights only after Estonia's accession to the Convention.

205. With the Victim Support Act, the benefits paid to dependents in the case of victim's death were increased. An important change as compared to the previous law

is also the fact that in addition to expenses related to physical health rehabilitation also expenses for mental health rehabilitation, such as psychological counselling and psychotherapy, will be compensated.

206. The amount of benefits paid to victims of crime on the basis of the law has increased from year to year. In 2001, total 48.1 thousand kroons of benefits were paid, in 2002 and 2003 the sums were respectively 273.5 and 361.6 thousand kroons. In eight months of 2004, total 308.9 thousand kroons of benefits were paid.

207. The part of the Victims Support Act concerning victim support services will enter into effect on 1 January 2005. As of 1 January 2005, 35 victim support workers with necessary training will start work under Social Insurance Boards in 16 regions in Estonia. The victim support workers will provide to victims emotional support and information on possibilities of further assistance, such as psychological counselling, legal aid, etc. The victim support workers will also give guidance to persons in communicating with agencies and organisations. To better assist the victims, victim support workers will cooperate with the relevant networks in their regions, including local government, police, rescue service, schools, health care institutions and volunteers providing support to victims of crime.

208. The victim support service was under focus at the conference “*Märka ja toeta*” (Notice and Support) held in September 2001. As a follow-up to the conference, several training events and seminars were held. Some of the more important of them were, for example, “Networking seminar for victims of crime and children at risk”, “Project writing and management seminar for local government officials participating in networking”.

209. Also a victim support web page was created at [www.ohvriabi.ee](http://www.ohvriabi.ee). The Society for Support to Victims of Crime prepared and revised the victim support information booklet that will be distributed in all social welfare institutions and in the police. The information booklet is available in Estonian and Russian.

## **Article 7**

210. The state integration programme contains a sub-programme “Education and culture of ethnic minorities”, which aims at creating and ensuring possibilities for minority groups for receiving education in their mother tongue and for maintaining their culture. The integration programme emphasises that the target groups of the programme are long-standing national minorities as well as ethnic minorities that migrated to Estonia in the second half of the 20th century. The aim of the integration programme is not the assimilation of ethnic nationalities, but raising the awareness of multiculturalism in Estonia, creating possibilities for all people for maintaining and developing their mother tongue and culture.

211. The state integration programme outlines as separate tasks the obligation to support the preservation of the language and culture of ethnic minorities through the activities of national cultural societies and Sunday schools; the obligation to facilitate cooperation between national cultural societies, including for finding private sector

support and foreign financing for the societies, to organise and improve information distribution and the obligation to support the activities of basic schools operating in national languages.

212. Successful implementation of the integration programme is essential for maintaining and developing the language and culture of minorities. The possibilities of minorities for cultivating education and culture in their national languages depend to a large extent on the general attitude of society towards multiculturalism and the form of relationships between nationalities. Assessment of the activities carried out in the first years allows to claim that the attitude of the Estonian population towards multicultural society has become more positive. The sub-section "Education and culture of ethnic minorities" of the report on the implementation of the integration programme in 2001 and in 2002 provides an overview of the changed attitudes in society (<http://www.meis.ee>).

213. The report of 2001 indicates that people's attitudes towards the integrative form of relations between nationalities have become more positive. Approximately half of Estonians support alongside the model of nation state also the model of multicultural Estonia, in the case of non-Estonians such an attitude is predominant. On the basis of the analysis of the results of integration monitoring, it can be claimed that Estonians are developing essential prerequisites for the adoption of the idea of a multicultural society; thus 84% of Estonians find that even very different nationalities can get along very well and cooperate with each other when living in the same country, and 70% find that different languages and cultures make the society more interesting. It is concluded in the report that in order for the positive developments to continue, however, more attention should be paid to the recognition of multiculturalism of Estonian society.

214. According to the report on the implementation of the integration programme, people's attitudes in Estonian-language schools towards the teaching of the Russian language, literature and culture and the culture and customs of other national minorities are generally positive. According to Integration Monitoring 2002, 87% of respondents agree that the Russian language should still be taught, 72% share the same opinion about Russian literature and culture. 53% of Estonians think that the teaching of culture and traditions of other national minorities living in Estonia is necessary. Among non-Estonians, 96% support the continuing of the teaching of the Russian language, in the case of Russian literature and culture the relevant percentage is 91 and in the case of teaching of the culture and traditions of other national minorities 70%.

215. One of the preconditions for maintaining the culture of national minorities in Estonia is the absence of serious conflicts on the basis of ethnic nationality. If at the beginning of the 1990s most Estonians as well as non-Estonians considered the relations between different nationalities in Estonia to be poor, now the conflict perception has dropped to a very low level. According to Integration Monitoring 2002, only a few per cent of the population have personally experienced conflicts in recent years.

216. For future implementation of the integration programme, on 6 May 2004 the Government approved the action plans of sub-programmes of the integration programme for 2004-2007. The action plans, inter alia, foresee the gradual increase of allocations to cultural societies of national minorities with the aim to create

possibilities for stable base funding of umbrella organisations of national minorities from the state budget. Another aim is to create conditions for supporting cultural self-governments of national minorities (in the form of base funding) from the state budget as of 2005.

217. Minorities living in Estonia are guaranteed the possibilities for the preservation of their language and cultural uniqueness, first of all as concerns the organisation of education in the mother tongue and the organisation of social life, as well as introducing the cultural uniqueness of the minorities in Estonian society. The aim of integration in Estonia is the adaptation of cultures of different ethnic minorities in Estonia. The success of the integration presumes two simultaneous processes: on the one hand, the possibility for the preservation of the language and cultural uniqueness of ethnic groups, and, on the other hand, the convergence of these groups around a strong common core of Estonian society.

218. One of the missions of the integration programme is to diversify the coverage of integration topics in the Estonian and Russian-language media, to create and expand the common core of the Estonian and the Russian-language media system, to increase the interactivity of Russian-language media and improve the availability and quality of institutional-utilitarian information in the media. To fulfil this goal, money was allocated for training of journalists, preparing of Estonian, Russian and bilingual seasonal television programmes and supporting of Russian radio programmes on social and integration topics.

219. Under the state integration programme, the tasks of the sub-programme “Social competence” are the promotion of tolerance and intercultural dialogue in society, more specifically building the awareness of the potential of non-Estonians and involving them in the decision-making process and in development programmes, and creating awareness of multiculturalism and introducing the culture of national minorities.

220. In the framework of the sub-programme, support was given to two media-oriented projects and a seminar for Estonian journalists “Standards of press ethics in Estonian and Russian media” in 2002 and 2003. In the framework of the latter, a publication “The resolution of journalistic conflicts” was issued in Estonian and Russian. In the framework of a tender for Russian and bilingual television programmes, the following television series were supported: “Unetus”, “Parim rahvaintegraator”, “Loomakliinik”, “Kevad Narvas”, “Uudistaja”, “Subboteja+Press”, “See olen mina”, “Inter-Aktiiv” ja “Subjektiiiv”. In the framework of a tender for radio programmes, support was given to series of programmes created in cooperation between Estonian and Russian-language radio channels that were broadcast in the season 2002/2003: Radio Ruut/Radio Kuma bilingual “Seriaal” and Radio Kuku/Radio 100 FM bilingual “Päevavargad/Zevaki”. Radio 4 series of children’s and adult programmes in the Ukrainian language and a series in Byelorussian were also supported. In the season 2003/2004, programmes for the Jewish community are also supported.

221. One of the missions of the integration programme is to strengthen communication between Estonians and non-Estonians, to establish and develop intercultural dialogue. To accomplish this, a tender for developing television programmes and video material for language studying was organised. As a result of the tender, in 2003 a series of language learning programmes for adult independent intermediate level learners was

produced. In addition, a compilation of language learning video materials with accompanying methodological materials were produced. In the framework of publishing bilingual publications, the issuing of the periodical publication "*Ruupor*" that introduces third sector activities, and the publishing of the bilingual "*Laagrileht*" that offers an overview of camp and family study projects were supported.

222. In the framework of the state integration programme's sub-programme "Education", every year different extracurricular language study models are supported. One of the most popular among them is the application of the Estonian language camp and family study model. On the one hand, it is an effective language study possibility for children but, on the other hand, such a system also offers children from different nationalities possibilities to build contacts with each other and get acquainted with each other's customs and culture. In 2002, altogether 60 camp and family study projects were supported which were attended by 2900 children, the same programme was also carried out in 2003.

223. In the framework of the sub-programme "Education and culture of ethnic minorities", projects introducing multiculturalism and projects of national cultural societies were supported, e.g. in the framework of the "Estica" tender the photo project "Culture of Old Believers at Lake Peipsi", in the framework of the open tender the project "International Estonian, Russian and Izhor folklore in border districts", in the framework of the tender of national cultural societies the national cultural festival "*Belaruskaje padvorje*" of Belarusians in Estonia, days of Polish culture, international Ukrainian cultural festival "*Trembita*", literature evening with Estonian and Bashkir writers in Tallinn, days of Ossetian language and culture in Estonia, and many others. A complete overview of the projects that were supported is available on the homepage of the Integration Foundation (<http://www.meis.ee>).

224. In the action plans of the state programme for the years 2004-2007, one of the aims is that 2000 pupils and 200 teachers from Estonian and Russian-medium schools will be attending tolerance training. A separate mission is to develop multicultural schools and linguistic and cultural cooperation between schools in order to improve the language skills of pupils and develop tolerance towards other cultures. Two activities are planned in this regard: organising of pupils events and developing of materials to promote tolerance and multiculturalism and further training of teachers (incl. leaders of extracurricular activities) on the topic of taking into account the uniqueness of different nationalities at school.

225. The Broadcasting Act imposes the requirement of drawing up development plans for broadcasting organisations in public law. The development plan establishes a clear framework for the activities of broadcasting organisations in public law, including the Estonian Television and the Estonian Radio.

226. The Estonian Television (ETV) and the Estonian Radio are legal persons in public law who, according to the Broadcasting Act, should satisfy the information needs of all population groups, including minorities. The development plan of the Estonian Radio and the Estonian Television for 2003-2005 was approved by the Parliament on 18 June 2002. It is noted in the development plan that, in a situation of constant under-financing, the Estonian Television and the Estonian Radio have not been able to perform their functions sufficiently. Thus, for example, they have been

unable to cater to the need of society for certain types of programmes; in particular, the programmes oriented to children and minority groups as well as educational and cultural programmes have been insufficient. In order to eliminate these shortcomings, work is continued in accordance with the development plan to find out the needs of different societal groups and more attention is paid to numerically smaller minority groups, there are also plans to develop interactive genres using bilingual communication.

227. In 2003, the Estonian Television broadcast 230 hours of programmes specifically oriented to non-Estonians (including news in Russian and repeated programmes), of which 197 were own-produced bilingual programmes and programmes in Russian and 23 hours were programmes in Estonian with Russian subtitles. In addition, there were 10 hours of mainly language-learning programmes oriented to non-Estonians which had been procured from independent producers in Estonia. The proportion of own-produced programmes either in Russian, bilingual or with Russian subtitles was 7.1% of the total amount of own programming (3098 hours). In 2003, 54 hours of informative programmes and feature films purchased from abroad (the Russian Federation) were broadcast.

228. In total, there were 284 hours of programmes in Russian, bilingual programmes or Estonian programmes with Russian subtitles on the Estonian Television in 2003, which made up 4.8% of the total programming (5863 hours).