



european network against racism

ENAR Shadow Report 2010-2011

ENAR SHADOW REPORT

Racism and related discriminatory practices in Estonia

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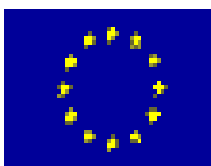
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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I. Executive summary

In 2010 – 2011 there were very few developments in Estonian legislation and political discourse in regard to equal treatment of ethnic minorities and anti-racism. Estonia continued to implement the Equal Treatment Act¹ which was adopted a year before. However, few public or visible awareness raising campaigns took place.

Regretfully, a huge gap still exists regarding availability of credible and thorough research covering the equal treatment of ethnic minorities and forms of multiple discrimination, in various aspects of life. The state is rather reluctant to order such studies and uninterested in receiving information. At the same time the civil society lacks funding and in general can be described as rather inactive and invisible, most of the NGOs are run by representatives of the majority and they are not interested to ethnic minority issues.

- The State should initiate thorough research addressing various aspects of life of migrants and ethnic minorities in Estonia in order to develop efficient policies that would tackle the identified problems and indeed it should allocate specific fund also for NGOs aiming at awareness raising and concrete actions.

The level of unemployment among non-Estonians continues to be much higher than among Estonians – 23,4% and 13,4 respectively. It is believed that the main problem with regard to **employment** is a lack of Estonian language proficiency among non-Estonians; however this theory can also be argued against.

In general, language proficiency is seen as the remedy for various problems that ethnic minorities have. The Estonian Integration Strategy 2008-2013² is being implemented, however, despite many concerns voiced by the experts, the real situation and needs of the people are not being taken into consideration. The main emphasis, despite constant criticism from experts, is on language training, at the same time very few measures aiming at social inclusion and economic integration are implemented.

- The State should engage more with experts coming from different backgrounds in order to develop policies and actions that would tackle not only integration through language knowledge, but also focus more on social inclusion. As one of the remedies having potential of taking the situation under control is re-establishment of a specific state body that would be responsible for all-level actions aiming at integration as the Minister of Population and Ethnic Affairs previously did.

¹ RT I, 2008, 31, 463, Equal Treatment Act

² <http://www.kul.ee/index.php?path=0x2x1424x1432>, accessed 01 August 2011

Even the school reform which has to be started in 2011, and is within the scope of the Integration Programme (Integration Strategy), is being enforced without regard for the real situation and without the possibility of compromise and dialogue with those who will be affected by it.

- The reform of the Russian school should be terminated and additional studies carried out in order to identify the risks and difficulties that might be encountered both by the schools and what is more important by the pupils. Specific attention should be paid to the added value of the reform and psychological difficulties as well as preparedness of the pupils and their families to study in the foreign language.

In the beginning of 2010 an interesting study regarding the relativity between income level and knowledge of the Estonian language among various groups of minorities was published.³ The results of the study question the current strategies and measures aiming at integrating non-Estonians and the study encourages development and implementation of new measures that would focus more on social integration and contact between Estonians and non-Estonians.

Similar to previous years, very few cases of ethnic discrimination were reported. The equality bodies although existing and working with complaints are, as of yet “one-legged”. The mandate to deal with complaints of the Chancellor of Justice continues to be limited by the reconciliation procedure. The Gender Equality and Equal Treatment Commissioner still has the same budget as it used to have when it was dealing solely with gender equality issues.

- The mandate of the Chancellor of Justice should be improved in order to be more efficient when dealing with the cases of unequal treatment and the budget of the Gender Equality and Equal Treatment Commissioner should be improved in order for it to be able to fulfil the newly added tasks.

There is big concern around the equal access to **public services and goods**, especially those provided by the state bodies. Despite the fact that about 30% of the total population are non-Estonians, the only language that is used in public domain is Estonian. The use of any other foreign or minority language is not required by the state. This creates a problem with access to healthcare services, mandate of the Gender Equality and Equal Treatment Commissioner, are often seriously outdated or not available at all in languages other than Estonian.

- Measures aiming at matching the needs of minority population should be taken into consideration, especially when it applies to the access to justice

³ Language skills and social integration: ethnic disparities in bilingual economy (work in progress), J. Meriküll, O. Toomet, January 31, 2010

and access public goods and services including health, public information etc.

One of the main positive developments that took place during the report period was the publication of the Handbook on the Equal Treatment Act⁴, presenting definitions and explaining various concepts as well as national legislation. It might serve a good reference material for various target groups and in itself is the first publication that introduces the equal treatment provisions.

On a positive note the levels of hate crime and ethnic profiling in Estonia continue to be rather low. At the same time, it can be said that even those cases that become known are, very often, not perceived as racially motivated due in part to the general lack of awareness of citizens but also due to the lack of will and motivation in this regard among the **police and judiciary**. The race motive is still not considered to be an aggravating circumstance, moreover it is almost impossible to punish hate speech due to the enforced legal provisions i.e. Article 151 of the Criminal Code that allows to punish hate speech only in case serious damage to health or property of the person was caused by the action.⁵

- The Criminal code should bare amendments that would allow punishment for hate speech and prevent incitement to public hatred. At the same time the race motive should become an 'aggravating circumstance' and police should receive instructions how to deal with cases when such motive can be suspected.

⁴ Võrdse kohtlemise seadus. Käsiraamat, TTU kirjastus, 2010, ISBN978-9949-23-065-5

⁵ RT I, 2007, 31, 187, Criminal Code

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III. Introduction

Estonia is a rather small European country with a relatively small number of immigrants and low level of political interest in dealing with racism and discrimination towards ethnic minorities.

The lack of research and data regarding equal treatment in various spheres of minority life makes it rather difficult to assess the situation and as a result advocate for adoption of action plans and strategies aiming and improvement of situation and tackling the gaps.

Despite the fact that Estonia implemented the EU Directives (2000/EC/43; 2000/EC/78) into its national legislation and appointed the equality bodies there is still a lack of action by the State aiming to raising awareness and acting against discrimination. The mandate of the Chancellor of Justice and the budget of the Gender Equality and Equal Treatment Commissioner make their functioning rather inefficient and questionable.

It has been mentioned numerous times by various international and national organisations that the absence of cases regarding discrimination does not prove that such cases do not exist but rather shows the unwillingness of the state to deal with the cases.

Unfortunately, the civil society in Estonia can also be described as rather inactive when it comes to addressing racism and issues faced by ethnic minorities. In general it is possible to say that actions and research regarding ethnic minorities are only carried out by the NGOs represented by those who have a personal interest in the issue. This does not necessarily mean that no other good initiatives exist, but only highlights the fact that ethnic discrimination and racism continue to be uninteresting topics for the representatives of majority.

During the reported on period, March 2010 – March 2011, no major legal or political developments took place, and there were no serious political discussions at the national level. The main issue of concern during this period was dedicated to the reform of Russian-speaking schools, according to which the upper-secondary school should implement the model, where 60% of the subjects are taught in Estonian, in 2011. This reform was also discussed during previous years, as it is very unprepared and opposed by some of the ethnic minorities. However the state does not seem to be ready for dialogue or compromises and seeks to implement the reform regardless.

Very importantly the research proving that discrimination exists in the labour market and social integration measures have to be taken, and must focus on aspects other than just language training, was prepared by prominent experts. The research shows that there is no direct relation between knowledge of the Estonian language and the level of income among some categories of non-

Estonians, especially men, which also means that the current severe emphasis of the state solely on language training as a remedy for all the problems of ethnic minorities is not adequate and this measure should be combined with others in order to develop conditions for successful labour market and social integration.

The current report provides an overview of which groups are the main victims of racism in Estonia, highlighting the specific issues for this country. It then assesses the situation in concrete areas: access to employment, housing, health, education, criminal justice, access to goods and services, media, migration and integration. It focuses on manifestations of racism and also on the political and legal context. Additionally the report provides for the examples of the NGO Good Practices where such are available.

Further the report provides for an overview of the legal and political developments, discussions on anti-racism and anti-discrimination that took place in Estonia during the reported period (March 2010 – March 2011). In some cases the developments that took place before this time and later are considered but only if they are relevant to the discussion. The final part of the report focuses on recommendations that have been developed by the author and are based on the findings made in the report. Furthermore, the report provides an NGO perspective of the situation and developments.

IV. Communities vulnerable to racism and discrimination

Estonia is a rather small (45 228 sq. Km) country located on the coast of the Eastern part of the Baltic sea and bordering with Latvia in the South, the Russian Federation in the East, and the Gulf of Finland and Baltic sea in the north and West. Its geographical position has always played an important role, not only in its internal life, but also in its external relations with neighbours.

The population of Estonia as of January 1 2011, was 1 340 194 people.⁶ The level of external migration in Estonia greatly increased in 2010. It happened due to a number of reasons, one of the main ones is the economic crisis and slow recovery of the employment market. According to the data provided by the Estonian statistics office, 5294 people officially left Estonia in 2010,⁷ the number of people who did it unofficially is not even estimated. At the same time the number of those people who officially immigrated to Estonia was 2810.⁸

The Ethnic composition of the Estonian population continues to be rather diverse. Estonians constitute an ethnic majority of the total population – 922 398 people (about 70%).⁹ There are more than 106 different ethnic groups residing in Estonia, in total ethnic minorities are about 30% of the total population. However the majority of them are rather small in number. The biggest ethnic groups are Russians – 342 379, Ukrainians – 27 722, Byelorussians – 15 504, Finns – 10 639, Tatars – 2 445, Latvians – 2 196, Lithuanians – 2050, Polish – 2012, Jewish – 1801 and others who number even less.¹⁰ The majority of those people reside on the territory of Estonia historically, since Soviet times when, amongst others, the so called “forced migration” schemes were in place¹¹. The attitudes of the ethnic Estonian population towards these groups of people continue to be rather negative as they still consider them to be occupants who came to Estonia against the will of the local population and through whom the oppressive regime of the soviet was enforced. In fact, the current leading political parties (Party of Reform in power from 2005, IRL – Union of Pro Patria and Res Publica – party of

⁶ http://www.stat.ee/publication-download-pdf?publication_id=25642. accessed 1 August 2011

⁷ ibid

⁸ ibid

⁹ ibid

¹⁰ ibid

¹¹ During the Soviet time the following scheme was practiced, upon graduation of the university the list of orders for needed positions was submitted to the concrete university. The graduates could choose which position to cover, however the priority to choose was given to those with highest results/marks. If in Estonia for example the universities would not prepare pilots then pilots could be ordered to come from anywhere else in the Soviet Union. For two following years the fresh graduates could not change their place of work. As an example if the Soviet Estonia needed engineers and specialists to build and work in the port, they were ordered to come from other republics, the Ukraine for example. After two years majority of those people had already married and settled and did not see the reason to move away.

coalition) are using this kind of an argument to play on the national feelings of the people and thus keep the power in their hands, even without offering any real social or economic improvements.

The size of the **Roma population** in Estonia, compared to other Eastern-European countries, is relatively small according to various data 500 (as of National Census in 2000) to 1500 (estimations made by the European Roma Rights Centre).¹²

There are rather few **visible (new, recent) immigrants** including people of African descent in Estonia in general. Most of them have arrived in Estonia very recently, and there is no data available with regard to exact numbers. According to the data provided by the Police and Border Guard Board the number of people originating from countries in Africa who have residency permits in Estonia, either temporary or permanent, is 62.¹³

Indeed, moderate sizes of the latter two groups do not mean that the attitudes towards them are tolerant or that no problems arise. Specific issues faced by these communities will be covered further in this report. According to an OECD report 'Society at a Glance 2011', Estonia is the least tolerant country towards minorities in the OECD Member States and the level of tolerance has fallen. The community tolerance index fell by 6% compared the last data in 2006 and is now at 25,5% (OECD average 60,6%). The respondents of the survey gave opinions whether Estonia is a good place for minorities to live as follows:¹⁴

Group	Estonia is good place to live (%)	OECD average
Racial/ethnic minorities	55,52	66,84
Gays and lesbians	14,08	52,02
Immigrants	27,78	64,67

As already highlighted, the rate of immigration to the country is very low, this is due to strict migration rules and low social security. It is possible to say that the main reason for immigration is the reunion of families – in 2010, 1063 residence permits were issued for this purpose, and for foreign agreements – 976 permits, employment – 941, study – 459, entrepreneurship – 68 and appropriate legal income – 44 residence permits(the data as of 01.01.2011).¹⁵

Similarly, the number of asylum seekers and refugees in Estonia is very small. In 2010 only 33 applications were submitted, and during the first quarter of 2011, another 15.¹⁶

¹² Shadow Reports – 2007, 2008, 2009 'Racism in Estonia' by Julia Kovalenko

¹³ <http://politsei.ee/dotAsset/163196.pdf>, accessed 10 August 2011.

¹⁴ Society at Glance 2011, OECD

¹⁵ <http://politsei.ee/dotAsset/163196.pdf>, accessed 10 August 2011.

¹⁶ <http://politsei.ee/dotAsset/179087.pdf>, accessed 10 August 2011.

One of the main issues with regard to the minority population continues to be the problem of **mass statelessness**. At the moment 100 961 people do not hold citizenship of any country of the world¹⁷ i.e. are stateless or in local terms have undefined citizenship. Very often these people have been permanently residing on the territory of Estonia for many decades, half of them were even born there, however due to strict naturalisation rules they are not able to receive Estonian citizenship and feel no real binds with any other country to take its citizenship. This phenomenon became possible after Estonia regained its independence in 1991 and officially took the direction towards becoming a mono-ethnic state where any foreigners are, so to say, not welcomed. In 1992 the Transitional government of Estonia adopted the Regulation regarding implementation of the Citizenship Act¹⁸ was adopted and according to it only those people who have been or whose predecessors have been citizens of the Republic of Estonia in the interwar period are entitled to Estonian citizenship¹⁹. All of the rest had to undergo the naturalisation procedures even if they had been born in Estonia. Many decided to take citizenship of other countries which they could affiliate themselves to. At the moment there are 98 492 citizens of the Russian Federation with a residence permit in Estonia, 5 496 – Ukrainians, 1 647 Byelorussians and others, total 209 317.²⁰ Most of them are not recent immigrants. There is definitely a difference in the rights between Estonian citizens and stateless persons as well as other third country nationals. Most often these differences can be seen in employment and in exercising civil and political rights.

There are, in general, reasons to believe that ethnic background alone is not a major ground for discrimination in Estonia. It is rather a complex set of issues: mother tongue, Estonian language proficiency, citizenship, often political beliefs, social origin and, indeed, ethnic background.

Yet, the non-Estonian community and especially the Russian-speaking one, are very segregated from the community of majority, this is also because of the preferred language of social communication. At the same it is difficult to retrieve information with regard to the specific problems and issues that they experience as well as to raise awareness about racism and its forms, and work for the improvement of the situation.

Multiple discrimination continues to be under-researched. There is very little official data available to judge the situation. However, proceeding from what is available it is possible to say that some of the major issues are discrimination on the ground of ethnic background and gender in employment. Non-Estonian men are over represented in unemployment and long-term unemployment, however

¹⁷ <http://politsei.ee/dotAsset/163196.pdf>, accessed 10 August 2011.

¹⁸ RT, 1992, 7, 109, Regulation on the Implementation of Citizenship Act

¹⁹ RT, 1992, 7, 109, art. 2, Regulation on the Implementation of the Citizenship Act

²⁰ <http://politsei.ee/dotAsset/163196.pdf>, accessed 10 August 2011.

women suffer from lower incomes.²¹ At the same time, the unemployment of young non-Estonians (especially males) continues to be extraordinarily high. To compare, the level of unemployment among young non-Estonian men aged 15 – 24 in 2009 was 40,9% and in 2010 – 49,4%.²²

²¹ Statistics Estonia, <http://pub.stat.ee> accessed 20 August 2011, analysis of data available

²² Statistics Estonia, <http://pub.stat.ee> accessed 20 August 2011

V. Racism and related discrimination in employment

V.i Manifestations of racism and related discrimination in employment

The issue of employment and equal access to employment in general is one of the few areas where at least some research and information is available and is studied on an annual basis. In recent years, the desire for labour force participation was normally at least slightly higher for ethnic non-Estonians (69,5% in 2010) when compared to ethnic Estonians (64,8%).²³ However, similar to previous years, the unemployment rate of ethnic non-Estonians (23,4%) was almost twice as high as of ethnic Estonians (13,4%).²⁴ Unemployment is higher among male representatives among both ethnic groups, the most difficult situation in the labour market is among youth.

Unemployment was the highest in the first quarter of 2010 and significantly diminished by the end of the year from 18,0% to 11,3%.²⁵ Unfortunately, there is data that the Estonian Unemployment Insurance Fund was refusing to register long-term unemployed people using as an excuse their alleged bad knowledge of national legislation and administration procedures and proficiency of Estonian. After intervention by lawyers the cases have been solved in favour of unemployed applicants.²⁶

The level of income among Estonians is also higher than among non-Estonians. The Department of Statistics reported in 2010, that the yearly disposable income for Estonians in 2009 was approximately 7193 EUR and non-Estonians – 5 811 EUR i.e. constituted 81% of the income of Estonians. During the same year 25,1% of non-Estonians and only 17,8% Estonians belonged to the quintile of people with lowest income. With regard to the quintile of people with the highest levels then Estonians are 23,7% whereas non-Estonians only 11,4%.²⁷

As believed by the Ministry of the Social Affairs, one of the main problems with regard to unemployment of non-Estonians is poor proficiency of Estonian, which is also pointed out in the Act on Labour Market and Related benefits: non-Estonians with no language proficiency constitute an especially vulnerable group whose integration to the labour market is limited.²⁸ Indeed an important role is played by the level of education for both groups in regard to unemployment. According to the data available less differences between ethnic groups' employment exists among well educated (third level education) representatives.

²³ Statistics Estonia; <http://pub.stat.ee>, accessed 20 August 2011.

²⁴ Statistics Estonia; <http://pub.stat.ee>, accessed 20 August 2011.

²⁵ *ibid*

²⁶ LICHR databse 2010

²⁷ Statistics Estonia; <http://pub.stat.ee>, accessed 20 August 2011.

²⁸ Sotsiaalministeeriumi teemaleht nr. 6-2010 "Töötud mitte-eestlased Eesti tööturul"

In 2009, among those with third level qualifications, 9,3% were unemployed among the minorities and 4,7% were unemployed among Estonians. To compare, among those with the second level education the unemployment rate is respectively: 21,8% and 12,4%.²⁹

Controversially, the research carried out by a group of scientists from Tartu University entitled “Language skills and social integration: ethnic disparities in bilingual economy”, highlights the fact that Estonian language proficiency does not necessarily affect the income of ethnic non-Estonians, especially men.³⁰ The only level where it really matters is at the lower end of income distribution. Similarly the researchers studied how the knowledge of Russian language influences the income level of Estonians and English the income of Russian-speakers. The conclusion they came to highlights the fact that unlike Estonian English does influence the income of non-Estonians and what is more interesting is that knowledge of Russian does play a role in the level of income among Estonians i.e. and Estonian knowing Russian language has more chances to be employed, can count on better employment and higher income level. Additionally the authors provide data proving that those non-Estonians that speak Estonian at home, i.e. families of mixed marriages, have better chances for higher incomes than those who use other language at home.³¹

As the author believes that the educational background and business culture of Soviet era was the same for all ethnic groups in the very beginning and therefore everyone started from the same point. However, it is obvious that Estonians in general are doing much better with income and employment rates than non-Estonians. This can be a result of better level of social integration for ethnic Estonians where personal contacts and contacts within the community are rather developed. The non-Estonians “...however have less possibility to be socially integrated as they are often excluded and not welcomed. Which means that, disregarding their competences for integration (language, education) the opportunities are not there. The majority group can be exercising taste-based discrimination and, as a result, minorities lose the willingness to participate in mainstream society.”³² Secondly, these are reasons to talk about “co-worker discrimination in promotion and hiring at the upper occupational level. There is anecdotal evidence that the workplaces are largely segregated with Russians being more commonly in blue-collar jobs and Estonians in white-collar jobs. Usually language skills are being reported as the main obstacle to hiring Russians. However we have proved that this might rather be a matter of subtle aspects of culture, such as political views or (lack of) common cultural background.”³³

²⁹ Statistikaamet, tööjõu-uuring 2009, joonis 9

³⁰ Language skills and social integration: ethnic disparities in bilingual economy (work in progress), J. Meriküll, O. Toomet, January 31, 2010

³¹ Ibid.

³² Ibid

³³ Ibid

As already noted, discrimination in employment is one of the only areas where at least some kind of information is available. The majority of those few cases that became known and involve ethnic discrimination (often related to linguistic issues) are in regard to employment.

The LICHR lawyers, who are actively working to fight discrimination on any ground and take legal action to have strategic litigation cases, received several complaints with regard to access to employment. One of them involved situation testing in the hiring techniques of one of the biggest companies in Estonia. The person claimed that she was discriminated against during the early application stage because of her non-Estonian name and surname. Yet, the client who had reported and carried out the testing did not want to continue the procedure in the court.³⁴ In fact this kind of situation when applicants are even not invited for an interview or do not get any kind of response from the potential employer at all are rather common.

Cases in regard to Estonian language proficiency also exist,³⁵ they are rather technical. There are a number of positions that require a certain level of language proficiency and in terms of the legislation the only way to prove it is to have the language proficiency certificate or equivalent – diploma from upper-secondary school or university saying that the education was received in Estonian. If in the private domain, exceptions can be made upon the good will of the employer but in the public domain, no such exceptions seem to be available. As a matter of rule the self-assessment of the language skills do not count. It is important that data regarding language proficiency (based on availability of certificates) is available from the internet database that is accessible by the public authorities, i.e. even if the applicant does not mention the availability of such a certificate, hoping to prove the language knowledge in another way, he or she will apparently not have a chance to do so. Importantly, the language proficiency exams take place once every 4 months, require pre-registration which finishes several weeks before the exam, and the results are published a month after the exam. This means that in case proof of language knowledge is needed urgently (for example for job seeking) it is not possible to get it fast.

In 2011 several cases regarding unequal pay for the same job were made known to the lawyer of the LICHR as well as victimisation of the employer's representatives and unequal access to additional benefits. Interestingly, Estonians are not very eager to deal with ethnic discrimination in issues in general, it could be a result of a lack of motivation and may even be due to political reasons as in Estonia ethnic discrimination, to a large extent, is a political issue due to the recent past of the country. Possibly this lack of will could also be due to lack of training and skills regarding such cases. For example, in one of the cases the claimant tried to question his dismissal. He had evidence that the

³⁴ LICHR database 2010

³⁵ LICHR database 2011

practices of the employer were discriminatory in general, as there were several examples in one case. The person was the only Russian-speaking in the company, however with perfect Estonian language knowledge. He had the best work results, higher education (technical and law) and two children. The employer chose to dismiss him instead of another man, who had worse work results, no higher education and no family and had also worked for the company for a shorter time, but he was ethnic Estonian. The judge took the side of the employer, accepting that the claimant was responsible for selling specific equipment which the company decided to stop selling. The claimant tried to prove that everybody was selling the same equipment, no specific distribution existed. The judge tended to believe the employer and also stated that having two higher education qualifications was not applicable in the case and the length of the employment relationship or having small children was not relevant. Unfortunately, all the episodes of unequal treatment in this case could not be used because of the period of time limitation, i.e. the Equal Treatment Act³⁶ provides only for one year before the expiry of claim for compensation of damage, however in other civil cases falling under the regulation of the General Principles of the Civil Code Act this period could be three years.³⁷ The decision was appealed, however, it was unsuccessful, also due to the period of time limitation.³⁸

Examples of NGO Good Practice

One of the projects that can be mentioned as a good practice here may be does not have a clear focus on ethnic minorities but rather aims at a wide group: long-term unemployed, people with poor language proficiency, former criminals etc..

Oksana Petsalu OU

Within the project a special centre of psychological support was created. It works in close contact with the Estonian Employment Insurance Fund and is targeted at especially vulnerable groups of unemployed. According to the workers of the fund for many unemployed people, especially long-term and from minority groups, immigrants, those released from the prisons etc. find it difficult to cope with the situation that they can't find job and do not have income. They need to be psychologically advised in order not to lose hope and to improve self-assurance and managing their lives. The project is funded by the European Social Foundation in Estonia 2007-2013.³⁹

Foundation Bureau of Legal Services

The project foresees the provision of legal aid regarding various issues related to employment and quality service of mentoring in access to

³⁶ RT I, 2008, 56, 315, art. 25, Equal Treatment Act

³⁷ RT I, 2002, 35, 216. General Principles of the Civil Code Act

³⁸ LICHR database 2010, 2011

³⁹ <http://www2.sm.ee/estf2007/index.php?id=270>, accessed 15 August 2011.

employment. The clients are offered an individual approach in solving their cases. Additionally the activities of the project envisage monitoring of the situation and its assessment, lobbying and policy influencing. The target group of the project is: unemployed young people, long-term unemployed, people with disabilities, people with low proficiency in Estonian, immigrants and some others. The project is also supported by the European Social Foundation in Estonia 2007-2013.⁴⁰

V.ii The political and legal context

There were no legal developments during the reported on period. The political discourse with regard to discrimination in general and the situation of ethnic minorities in the labour market is also not very active. There is indeed a concern in regard to the higher level of unemployment among this group, especially in the regions where predominantly non-Estonians reside.

Unfortunately, the main emphasis in regard to diminishing the unemployment is placed on Estonian language proficiency and linking it to participation in the labour market. Therefore, most of the discussion that takes place, and most of the actions or projects that are being supported, are aimed at language training. At the same time, in this chapter we could see serious arguments, made by scientists, which question this emphasis. Yet, it is not the first time this issue has been questioned, however, the language issue continues to be considered as the sole answer to integration problems by Estonian politicians.

Considering the research mentioned, the author of the report questions the state of the social integration of ethnic minorities. The Estonian National Strategy for Social Security and Social Inclusion 2008 - 2010 does not see ethnic minorities as a group that is vulnerable to being socially excluded and the only measures it envisages for them is language training.⁴¹ No other discussions regarding equal treatment in access to employment, codes of ethics, employment practices etc. were discussed during the reported on period.

⁴⁰ *ibid*

⁴¹ National report on Strategies for Social Protection and Social Inclusion 2008 – 2010, Ministry of Social Affairs.

VI. Racism and related discrimination in housing

VI.i Manifestations of racism and related discrimination in housing

Similar to previous reporting years, there is no data available with regard to discrimination in access to housing in Estonia. There was also no developments in policy or legal developments in this regard. In general, there are practically no civil society organisations that focus on this issue specifically and therefore the understanding of the scope of the problem might be very limited. One of the few organisations is Tallinna Hoolekande Keskus (Tallinn centre for custody, member of Feansa.org) – an organisation which provides all kind of support to homeless people, however it does not gather any statistics that would show if there is a predominance of any ethnic groups among their target group.⁴² They also do not provide an opinion on whether they consider Estonians or non-Estonians to be more vulnerable to becoming homeless.

The housing system in Estonia can be described as having a public and a private domain. In general, the system of municipal/social housing is rather badly developed in Estonia, i.e. the municipal housing fund is limited (only 4% of the total housing fund),⁴³ and is distributed according to very specific rules. The rules in themselves are very neutral and therefore it is hard to assess the situation. There have been no complaints registered that would serve any kind of indicator that practices of discrimination on the grounds of ethnic background or race are being exercised.

At the same time it is worth mentioning that, apart from having limited capacities, the system of municipal housing can be unavailable for those households that have low incomes, as the rent that is paid for using the premises can be rather high, especially in the new buildings. Taking into consideration the fact that the income of non-Estonians is lower than that of ethnic Estonians⁴⁴ then it is possible to assume that they will have less possibility to enjoy the social housing.

In the private domain there are no restrictions of who can buy or sell real estate. Apart from the areas located at the foreign-border areas, where the land or housing premises can be sold only to citizens of Estonia or the European Union or legal entities registered in Estonia or EU.⁴⁵ Despite the fact that this provision is rather logical and would apparently be considered to be normal for many European countries, it is worth mentioning that in the Estonian situation the rule applies mainly for the areas in the Ida-Virumaa region and Chudskoe lake (Peipsi

⁴² Written communication with Imbi Eesmetts, head of the THK, on 17.08.2011

⁴³ Estonian Housing development plan 2008 – 2013, Ministry of Economic Affairs and Communications, approved by the Government on 17 April 2008

⁴⁴ Statistics Estonia, <http://pub.stat.ee>, accessed 20 August 2011.

⁴⁵ RT I 2003, 23, 145, art. 3, Kinnisasja omandamise kitsendamise seadus,

lake) i.e. areas where ethnic minorities constitute a majority, and moreover the proportion of non-Estonian citizens and stateless people (even with permanent residence permits), is higher than anywhere else in the country. For example, in Narva city as of 1 January 2010 the number of Estonian citizens was only 46,13% of the total city population.⁴⁶ Therefore for this region such a restriction can constitute a serious issue. The provision applies only to the purchase of real estate property and does not apply to the rent.

Importantly, an exception from this rule is available. The real estate property can be purchased by a non-Estonian, non-EU citizen in this area as an exception and upon a written application to the local authorities.⁴⁷ The decision is made by this authority on a case-by-case basis, taking into consideration the positive effect the purchase might have to the area in general.⁴⁸ Indeed such situations depend a lot on the authorities and their attitudes towards the ethnic minorities and people with undefined or foreign citizenship.

Mortgages are available, however, as result of the global financial and economic crisis the conditions became very strict and depend on: previous credit history, education background, level of income, and occupational and professional background. Especially the latter can play an important role and influence the possibilities available for minorities. For example, previously highly paid for employment in building and construction sector, where lots of non-Estonians were working, is now considered to be unstable and therefore is not favoured for mortgages. Some banks also require a permanent residence permit in order to apply for a mortgage (and other loans). Some banks however offer such loans to EU citizens that are not residing in Estonia, but have a guarantor.⁴⁹

Similar to previous years, we believe that the main issues with regard to housing are: relations between the neighbours i.e. hate speech, conflicts; additionally the Legal Information centre for Human Rights received several complaints with regard to the language and availability of translations of the documents related to the meeting of the unions of flat owners (organisations representing owners of the flats of a particular house or several houses and aiming to deal with the management of heating, water supply etc.). Additionally Russian-speakers are often denied the possibility to stand for the elections of the boards of administration in this union due to their "insufficient" language proficiency.⁵⁰

⁴⁶ Narva city council population registration office, 2009

⁴⁷ RT I 2003, 23, 145, art. 3, Kinnisasja omandamise kitsendamise seadus,

⁴⁸ *ibid*

⁴⁹ www.seb.ee/index.php, accessed 30 August 2011.

⁵⁰ LICHR database 2011

VI.ii The political and legal context

Estonia developed and adopted its Housing Development Plan 2008 – 2013⁵¹ as well as municipal housing improvement plans, however none of them address the issue of ethnic minorities and equal treatment with regard to housing directly. Interestingly the State plan contains the derogation of some tasks to the Estonian Strategy for Social Inclusion 2008-2010, however the latter, although recognising that ethnic minority members can be vulnerable to becoming socially excluded, does not offer any measures in the area of housing to overcome the problem and the only action it can offer is to master the proficiency of Estonian language in order to have better possibilities in the labour market.⁵²

No other policy or legal changes with regard to access to housing in general and elimination of any kind of discrimination have been put into place or even discussed or planned during the reported on period.

The only legal provision that should be mentioned is the amendment to the Language Act, which now requires the head of administration of the Flat (house) Owners Unions to have certificate of language proficiency in order to fulfil the tasks (or be elected).⁵³ Such an amendment became possible, apparently, because there were complaints from ethnic Estonians that the State language should be spoken predominantly everywhere and that even in the housing unions where the majority of owners are non-Estonians Estonian should be spoken and used in the administration.⁵⁴ Such complaints and requirements are very often disproportionate. At the same time, in most of such unions the Head of Administration is paid for the services and as soon as financial conditions are at stake everyone is interested in participating. Therefore, we can say that such, often disproportionate, requirements also limit the possibilities for non-Estonians to improve their financial situation.

⁵¹ https://valitsus.ee/UserFiles/valitsus/et/valitsus/arengukavad/majandus-ja-kommunikatsiooniministeerium/eluasemevaldkonna_arengukava_2008_2013.pdf, accessed 30 August 2011.

⁵² Strategy for Social Inclusion 2008 – 2010, Ministry of Social Affairs.

⁵³ RT I, 18.03.2011, 1 Language Act (Keelesadus), art 23 (1) (2)

⁵⁴ LICHR database

VII. Racism and related discrimination in education

VII.i Manifestations of racism and related discrimination in education

The current system of education in Estonia uses two main languages of instruction: Estonian and Russian. Indeed education in the Estonian language is available at all levels, from nursery to academic structures, in public and private domain.

Publicly funded education in Russian is currently available in nursery schools, with obligatory Estonian language classes from the age of 3,⁵⁵ and in primary and secondary schools and, for the moment, upper-secondary. Higher and professional education is available with certain restrictions and conditions. Some universities provide education in English this is the case in most master degree programmes. Private institutions are free to choose the language of instruction, and the majority use Estonian, Russian and English. Interestingly, during the last number of years several private universities were invited to merge with publicly funded schools, and in all instances they used Estonian or English as the language of instruction, but never Russian.

The issue of access to education and quality of education has been addressed a lot during 2010 -2011 and continues to be one of the top issues discussed. However the main disputants are representatives of ethnic minorities, authorities from the biggest non-Estonian areas Tallinn and Narva governments and Ministry of Education and Research.

The main point of discussion is the planned transformation of the upper-secondary Russian-speaking schools into schools with Estonian as the predominant language of instruction. The model where 60% of the obligatory subjects are to be taught in the Estonian and only 40% in other languages is to be implemented by 2011. This is instead of subjects previously 100% taught in Russian (with a few subjects in Estonian). This reform was envisaged by the Estonian State Integration Programme 2000 – 2007⁵⁶ and further on by the Estonian Integration Strategy 2008 – 2013.⁵⁷ Significantly, the reform is not supported by the majority of non-Estonians, however the state does not really seem to care about their opinions. Among the reasons for opposing the reform is a low level of awareness about it among the target group as well as fear that due to the reform children will lose the link with their home culture and language.

⁵⁵ RT I, 05.05.2008, 18, 124, Act amending Acts on pre-schooling bodies, private schools and vocational schools

⁵⁶ http://www.kul.ee/webeditor/files/integratsioon/integratsioon_eesti_uhiskonnas111.pdf, accessed 01 August 2011.

⁵⁷ http://www.kul.ee/webeditor/files/integratsioon/Loimumiskava_2008_2013.pdf, accessed 01 August 2011.

However, much more serious reason for concern (pointed out by sociologists, and human rights activists on several occasions) is the low level of readiness for such a transition, both on the part of the schools which clearly lack specialists that would be able to deliver the subject and maintain further work with pupils in Estonian, and also on the part of the pupils and their parents. Although the reform was known about as early as in 1993 and lots addresses to various target groups were made about the importance of learning Estonian, the State still hesitates to elaborate and seriously support and control the level and quality of Estonian language training. As a result, it is left up to schools to manage the language education and unfortunately in the majority of schools the level of Estonian language training continues to be insufficient⁵⁸ which makes it problematic for the pupils to study in Estonian in the upper-secondary school.⁵⁹ No thorough studies have been carried out on the psychological results of studying in the foreign language partly or within language immersion systems, which is important, especially taking into consideration the fact that many parents would not be able to support the education process at home due to poor Estonian language proficiency.

Significantly the general level of education (the educational programmes are equal on both schools) at Russian-speaking schools is reported to be decreasing, apparently due to non-proficiency in Estonian or inconvenience of using another language,. This fact also puts the need for reform and its efficiency and equal access to education under question. At the same time the authorities continue to highlight the need for the reform and see one of its main benefits in better access to higher education and competitiveness in the labour market in the future. It is therefore interesting to observe deliberate ignorance of the policymakers who continue to preach about positive aspects of the reform disregarding available studies that prove the opposite.

Some parents believe that the best opportunity for their children to study the language begins in Estonian-speaking nursery school. However this is not always possible because of the resistance from administration, teachers and parents of Estonian children.⁶⁰ The latter fact can be also proved by the Integration monitoring data of 2008. Unfortunately in the Monitoring of 2010 such questions were not asked, but we believe that it is extremely unlikely that there was a significant change since 2008. It was revealed then that 1/6 of Estonians would prefer that non-Estonian children attend separate kinder-gardens. ¼ of Estonians would prefer that there are a limited number of non-Estonians in the Estonian kindergartens; such model seemed to be appropriate only for 1/10 of non-Estonians.⁶¹

⁵⁸ Eesti inimvara raport (IVAR): võtmeprobleemid ja lahendused, 2010

⁵⁹ Russian Schools of Estonia, Compendium of materials, LICHR, 2010 Tallinn, ISBN 978-9985-9967-2-0

⁶⁰ Ibid.

⁶¹ Integratsiooniuring 2008, www.meis.ee, accessed 30 August 2011.

With regard to the higher education there is, in fact, very little data available about equal possibilities. However, in 2011 a case became known to the LICHR lawyers: According to the Estonian Language Act a person who had finished any school or college in Estonian is not requested to prove their language proficiency i.e. passed any tests,⁶² unless the employer has reason to believe that the person cannot cope with his/her professional tasks because of the poor language proficiency.⁶³ In the complaint that LICHR received a student of the Narva College of Tartu University claimed that she was denied her internship and indeed defence of the report on her internship and further on her thesis defence due to the fact that she could not pass the language proficiency exam. Importantly the institution did not provide her with any Estonian language classes within the curricula, moreover the language of instruction was Estonian. The student managed to pass all the required tests and exams, but did not have a chance to graduate due to the absence of the language proficiency certificate, which otherwise would not be requested from her from the employer as she studied in Estonian.⁶⁴ The college claimed that as her main subject was public administration she would be required to speak Estonian at the highest level even during internship and therefore before she proves her language proficiency they are not able to allow her to do an internship. Lawyers of LICHR contacted the city administration of Narva (where the internship could have taken place) in order to find out if they were opposing having interns without proficiency certificate⁶⁵. They, however, did not think it would be a problem. The Ministry of Education said that, in general, additional requirements set by the Narva College are not violating the law and they are only very happy that such criteria are being introduced. It is also important to note in this case that in the Narva and Ida-Virumaa region in general Russian-speakers constitute a majority (about 80% of the population), most of the students are local, and therefore apart from unequal access to education (Estonians do not have to prove their language proficiency) we could also be dealing with discrimination on the grounds of geographic origin. In order to find out more about such cases in other universities LICHR addressed some students of Tallinn University. It transpired that similar practices are also applicable there. Moreover, we became aware of a case where the person took the additional and obligatory (for all students who did not receive education in Estonian in the upper-secondary school) Estonian language class organised by Tallinn University, and successfully passed the exam. She graduated from the university, where the main language of instruction is Estonian, and then returned to the same university to study for another subject, she was once again requested to take the language class and pass the exam. The situation was solved only after a personal application was sent to the rector of the university.⁶⁶

⁶² RT I, 18.03.2011, 1, Language Act

⁶³ RT I, 18.03.2011, 1, Language Act

⁶⁴ LICHR database 2010-2011

⁶⁵ LICHR communication with M. Stalnuhhin, head of city council of Narva

⁶⁶ Interview with the student of Tallinn University, 2011

Examples of NGO Good Practice

Legal Information Centre for Human Rights

In 2010 – 2011 LICHR carried out a project aimed at supporting school workers through legal aid, especially with regard to employment regulations or conflicts with parents. Additionally, the establishment of a Trade Union for Teachers was promoted and supported. Such an initiative would help them to stand up for their rights and feel more secure against administration in cases when teachers take a visible position against the school reform.. The second significant activity of the project is producing a research about the general assessment of the school reform by parents and further publication of the research together with the legal analysis of the existing provisions and practices as well as addressing the issue of equal access to education and international norms. The project was supported by the Foundation *Ruski Mir*

The Russian School Council is a project in itself/civil initiative; it was launched at the general conference of the parents and activists who stand against the school reform in autumn 2010. The aim of the council is to research various aspects related to school reform, analyse the legislation and make the voice of those people who are against the reform and are able to identify their position, heard. Additionally it tries to involve the authorities in dialogue and find a compromise.

V.ii The political and legal context

The issue of education of the representatives of ethnic minorities was discussed a lot during the reported on period. As already mentioned, starting from 2011 the Russian upper-secondary school should undergo a reform when instead of 100% subjects taught in Russian the new model, where only 40% of subjects are taught in Russian and 60% are taught in Estonian, should be completely implemented. The reform has met with serious opposition from some groups of the ethnic minorities in Estonia due to a number of issues, which are already highlighted above, and therefore was seriously discussed on the level of civil society, local governments (mainly of Tallinn and Narva), who at the moment are also opposing the reform, and the Ministry of Education, who is in favour of the reform. The Ministry of Education has been refusing to take any arguments against the reform into consideration, including research proving negative consequences and appeals from the schools that are simply unable to provide the transformation to another language of instruction due to technical reasons. The former Minister of Education and Research (in cabinet until March 2011) stated numerous times that the reform will be finalised no matter what, and that

not a single school, no matter how serious its reasons, will be allowed to prolong the transition.⁶⁷

⁶⁷ <http://www.dzd.ee>, accessed 30 August 2011.

VIII. Racism and related discrimination in health

VIII.i Manifestations of racism and related discrimination in health

According to the Constitution of the Estonian Republic everyone has the right to healthcare.⁶⁸ However, in order to be entitled to the health care services one must have health insurance, which can be bought from insurance companies but only by those who have temporary residence permits or who are registered in the unemployment office. It is also possible to have this insurance if it is paid by the authorities (children, students, retired etc.) or if it is provided by the employer.⁶⁹

One of the main problems that can be identified in the area of racism and access to health is, similar to the previous reporting areas, an absence of research: any kind of statistics, which would directly aim at identifying problems that non-Estonians can have when accessing health care services in Estonia. Importantly there is a lack of will to gather such data on the part of the state bodies but also on the part of civil society, even those who work for the rights of the patients. The only data that is available is in regard to the general content of health care services for people residing in Estonia.⁷⁰ Yet, the research did not aim to look deeply into the issue of equal treatment and racism in access to health care neither did it aim to study happiness with the system and services with regard to ethnic background. As a result, it lacked questions that would identify the depth of the issue and also the number of respondents of various nationalities was proportionate. In general 67,8% Estonians and only 32,2% ethnic non-Estonians took part in the study.⁷¹ However, it can still provide us with some sort of information.

In general, it is possible to say that the level of satisfaction with the health care system and services available depends a lot on the level of income of the family, place of residence, age and education. Non-Estonians are not any exception from this rule. In general Estonians are happy with the current system – 65%, whereas only 58% of non-Estonians are. Similarly 79% of Estonians are happy with the institution of “family doctor” and only 66% of non-Estonians are.⁷² When asked about the main reasons for unhappiness with the system in general only 0,6% of respondents mentioned language issues (including annotations to drugs), however with regard to 2010– the number that chose language as the reason was 1%.⁷³ It is important to mention that apart from pointing out the language problem the questioner offered such options as ‘unfriendliness of the

⁶⁸ Constitution of Estonia, 1992, art. 28

⁶⁹ www.haigekassa.ee, accessed on 01 August 2011

⁷⁰ Elanike hinnangud tervisele ja arstibile 2010, Saar Poll, for the Ministry of Social affairs.

⁷¹ Elanike hinnangud tervisele ja arstibile 2010, Saar Poll, for the Ministry of Social affairs

⁷² .ibid

⁷³ .ibid

medical personnel', and 'being inattentive to the problem', which were chosen much more often, and could be the result of intolerant behaviour. In the research there were also specific explanations from the respondents which identify the issues, among those was an allegation that a doctor in a hospital was very inattentive because of a person's ethnic background.

Interestingly, when measuring the satisfaction with access to specialists (specialised doctors) only of 25% non-Estonians were happy with the services in general (including quality, friendliness, attitudes etc.) whereas 50% of Estonians were.⁷⁴ This can possibly be explained by the fact that, with regard to the institute of family doctor, one can choose which doctor one wants and can also change the doctor when not happy, however when it comes to specialist doctors such freedom of choice is often limited by long waiting lists for visits, and not knowing the doctor previously etc. and therefore more problems can arise.

Another aspect worth mentioning is general knowledge about security and safety precautions at work and in general. The same study identified that Estonians are much more aware of these provisions than non-Estonians, especially young people – 46% (unfortunately the researcher does not provide the correspondent number among non-Estonians) and as a result 47% of Estonians changed their behaviour (including driving, leisure, work) which is also more than among non-Estonians (non-specific data for non-Estonians again).⁷⁵ This could be a result of the fact that most of the public campaigns that are being organised in Estonia are carried out in the Estonian language and materials in other languages are either not available or are limited in number. Such an attitude also proves the indifference shown towards solving the problems of non-Estonians and follows the general stream that makes those people who are not proficient in language even more vulnerable to become victims of various problems.

Another important aspect is available since 01.10.2009, data on the communicable diseases. According to the data received from the Ministry of Social affairs in 2009 – 07.06.2010, 115 new cases of HIV were registered, in 90% of cases these were ethnic Russians (non-Estonians), 8% Estonians and 2% others.⁷⁶ Yet, the main visible public awareness campaigns are in the Estonian language, which overlooks those who are not proficient in state language. As already mentioned, one of the serious issues of concern in the area of equal access to health services and goods continues to be the language of communication between the patient and medical personnel. According to the existing regulations any member of personnel should speak and understand Estonian. Any other language, including Russian, is not obligatory. The requirement of knowledge of foreign languages is decided to be necessary, or not, by the Head of the hospital. The main concern regarding young specialists is that they generally belong to the generation who cannot speak Russian at all as

⁷⁴ Elanike hinnangud tervisele ja arstiabile 2010, Saar Poll, for the Ministry of Social affairs

⁷⁵ .ibid, p.9

⁷⁶ Written communication with the Ministry of Social affairs, 07.06.2010

little importance was given to this. An especially difficult situation can arise with children, who sometimes feel even more scared of the doctor when they do not understand what is going on.

The existing system does not envisage having interpreters present at consultations. The Head of the Board of the Tallinn Union of Doctors and Ministry of Social affairs is convinced that if the patient is not proficient enough to explain in Estonian his/her health problems, they should take relatives, friends or colleagues with him/her in order to be better understood. Toomas Kariis, Head of the Board of the Tallinn Union of Doctors is claims that "it is not right to blame the doctor if you are not able to receive medical services in a foreign language. It should also be the responsibility of the patient that is not proficient in Estonian to be understood by the doctor. He or she, for example can try to use English or German as an alternative, especially because young doctors are rather proficient in these languages."⁷⁷ Although this statement was made in 2009 there are no reasons to believe that the situation had changed since then or that any positive developments took place.

The healthcare services in the Reception centre are regulated by the Act on Granting International Protection⁷⁸. Some sort of healthcare should, by law, be available 24 hours a day. At the same time the practice shows that such services are not always available. Provision of healthcare services in the Reception Centre, where in fact, asylum seekers are also placed, is not regulated by any act. The healthcare services in the Expulsion Centre/Deportation camp are available only for several hours per week. As a result, in winter 2011 a person placed in the centre died from a heart attack. This was due to the fact that medical personnel were not present and the general staff of the camp did not have any knowledge of first aid.⁷⁹

Unfortunately, the main source of information with regard to racism in access to health care is the media, which from time to time reports on the ugliest cases. Indeed cases reported and described by journalists cannot be verified and taken as evidence, however we still have reason to believe that they can be taken as some kind of proof.

Similar to previous years, problems persist in access to pharmaceutical products. Provision of annotations to any drugs in languages other than Estonian is not obligatory and is left up to the good will of the company to translate it to any of the foreign languages or not. Unfortunately, in most of the cases such annotations in Russian or English are not available. Some years ago Tallinn city decided to support the translation of the main drugs and medicines which are used the most, however the list is not exhaustive. Such translated leaflets should be available upon request from drug stores.

⁷⁷ Jyrmann V., *Medice, cura te ipsum!*, 11.09.2009 www.stolitsa.ee, accessed 30 August 2011.

⁷⁸ RT I 2006, 2, 3, *Välismaalasele rahvusvahelise kaitse andmise seadus.*, art. 12

⁷⁹ LICHR database 2011

Examples of NGO Good Practice

Estonian Representative Society of Patients: The project run by this organisation does not have combatting ethnic discrimination as a priority, however it can be considered to be an important initiative which aims to provide legal aid to those people who feel that their rights have been violated. The activities of this NGO also aim to support the promotion of equal access to healthcare for everyone and raise awareness about this issue and support the improvement of healthcare services.

VIII.ii The political and legal context

There were no political or legal changes or even discussions with regard to health care issues and equal/improved access to health care services for minorities (linguistic minorities, ethnic minorities) during the reported on period. There also no signs that would allow us to hope that such discourses will take place in the future. Civil society groups working with health care issues, including those advocating for the rights of the patients, are, in general, not interested in dealing with statistics concerning ethnicity or having projects addressing specific ethnic groups. At the same time, organisations such as the Estonian Society for Patients' Rights have pointed out the issue of the language problem on numerous occasions and the need for the translation of annotations to medicines and highlighted the unacceptability of such problems.⁸⁰

⁸⁰ Oral statement of the EPEY Head, Pille Ilves during the meeting with FRA director, in May 2011

IX. Racism and related discrimination in criminal justice

IX.i Manifestations of racism and related discrimination in criminal justice

Despite the fact that, similar to previous years, there is a lack of research and data regarding racism and discrimination in criminal justice and it should be mentioned that racial crimes are not, and have never been, considered a serious problem for this country. Indeed, interethnic conflicts exist, as does a lack of awareness and tolerance, as well as imperfect legislation and a lack of political will to improve it, however it is not possible to say that racially motivated crimes are very widespread. The only exception is hate speech, which is much more usual. In the majority of cases, hate speech is not perceived as an offence by ordinary people and that is why it is under-reported.

IX.ii Policing and ethnic profiling⁸¹

It is interesting to note that human rights defenders working to promote the rights of ethnic minorities in Estonia are being harassed by authorities and special services and are under their constant surveillance. There is no specific regulation with regard to the status and protection of human rights defenders in Estonia. In its response to the questions submitted to the state by the UN Human Rights Council, the state declared that it does not see the need to implement such special measures in Estonia and this is also because no case of external harassment has taken place. The main relevant legal provision that enables the provision of such support to this group of civil activists is the Constitution of Estonia, which prohibits any human rights violation with regard to any human being as well as ensures equality before law and protection.⁸² Moreover, human rights defenders are not considered as a group with a special status because no cases of violations of their rights have been registered.

Additionally, the Estonian Security Police keep tight control over the anti-fascist movements and human rights defenders working for the promotion of ethnic minority rights, considering them to constitute a threat to the Constitutional order in the country.⁸³ The reason for such control is not really understood as those organisations and people do not usually carry out any actions of violence or call upon any kind of violent behaviour. At the same time the Security police acknowledge that far-right groupings exist in Estonia, however they do not consider them to be threatening anyone.⁸⁴

⁸¹ The Open Society Institute defines "ethnic profiling" as the "use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity" .

⁸² A/HRC/13/22/Add.4 p. 86

⁸³ Security Police annual reports from 2006 - 2010

⁸⁴ .ibid

Ethnic profiling is still not a serious problem for Estonia. There is no legal act or policy adopted (or even discussed) that would support ethnic profiling. However there are certain concerns that merit further attention.

An interesting case took place in March 2011 in Tallinn, during the football match of the European Championship between Estonia and Serbia. Before the match began the Estonian police had arrested 73 supporters from Serbia and Russia as well as local Russian-speakers. The reason given for this was 'aggressive and provocative behaviour'. According to the police, the supporters were demonstrating politically incorrect and provocative slogans highlighting ethnic superiority. Moreover, they were singing a song "*Katyusha*" (famous song from WWII) in Russian.⁸⁵ The "provocative slogans" were: "Serbs and Russians are brothers forever!", "Freedom or death" and also a number of slogans supporting Russian footballers playing in the Serbian team. One of the arrested supporters later alleged to the media, that when they were arrested they were handcuffed and their faces were put towards a wall, and they were not allowed to use toilets or make phone-calls, i.e. they were treated as offenders, although they had not actually broken the law and were not being aggressive.⁸⁶

IX.ii Racist violence and crime

The situation regarding racist violence in Estonia is not really studied or assessed. Whereas the possibility to receive and collect such data exists and could be carried out by the Ministry of Justice or Police Department the real situation is not really explored. The police have no special instructions on how to treat cases where racial motive can be assumed in any particular way. Policemen do not appear eager to pursue this as it would be additional work for them.

The Estonian legislator introduced provisions to enable the punishment of incitement to public hatred and hate speech (article 151, 152 of the Criminal Code⁸⁷) when severe damage to property or/and health was caused, however it completely ignored the need to have specific instructions for police regarding the implementation of the Criminal Code when dealing with a racist crime. A racist motive is not considered as an aggravating circumstance. Furthermore, the police have no special instructions as to how to act when a racist motive forms the basis of an attack. As a result no racist crimes have been registered neither during the reported on period nor earlier⁸⁸. In most of the cases the crimes where racist motive could be assumed, deal with bodily injury and the police investigated them under the provisions of 'breach of public order' or 'minor health damage due to a fight'.

⁸⁵ <http://rus.delfi.ee/archive>, 30.03.2011

⁸⁶ <http://www.regnum.ru/news/1389253.html>, Serbian football-supporter was arrested in Tallinn after starting to sing "*Katjusha*"

⁸⁷ RT I 2001, 61, 364, edition from 01.09.2011 i.e. with all relevant amendments.

⁸⁸ Database of crimes at www.just.ee, accessed on 10 August 2011

There are very few NGOs that are interested in collecting data and dealing with racism cases. The Legal Information Centre for Human Rights is one of them, however the capacity of NGOs to deal with criminal cases is rather limited and in most of the cases constitutes informative counsel.

During the reported on period there were several cases reported either by media or made known to the LICHR where racist motive could be serious. One of the main scandals took place in March 2010 and was reported by the media. Namely a number of newspapers wrote that according to a young Estonian woman a Member of the European Parliament, Ms. Kristina Ojuland had approached her in one of the night clubs in Tallinn, where she was resting accompanied by a black man and asked if she was not disgusted to hug a person who is black. Neither the woman nor the man concerned wanted to start criminal case on this matter but they expected Ms. Ojuland to apologise.⁸⁹ The journalists started their own investigation; however neither Ms. Ojuland, nor her party agreed to comment on the case, as they considered media not to be objective.⁹⁰ At the same time they have not reported the situation to any of the bodies dealing with the journalist ethics.

One of the cases took place in spring 2011 in a predominantly Estonian-speaking area in the suburbs near Tallinn, when a young Russian-speaking man was attacked by drunk Estonian-speaking youngsters. First he was abused verbally, hate speech was used, and he was threatened with physical abuse. He then called his friends for support and so did the youngsters, as a result there was a fight. From the Estonian side there were much more supporters, including grown-up and some people had metal objects. As a result, the Russian-speakers ran home and the crowd followed them and damaged the doors of an apartment when trying to enter it. The police, however, did not want to investigate the possible racist motive, moreover they clearly blamed Russian-speakers as the main perpetrators.⁹¹

Racist violence cases continue to happen rather often in the university city of Tartu. The University has wide possibilities for international students and therefore it has become a tradition that students of African descent come to study in this city. They become victims of intolerant behaviour and physical conflicts at discos or pubs quite often, however not a single case is registered by the police where racist motive is identified. Similar to in Tallinn, if the case is investigated then it is under the article prohibiting physical abuse or breach of public order only. This situation is considered to be worrying by the Union of Student

⁸⁹ <http://www.ekspress.ee/news/paevauudised/eestiudised/kristiina-ojuland-sattus-ooklubis-sekeldustesse.d?id=43035959>, By Kirsti Vainküla, Kristiina Ojuland sattus ööklubis sekeldustesse, accessed 31 March 2011.

⁹⁰ .ibid

⁹¹ Database of LICHR, 2010

Representations, who tried, on numerous occasions, to bring attention to this issue among various target groups.⁹²

Example of NGO Good Practice:

Estonian Human Rights Centre: A conference addressing hate-speech versus freedom of expression was organised. The main issue was to discuss to which extent could or should the freedom of expression be limited when hate speech is suspected. The conference was directed more at law students and experts, however the main value of it was that such an issue was brought to the surface and discussed. Especially taking into consideration the fact that Estonian Criminal Law does not practicably allow the punishment of hate speech at the moment.

IX.iii Counter terrorism

Traditionally Estonia is not considered to be a country that is at substantial risk of terrorist attacks or activities. However, this does not mean that Estonia does not have a national document regarding the issues of security. Namely it had adopted a document naming the priority areas of struggling against terrorism until 2015⁹³. It is also not so rare to hear discussions around this topic in the media and among politicians.

In most of the cases the main threat is seen to be from the nearest neighbour, the Russian Federation. The reporting period was not an exception. In 2010 – 2011 a number of media articles were dedicated to Russia and its politics, especially energy and gas developments.⁹⁴ At the same time officially Russia is not mentioned as a country that poses a terrorist threat to the Estonian constitutional order, independence or security. In general Estonia does not have a list of countries that are considered to be dangerous for the state.

At the end of the first half of 2010 some prominent politicians stated on the public record that they see a threat to the Estonian State if migration policies were to be loosened and if immigrant workers, even highly skilled workers, arrived in the country. The main reasons why such fears were raised was that people fear that if migrants come when Estonia is experiencing a crisis and when the unemployment rate is rather high, there would also be a lot of migrant workers who would be unemployed and they would subsequently be asking for social

⁹² Student from Cameroun was attacked by racists in Tartu <http://rus.delfi.ee/archive/print.php?id=46959868>, accessed 31 May 2011.

⁹³ RT I 2008, 25, 165, Eesti terrorismivastase võitlemise põhialused, 17 August 2006

⁹⁴ LICHR compilation of newspaper articles 2010, 2011

benefits and thus threaten the country and that people would then face riots as a result and the country would fall into a much worse economic situation.

The Parliament elections that took place in March 2011 and the whole pre-election period were expected to be rich in all kinds of statements and political "unmasking". The main scandals were related to the Russian Federation again and its possible influence, and the most pro-minority party of Estonia the party of 'Centre' and its head Edgar Savisaar. Namely, in December 2010, an article in one of the Estonian dailies appeared, where it was stated that Mr. Savisaar asked for money from one of the Russian foundations that is actively supporting religious and cultural events for the construction of the Orthodox church in one of the residential areas in Tallinn, where it is believed that predominantly non-Estonians reside. The church is in the process of being built since 2003, mainly via charity as the state is not willing to support these kinds of initiatives. The author of the article was stating that, according to a secret report of the security police, the money that was asked for was not only for the church, but also for the pre-election campaign of the party⁹⁵. It is important that the party of Centre is the only party in Estonia at the moment that is massively supported by non-Estonians and has a number of ethnic minority representatives at the top of the election lists and, as a result, elected to the Parliament and local governments. It is also considered to be a pro-minority party. It is the second biggest party in Estonia, however, due to the stereotypical belief that it has connections with Russian politicians (as it supports non-Estonians) it is losing its support from Estonians. Its head used to be a minister and the prime-minister. At the moment party is in opposition in the Parliament, and is governing in the Tallinn and Narva municipalities.

In response to the article the Security Police had to publish the report with regard to these financial affairs. As it transpired in the report there really had been several meetings between Savisaar and his colleagues and Russian politicians and businessmen during which the support to the construction of the church was discussed and agreements were made. The Security police, however, also mentioned that a request for money for the pre-election campaign could also have taken place, however they refused to explain where information originated from.⁹⁶ The President of the Estonian Republic, Mr. Toomas Hendrik Ilves, also addressed the issue and announced to the media that he considers it to be a threat to the independence of the state to request money for building a church for minorities from a foreign state, especially before the elections.⁹⁷ As no further investigations or actions took place afterwards we can assume that this whole issue was aimed at diminishing the political support of the party before the elections.

⁹⁵ Postimees 21. 12. 2010.

⁹⁶ Security police information: <http://www.kapo.ee/est/pressinurk/32/kaitsepolitseiameti-teave-edgar-savisaare-raha-kusimise-kohta-venemaalt>, accessed 25 July 2011

⁹⁷ *President of Estonia is against building an orthodox cathedral for Russian money*, <http://www.newsru.com/religy/21dec2010/ilves.html>, accessed 21 December 2010

Apart from Russia and its politicians, special attention continued to be paid to Muslims residing in Estonia, especially those, who arrived recently. There is a general feeling that there is a danger that Estonian Muslims will start travelling to various countries where Islam is the main religion in order to participate in religious camps or trainings.⁹⁸

IX.v The political and legal context

The reporting period was very calm and there were few discussions or amendments with regard to racism or ethnic minorities in general and in Estonia. In fact, there were no legal changes with regard to racism and criminal justice. There also were no political discussions regarding the current situation or the need to improve anything.

In general it is possible to say that the Estonian authorities are rather uninterested in the real situation in the country or in specific issues that are normally addressed in democratic states aiming to eliminate racism. There also were no discussions about the EU Framework Decision on Racism and Xenophobia nor the implementation of the Durban Criteria.

Hate crime statistics are not gathered, however the main reason for that is in fact the absence of such cases. Hate speech is prohibited under art. 151 (2) of the Criminal Code,⁹⁹ however in order to punish for such crimes the action must result in damage to the health or property of the victim. It is easy to assume that it would be extremely difficult to find a case when hate speech brings such results or where the link between the hate speech and the damage can be proven. Various international and national human rights organisations pointed out in their reports or recommendations, that such provisions should be amended in a way that hate speech is punishable in itself.¹⁰⁰

⁹⁸ Security Police annual Review, 2009, http://www.kapo.ee/cms-data/_text/38/44/files/aastaraamat-2009-est.pdf, accessed 30 August 2011.

⁹⁹ RT I, 2007, 31, 187, Criminal Code

¹⁰⁰ CERD /C/EST/CO/8-9, Concluding observation

X. Racism and related discrimination in access to goods and services

X.i Manifestations of racism and related discrimination with access to goods and services in the public and private sector

Equal access to goods and services is regulated by the Equal Treatment Act which entered into force on January 1, 2009¹⁰¹. However, there are still very few cases that are publicly known. Similar to other areas, they are either reported via media or registered by the NGOs or even Equality bodies, however no actions are requested. The Gender Equality and Equal Treatment Commissioner has specifically pointed out that, in general, there are very few complaints regarding equal treatment, in most of the cases people address her office to get more information about the situation and possibilities for solving it, but they are rather unwilling to start any kind of procedures or submit a complaint.¹⁰²

Similar to other areas of discrimination there was no research organised or statistics gathered with regard to equal access to goods and services among ethnic and linguistic minorities. The Legal Information Centre for Human Rights had also registered few complaints with regard to the issue. Similar to previous year's: the main issue of concern is access to goods and services due to the language, unpleasant behaviour of providers (presumably because of the ethnic background) and mother tongue.

The main issue that should be brought up in this report is access to public services. During the reported on period several initiatives that were supported by the State were launched. Namely the Bar Association under the support of the Ministry for Justice started providing legal aid free of charge, for those people who believe that their rights were violated. The service is provided via an internet portal. However, the service is only provided in the Estonian language. Yet, neither the ministry nor the Bar association plan to duplicate the service in Russian as they believe that would be too expensive.¹⁰³ The responsible specialist from the Ministry of Justice did not mention if there is sufficient legal information available in the Russian language in Estonia at the moment. He did mention that there are some laws available in Russian translation and also Russian speaking lawyers in general do exist.¹⁰⁴

¹⁰¹ RT I 2008, 56, 315, Equal Treatment Act

¹⁰² Interview with Mari-Liis Sepper, March 2011

¹⁰³ Interview with Mr. Valdek Laud, the Communications Specialist of the Ministry of Justice, provided by the news portal Delfi.

¹⁰⁴ Ibid

It is worth mentioning that in its latest recommendations the CERD called upon Estonia “to consider a dual-language approach in regard to delivery of public services, particularly in light of the prohibition of discrimination in access to public goods and as provided by the Estonian legislation.”¹⁰⁵

As a result, the free legal aid in Russian and other foreign languages is available only through the efforts of NGOs. However, in most of the cases such services are project-based and the scope of issues and the quality of such aid is rather limited/low. Additionally a big problem exists around reaching the non-Estonians and informing them about the existing possibilities, as the advertising is available only in Estonian and cooperation between the NGOs is rather low.

There is another serious problem which also applies to the availability of state services and access to justice. Initially it was also possible to submit a complaint to the administrative court in Russian, however at the moment this possibility is in fact only granted to the prisoners.

At the same time if someone wishes to receive free legal advice from the state (free lawyer) the application should be submitted to the court in Estonian and in some exceptional cases in English,¹⁰⁶ but not in Russian. Which makes the situation rather comic i.e. the person who does not have sufficient financial means to hire a lawyer, barrister, in order to benefit from the state system of free legal representative, should have enough financial means to pay the services of the translator in order to manage the application.

Interestingly, the state does not even bother to provide important pieces of information with regard to its services in Russian. Some institutions do not even have a webpage in Russian or if they do, the data is rather outdated and misleading. For example, the information about the above mentioned provision on free legal aid on the home page of the Ministry of Justice in Russian exists, however it is a version from the year 2005, when application in Russian was available.¹⁰⁷ However the corresponding act was amended and new provisions dis-allowing applications in Russian entered into force from January 1, 2006¹⁰⁸.

Another example is the home page of the Gender Equality and Equal Treatment Commissioner, which also has its home page in Russian and English. However, the information in the Estonian and English/Russian pages are not identical. Thus to those who can use the Estonian language the Commissioner offers knowledge of several legal acts and norms: the Act on Gender Equality¹⁰⁹, the

¹⁰⁵ CERD/C/EST/CO/8-9, 23 Sept. 2010, p.13

¹⁰⁶ RT I 2004, 56, 403, art. 12 (5), Act on State Legal Aid (Riigiabi seadus)

¹⁰⁷ <http://www.just.ee/11254> - Link to the legal Act: <https://www.riigiteataja.ee/akt/778930>, accessed 30 August 2011.

¹⁰⁸ RT I 2005, 39, 308, Art 12 (5), Act on State Legal Aid

¹⁰⁹ RT I 2004, 27, 181, Gender Equality Act

Equal Treatment Act¹¹⁰, a document announcing the mandate of the Commissioner¹¹¹ and references for the administration within the institution.¹¹² However, in Russian the only act that is mentioned is the Gender Equality Act.¹¹³ It is rather possible in this situation that the number of complaints with regard to unequal treatment because of ethnic background submitted to this institution is so low because the potential claimants, having visited the website, did not find information on what exactly this body works on and whether it also works on combatting discrimination of ethnic minorities or race, what the procedures are, and what is the scope of the mandate. Yet, the Commissioner herself acknowledges that she misses the outreach to the non-Estonian population as most of the articles, information about her activities and mandate, are published in the Estonian speaking media, which the majority of non-Estonians do not use.¹¹⁴ At the same time, no actions to improve the situation were really taken. Importantly the current Commissioner is not able to communicate and provide advice in Russian.

Examples of NGO Good Practice

Legal Information Centre for Human Rights

For several years the LICHR managed the hotline for the victims of unequal treatment. The target group is all those people who believe that their rights have been violated. Special emphasis is placed on the issue of racism and ethnic discrimination. Various aspects of life are being addressed and so is equal access to goods and services. Apart from the provision of legal aid the NGO uses the media for public awareness and also monitors the situation with regards to equal treatment and racism and analyses the legislation and practice. The analysis is then used to lobby in front of national and local authorities, as well as for various reports for international organisations.

X.ii The political and legal context

During the reported on period no political discussions or legal amendments took place with regard to equal access to goods and services for minorities. It is generally accepted and highlighted in the Constitution of the Republic that the only state language in Estonia is Estonian¹¹⁵ and the state should take actions to preserve and improve it. Therefore, everyone who lives in Estonia should be proficient in it. As a result, even the possibility of discussing about the opportunities of using Russian when accessing the state services and providing

¹¹⁰ RT I 2008, 56, 315, Equal Treatment Act

¹¹¹ Soolise võrdõiguslikkuse ja võrdse kohtlemise voliniku ning kantselei põhimäärus, 10 July 2010, nr. 17

¹¹² <http://www.svv.ee/index.php?id=471>, accessed 08 August 2011.

¹¹³ <http://www.svv.ee/index.php?id=496>, accessed 08 August 2011.

¹¹⁴ Interview with Gender Equality and Equal Treatment Commissioner Ms. Mari-Liis Sepper, March 2011

¹¹⁵ [RT 1992, 26, 349](#), art. 6, Constitution of the Republic of Estonia

adequate information in languages other than Estonian for those who due to various reasons are not proficient enough in Estonian is set to minimum. Moreover, the existing practice shows that the situation with regard to language is actually getting worse when compared to previous years.

Indeed, there have been attempts by the civil society to address the issue of equal access to public services and goods, pointing out the need to also take the needs of the approximately 30% of residents of Estonia that are Russian-speaking into consideration. However, no real results have been achieved. Practically no floor for discussion of such kind exists, civil society tries to influence and get a response from the state using primarily the international arena i.e. submitting reports, analysis, making presentations at various events, committees, meetings with representatives of the CoE, UN bodies, experts and so on.

XI. Racism and related discrimination in the media

XI.i Manifestations of racism and related discrimination in the media, including the internet

The media plays an incredibly important role in shaping public opinion in Estonian society. Traditionally the older generations consider media, especially print and TV, as the main source of information. At the same time, the younger generation prefer electronic media, especially internet.

Estonia does not have a specific law that would define what is considered to be public media source, and it also does not have case law that would identify public media sources.

We do not consider Estonia to have a major problem with freedom of expression or freedom of press. The Freedom House Media Freedom Index ranked Estonia in 17th place (which was a decrease from 15th place due to the adverse economic conditions which affected media sustainability and diversity) in the worldwide rating having clearly identified that legal, political and economic environments are rather affordable.¹¹⁶ At the same time, it would be a mistake not to mention that, in practice, major Estonian media belongs to two main owners that indeed can influence the content of the messages or ban specific topics from being covered. At the same time, media business can be very politicised and in this case we think that media channels are often being used, not just as sources of information, but also as a means of spreading propaganda. It is in fact very obvious at election time or in the situation when political background plays an important role.

Unlike several years ago, most of the media sources in Estonia are Estonian speaking. Before 2009 there were several national dailies in Russian, however the official line is that the world economic and financial crisis meant they had to close down due to a lack of profitability. Indeed, the state was not eager to save them. At the moment there are at least two regional dailies (*Stolitsa* in Tallinn and *Severnoe poberezje* in Ida-Virumaa) and one translated from the Estonian newspaper *Postimees* which are available, as well as several weeklies. In addition there are internet portals which also have Russian pages (www.delfi.ee and www.err.ee), one publicly funded radio channel and several private, as well as one publicly funded TV channel that was created to broadcast in Russian with Estonian subtitles, however later on it was decided that is not very fair to have it only for this limited group of inhabitants. In 2010 Tallinn city decided to start its own TV channel that would also broadcast in Russian. However there is a big argument around it. Mainly this is due to the fact that in Tallinn the political party

¹¹⁶ <http://www.freedomhouse.org/uploads/pfs/371.pdf>, accessed on 17 July 2011

in power is in opposition in the Parliament and, what is even more important, is considered to be very pro-minority. For this reason some of the discourse about what is done in Tallinn by the local power-holders is too politicised to reflect on the real situation and needs. Moreover, we believe that most of the cases are directed at discrediting the local authorities.

In recent years 'life journaling' and 'blogging' became popular among ordinary people but also public figures. Often journalists republish opinions or information from these sources. In fact this source of information is considered to be the most problematic by human rights activists. Unfortunately, very often anti-minority and intolerant opinions are being expressed through such mediums, both by authors and commentators. However, little can be done to stop these practices because in July 2006 the Criminal Code, art. 151 prohibiting public incitement to racially motivated hatred including hate speech was amended in such a way that punishment can be claimed only when there is a significant resulted material damage caused to health or property.¹¹⁷

Examples of NGO Good Practice

Estonian Human Rights Centre in the framework of the project 'Diversity'Enriches¹¹⁸ a public media outdoor campaign was carried out. The advertisement promoted the equality of gay and lesbian people and the equality of people of different skin colour. Despite the fact that the campaign was not very wide and focused more on a traditional understanding of race, the added value of the event was that this topic in general was publicised for the first time and indeed it can be considered to be a good start.

XI.ii The political and legal context

No new studies on the objectiveness or racial tolerance of the media were carried out in Estonia during the reported on period. There were no legal or political developments or discourses concerning media and equal treatment.

There is a Journalist Union and Board of Journalist Ethics in Estonia. Whereas these organisation do not directly work with equality issues, it is possible to say that having a mechanism allowing to seek for redress for low quality articles or articles lacking research or plots, these bodies constitute an important instrument for the promotion of human rights in general and for protecting the dignity of the people concerned.

¹¹⁷ RT I, 2007, 31, 187, Criminal Code

¹¹⁸ www.diversityenriches.ee, accessed on 01 August 2011

XII. Developments in anti-racism and anti-discrimination

During the reported on period (March 2010 – March 2011) no major political or legal developments in the area of anti-racism/anti-discrimination took place. There were also no thorough studies conducted on the situation, including no research studies on behalf of the State or local governments. In principle, it is possible to say that no special measures of collecting ethnic or race related data were implemented or even discussed. In general, we have the feeling that the state is not interested in such data if not to say consciously acts in such a way that such data would not be possible to gather and, as a result, analyse.

The issue of ethnic discrimination/racism continues to be uninteresting for the authorities, but also for civil society represented by the majority, with some small exceptions.

The Ministry of Social Affairs should be the main state actor responding to equal treatment on any ground.¹¹⁹ During 2010 – 2011 (first half) the specialist of the Ministry reported on the following activities in the area of equal treatment:¹²⁰ in cooperation with the Human Rights Centre it participated in the campaign 'Diversity Enriches' funded by the PROGRESS programme of the EU and the Ministry. The campaign was aimed at introducing the issues of LGBT and Race discrimination. A number of other activities were also presented¹²¹: a social media advertising campaign in the streets of Tallinn focusing both on LGBT and race. It is important that, if both issues are compared, the LGBT was much more visible and race was presented from a traditional perspective – skin colour. Two conferences were carried out, both addressing mainly the LGBT issues. Within the project the manual introducing the Equal Treatment Act was published in autumn 2010. It was claimed that this material is available in Estonian (printed version and pdf from the homepage of the project) and Russian (in .pdf format upon request from the centre). The author of the current report had sent a request for this material in Russian, however after 3 months of waiting the manual has not yet been received. In general we can comment that even if the translated version is available it should be widely distributed and should be available not upon request but to download from the homepage of all the participating parties, in order to be as visible as possible and efficient as a result.

In 2010-2011 the Ministry also worked on the draft of the Framework document National Priorities for 2012 in Fighting Discrimination which should set the needs and priorities for activities in equal treatment for the year 2012. The current document is being developed in consultation with other ministries and civil society. Notably ethnic discrimination is not considered to be a priority issue to be

¹¹⁹ Written communication with the Ministry of Justice, 24 April 2011, nr. 10.1-8/968

¹²⁰ Written communication with the Ministry of Social affairs, August 2011, 1.2-3/3687

¹²¹ www.diversityenriches.ee (website of the project), accessed on 01 August 2011

dealt with in this document. The only place where discrimination on the ground of ethnic belonging can be addressed is in the multiple discrimination section¹²².

The politicians are also rather reluctant to deal with the issue. Even though the Parliament elections that took place in March 2011 could have become a good floor for discussions or, at least, for awareness raising around discrimination due to ethnicity. On a positive note, no big parties with high probability of being elected to the Parliament included any anti-minority, or anti-migration provisions in their election platforms. However, it is important to mention that the coalition agreement signed by those parties who were elected to the Parliament came as a big surprise for minorities: the agreement in general has very little to say about ethnic minorities and says absolutely nothing about anti-racism/anti-discrimination promotion. Most of the directions/actions envisaged are not new and constitute passive involvement: allow the preservation of the cultural identity of minorities, financially support cultural activities etc.¹²³ In fact the only ethnic minorities that are recognised and considered to be important for the state are: Baltic Germans, Estonian Swedes, Finno-Ugrians, Jewish and so called Russian "old-believers."¹²⁴ The latter are more a religious, cultural minority residing by the Chudskoe lake (Peipsi lake) and in Tartu county. These groups have traditionally been residing on the territory of Estonia for centuries, however they are rather small in number. However, the historical Russian minority (other than old-believers) are also residing in Estonia for centuries. Such groups as Ukrainians and Byelorussians are present in Estonia in big numbers for more than 50 years. Therefore it is very interesting that only very small and specific groups have been identified, whereas the bigger ethnic groups have been neglected. Interestingly the agreement envisages the possibility of financially supporting access to higher education among ethnic minorities, but only for Finno-Ugrians.¹²⁵

Equality bodies

At the moment there are two equality bodies in Estonia. The Chancellor of Justice, which, apart from other responsibilities, also acts as Ombudsman and Equality body. Unfortunately this body is rather inefficient as it is bound by the mandate for the reconciliation procedure, which requires free-willed participation of both sides, and has been mentioned critically numerous times, by various local and international organisations, experts and even politicians but no amendments have been made. Formally the Chancellor of Justice also should be in charge of promoting equal treatment and the equality principle¹²⁶ however the way this is done is to be decided by the Chancellor himself and unfortunately is not always visible.

¹²² Draft Framework document National Priorities for 2012 in fighting discrimination, Ministry of Social affairs

¹²³ Erakonna Isamaliit ja Res Publica ja Eesti Reformierakonna valitsusliidu programm (Coalition agreement/programme of the governing parties), March 2011

¹²⁴ Erakonna Isamaliit ja Res Publica ja Eesti Reformierakonna valitsusliidu programm (Coalition agreement/programme of the governing parties), March 2011

¹²⁵ *ibid.*

¹²⁶ RT I, 1999, 29, 406, art. 35-16, Act on Chancellor of Justice,

Significantly, when setting its priorities for the year 2010 – 2011 this body, did not consider equal treatment to be one¹²⁷. Such an omission can of course be the result of a lack of cases regarding discrimination in front of the body itself, and also in court. In the second half of 2010 - first half of 2011 the Chancellor of Justice reported initiating only one reconciliation procedure and six investigations of its own will. During the first half of 2011, 16 applications from citizens were received.¹²⁸ None of them were related to discrimination because of ethnic background or race.¹²⁹

Another equality body in Estonia is the Commissioner for Gender Equality and Equal Treatment. This body was established by the adoption of the Equal Treatment Act which entered into force in January 2009. In fact, additional responsibilities were added to the mandate of the Gender Equality Commissioner who was established earlier. The Statute and mandate of the Commissioner were adopted on June 10, 2010.¹³⁰ However, having added the additional mandate, the state did not allocate additional budget to support the activities envisaged. According to the current Commissioner Ms. Mari-Liis Sepper the budget is too small to be able to provide the proper functioning of the body and be able to initiate any activities. She would be interested to present her opinion on various issues related to the situation of minorities in Estonia however due to the lack of funding this is practically not possible.¹³¹ In the course of 2009 -2010 the Commissioner received 288 applications and 47 complaints where it was claimed that unequal treatment on any ground took place, 4% of the complaints regarded racism.¹³²

This body is obliged to provide an annual report on activities.¹³³ It is possible to say that such a stipulation was only added after an intensive lobbying campaign by civil society representatives among which were the Legal Information Centre for Human Rights. The idea behind it was to add additional responsibility and publicity to the activities of the Commissioner and raise awareness about the Equal Treatment Act in Estonia. Unfortunately the first experience can not be considered to be a successful one. The Annual Report 2010 consists of 12 PowerPoint slides, half of them providing general information about the institution and the rest are tables about the activities.¹³⁴

¹²⁷ <http://www.oiguskantsler.ee/?menuID=347>, accessed 16 July 2011

¹²⁸ Written Communication with the Chancellor of justice nr. 5-3/1104128, from 29 August 2011

¹²⁹ Written communication with the Chancellor of justice nr. 5-3/1100239, from 07 February 2011

¹³⁰ Soolise võrdõiguslikkuse ja võrdsekohtlemise voliniku ning kantselei põhimäärus. 10 June 2010, nr. 71

¹³¹ Interview with the Gender Equality and Equal Treatment Commissioner, Mari-Liis Sepper, in March 2011.

¹³² Annual report of activities of the Gender Equality and Equal Treatment Commissioner, <http://www.svv.ee/failid/2010.pdf>, accessed 08 August 2011

¹³³ Soolise võrdõiguslikkuse ja võrdsekohtlemise voliniku ning kantselei põhimäärus. 10 June 2010, nr. 71, par. 12

¹³⁴ <http://www.svv.ee/failid/2010.pdf>, accessed on 05 August 2011

The Estonian equality bodies do not fully comply with the Paris principles.¹³⁵ This fact has been frequently highlighted by national and international organisations. For example, CERD in its Concluding observations on the Estonian report, published in September 2010 highlights the need to in cooperation with civil society to transform and empower existing bodies to conform with the Paris Principles and take steps towards accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)¹³⁶

In general, it is possible to say that if any decisions that will result in policy or legal developments are being planned, the government does engage with civil society. However, the form of this consultation and the real aim of it: (eg. to really consult and get support, knowledge or do it in order to show the “transparency”) depends on the person in charge and civil society in general. However sometimes it also happens that some NGOs who could provide expertise are for some reason, excluded from the process for example because they are believed to be too radical or simply stand opposite the official position of the government.

Examples of NGO Good Practice

Legal Information Centre for Human Rights

The initiative of the LICHR was to raise the awareness of the minority representatives, who have limited access to information due to their sometimes limited knowledge of the Estonian language. For this purpose, a number of articles, including on-line interviews have were published in local Russian-speaking media. As a result, several people came to the lawyers of LICHR to submit complaints regarding discrimination and which are now in court.

¹³⁵ General assembly Resolution 48/134

¹³⁶ CERD/C/EST/Co/8-9, Concluding observations on Estonian report

XIII. Migration and integration

In the year 2009 the position of the Minister of Population Affairs in whose mandate it was to deal with integration, and its Bureau, were abolished as a result of budget cuts due to the influence of global economic and financial crisis. Indeed this decision can be seen as purely political. The will of the state to deal with ethnic minorities and immigrants is rather low and migration policies are perceived as being very strict.

After the closure the mandate to deal with integration was delegated to the Ministry of Culture of Estonia. Significantly the ministry sees its respective mandate as Cultural Diversity and Integration¹³⁷ as is highlighted on its homepage. In this respect, the ministry acts in cooperation with the Ministry of Internal affairs, which is responsible for security and counter-terrorism measures and the Ministry of Education and Sciences who are responsible for the main activity of the Estonian Integration Programmes i.e. reform of the Russian upper-secondary school, which is described in this report in the section related to education.

This institution is also one of the founders of the Foundation of Integration and Migration 'Our People' (previously Non-Estonians Integration Foundation). The latter plays an important role in planning and carrying out activities related to the integration of ethnic minorities and migrants, as well as allocating language funds for various projects, including those run under the Community Programme on Integration of Third Country Nationals 2007 – 2013.¹³⁸ During the reported on period the Foundation implemented a number of initiatives that were aimed at new immigrants.

One of the initiatives is providing support and advice for those people who recently immigrated to Estonia. The special course consisting of 2 parts: language training and orientation for the new-immigrants, was implemented. The course is free of charge for those people who settled in Estonia not earlier than two years previously. Very positively, the availability of this course was much more publicised than during the previous years. The course was available in two languages of instruction: Russian and English, which is indeed a great step forward and can be assessed as a result of cooperation of the Foundation and civil society. However, having interviewed some of the participants in the course (Russian-speaker from the study year 2010-2011) we discovered some frustrating aspects in regard to how the course was organised by the company who won the tender for organising it. The interviewee explained that, despite the fact that it was announced that the culture programme would include excursions

¹³⁷ The heading of the page on the website of the Ministry that covers the activities regarding Integration: <http://www.kul.ee/index.php?path=0x2x1424>, accessed 01 August 2011

¹³⁸ <http://www.kul.ee/index.php?path=0x2x1424>, accessed 01 August 2011

to other places in Estonia, eventually only one visit to the Estonian National Opera was organised. Interestingly, the orientation course regarding the integration, various legal aspects, culture and way of living in Estonia were available mainly in English and were carried out by the exchange students from one of the colleges. The content of this course was not really useful. A similar situation happened when a meeting with mentors was organised, when only one of three mentors could speak Russian in the group in which predominantly Russian-speakers were studying. The other two mentors spoke English only.¹³⁹

The main document which deals with integration in Estonia is the Estonian Integration Strategy 2008-2013 (*Eesti Lõimumiskava aastateks 2008-2013*).¹⁴⁰ The programme is implemented in three basic areas of social life: educational-cultural, social-economic and legal-political integration. The programme was hoped to put more emphasis on social and economic aspects of integration as compared with the previous programme. As regard social and economic integration, the goal of the new integration programme is to guarantee equal opportunities in the labour market for all of Estonia's residents regardless of their ethnic background, mother tongue or place of residence¹⁴¹. Unfortunately the hopes of the civil society, experts and ethnic minorities themselves the programme still emphasises predominantly the Estonian language training. Some critics of such narrowness will be provided also in other parts of the report.

Social integration issues are being covered by the National Social Security and Inclusion Programme 2008-2010¹⁴². Unfortunately, the programme, although it mentions that ethnic non-Estonians can be under threat of being socially excluded, does not envisage any specific measures, but refers to the Integration Strategy.

The Integration Monitoring 2010 highlights the feeling of social-economic inequality based on ethnicity.¹⁴³ Both minority and majority groups, when evaluating possibilities for: achieving economic welfare; enabling their children to receive better education; participation in political life; and for working in managerial positions in public institutions, agree that Estonians do have better possibilities than non-Estonians. If compared with the previous Integration Monitoring of 2008 then the number of Estonians who believe that both ethnic groups have equal opportunities increased, whereas for non-Estonians it diminished.¹⁴⁴

According to MIPEX Estonia improved its position, mainly due to the fact that the Equal treatment Act was adopted. In general, we agree with assessment of

¹³⁹ Interview with one of the recent immigrants, who participated in the programme

¹⁴⁰ RTL 2008, 31, 463, Estonian Integration Strategy 2008-2013, adoption decree nr. 172

¹⁴¹ Estonian Integration Strategy 2008–2013, Tallinn, 2008, Section 3.3

¹⁴² <http://www.sm.ee/tegevus/sotsiaalne-kaasatus/sotsiaalse-kaitse-ja-kaasatuse-riiklikud-aruanded.html>, accessed on 15 August 2011

¹⁴³ Monitoring of Attaining of Estonian Integration Strategy 2010, <http://www.meis.ee/uuringud>, accessed 15 August 2011

¹⁴⁴ *ibid*

migration law and integration by MIPEX. However, the MIPEX conclusion with regard to the naturalisation process in Estonia is questionable. It is true that the number of stateless people is decreasing, however this is not due to a quicker naturalisation process as concluded in MIPEX¹⁴⁵, but is due to other reasons such as 'natural reasons' and stateless people choosing in favour of citizenship of other states. In 2009, 1556 people with undefined citizenship received the citizenship of Estonia, in 2010 – only 1080, in general in 2009 Estonian citizenship was received by 1670 people and in 2010 only 1184.¹⁴⁶ The fact that naturalisation rates are actually slowing down, is accepted by the national authorities.

In general we tend to agree with other MIPEX findings, however it should be admitted that some of the aspects, the instruments mentioned under the measures chosen to assess integration have a rather theoretical and not yet practical basis. For example, it is mentioned that the teachers at schools are able to accommodate a migrant pupil and support the education process both for the child and a family. Indeed the curricula for such activities and specific training for teachers have been developed, however in the majority of cases the teachers have rather theoretical knowledge about the process and the practice is lacking due to a very low number of new-migrant children. Therefore, in practice we do not yet know how the process will be managed. While it is indeed extremely positive that such programmes have been elaborated and that training has been delivered in general.

It is important to mention that Estonia is making significant efforts to bring more foreign students to the country. For this purpose, the Estonian programme of the Internationalisation of the Higher Education 2006 – 2015 was endorsed by the Ministry of Education and Sciences.¹⁴⁷ As a result, the total number of foreign students in 2010-first half of 2011 increased up to 1282 people from 62 countries. Majority of those are coming from European countries – 990, Asia – 202, Northern America – 32 and Africa – 30.¹⁴⁸ The programme itself involves quite important provisions to support the integration of the foreign students and professors, which is indeed a positive step forward. The actions are in line with the CBP and we believe they will be undertaken.¹⁴⁹ It is very positive to see that when state interest and a good international image that will support further economic and scientific developments with other countries is at stake, the Estonian politicians and legislators are able to think rationally and envisage activities and instruments supporting the integration and social inclusion of foreigners and not just insist on language training as the only remedy.

¹⁴⁵ <http://www.mipex.eu/estonia>

¹⁴⁶ Written Communication with the Police and Border department, 25.01.2011, nr. 1.3-11/2541

¹⁴⁷ Kinnitatus Haridus- ja teadusministri poolt, 09.01.2007, käskkirjaga nr. 16

¹⁴⁸ http://www.stat.ee/publication-download-pdf?publication_id=25642, accessed 01 August 2011

¹⁴⁹ Strategy for Internationalisation Of Estonian Higher Education Over The Years 2006 – 2015, Ministry of Education and Sciences, www.hm.ee, accessed 30 August 2011

The main legal change that accompanied the integration process in Estonia and which is very much in line with the local policies on integration, is the new Language Act, which entered into force from 1 July 2011.¹⁵⁰ The new Act provides a definition of a national minority language, which is any language other than Estonian: however, with the condition that the minority language is traditionally used by a national minority. Interestingly, the law provides a definition of a national minority which is in line with the one used in the Act on Cultural Autonomy i.e. only those people who are citizens of Estonia, having long-term, lasting and close relations with Estonia, and who speak language other than Estonian, are considered to be a national minority.¹⁵¹ Significantly, some years ago, the state court ruled that such differentiation is not possible. In practice it means that it is not possible to realise a number of constitutional linguistic rights. For example, the right to address the Narva city (place where minority constitute a majority, i.e. about 90% of the total population) authorities in Russian.

¹⁵⁰ RT I, 18.03.2011, 1, Keeleseadus (Language Act)

¹⁵¹ RT I, 18.03.2011, 1, art. 5 (3), Keeleseadus

XIV. National recommendations

The recommendations outlined in this section are based on the result of the situation analysis provided in the report. Unfortunately, the Estonian politicians and government and also civil society are not very eager to deal with the issues related to the racism and equal treatment in general and the ground of ethnic belonging in particular which is why many of the recommendations are similar to those highlighted in the previous reports.

General

- The State must carry out detailed research covering various areas that are relevant to ethnic minorities and immigrants in Estonia with special attention paid to multiple discrimination
- The state must develop a system of ethnicity related data collection and protection, allowing however representatives of civil society to gather and use such information when they are involved into anti-discrimination activities
- To improve the capacities of local NGOs and encourage them to get actively involved in research, monitoring and analysis of information related to racism as well as managing awareness raising and advocacy campaigns
- The State must involve civil society in the consultation process more actively. The civil society members should insist in participation in such consultations.
- The State must allocate specific funding for the civil society groups that are active in promoting the equal rights principles, having expertise in minority issues and providing various kinds of assistance to the public.
- The State, its institutions and civil society must develop and implement awareness raising campaigns on a regular basis covering issues of discrimination in general, mechanisms of protection, responsible bodies and civil society contacts that can be of support. Such campaigns should be targeted at various groups separately. The information materials should also be prepared in Russian and English.

Employment

- Employees should be better aware of their rights and encouraged to protect them using existing mechanisms for this purpose and public campaigns should be carried out and information leaflets should be distributed
- The judges should be provided with specific training on how to deal with discrimination cases in general and with ethnic discrimination in particular
- Applications for employment should not mention the name of the applicant but rather provide a code as that would diminish the chance of being discriminated against because of name/surname

- Requirement of language proficiency proof should not constitute a necessary condition at the time of application, but rather be flexible and take into consideration procedures for receiving such a certificate

Housing

- The Government must reconsider provisions regarding possession of the real estate property in the bordering areas in order to address the needs of those people who are long term residents of Estonia
- The State and Civil society must carry out research with regard to homeless people, their ethnic composition and reasons for homelessness as well as identification of their specific needs
- The State must regulate the system of Flat Owners Unions in a way that all the members would be able to participate in administration and understand the documents applicable. Encourage equal treatment upon election into the administration bodies of a union.

Education

- The State and Civil society must carry out thorough research on how the reform of the upper-secondary school will influence the quality of education and health of the children
- The State and Civil society must maintain constructive dialogue regarding the reform between all interested parties and find a compromise

Health

- The State must research about equal access to health when studying the general perception of the health system, data that would also allow a comparison between the opinions of Estonians and non-Estonians should be provided
- The needs of linguistic minorities should be taken into consideration by medical institutions, in particular Russian or/and English knowledge should be requested or at least encouraged from medical personnel of different levels
- To make available annotations to drugs/medicine in Russian
- The State must guarantee adequate healthcare facilities to the asylum seekers and illegals placed to the Reception or Expulsion centres
- The State should take steps in order to make interpretation services in hospitals and emergency centres available.

Criminal justice

- The State must create a comprehensive system of monitoring, investigation and data collection of ethnically and racially motivated crimes
- The State must take necessary steps in order to make racial aspect an aggravating condition and provide for adequate punishment.

- To provide instructions for the judiciary and law enforcement when dealing with cases that might be classified as hate crimes or having a racial motive
- The Government must amend legislation in order to be able to prosecute hate speech and incitement to public hatred and hate speech, even before physical damage has been caused
- To provide specific training that would deal with various types of hate crimes and experiences of other EU countries for various target groups: judiciary, police, security, prosecutors and others
- Police should take measures to actively investigate those cases where racial motive could be assumed
- The Government should provide for legal measures that would officially prohibit ethnic profiling
- To provide for measures and codes of conduct aiming to stop harassment of human rights defenders

Access to goods and services

- More efforts should be made to provide for equal access to public goods and services, especially those that are provided by the state and municipality
- State bodies should ensure that the information provided at their homepages is adequate and up-to-date and is available also in minority languages

Anti-racism and anti-discrimination

- Estonian equality bodies should comply with the Paris principles
- Estonia equality bodies should take active measures aiming at awareness raising and helping people who have been discriminated against
- The mandate of the Chancellor of Justice should be amended and allow this institution to use measures other than reconciliation procedure measures aiming at the provision of support to the victims of the cases
- To implement positive action measures
- The State must provide adequate funding for the institution of the Gender Equality and Equal Treatment Commissioner that would enable it to work efficiently and cover all of the issues identified in her mandate
- The equality bodies and civil society should encourage those people who have been treated unequally to lodge complaints in front of the responsible bodies
- To develop and widely distribute information with regard to equal treatment and Estonian legislation. Such materials and campaigns should also be available in the main minority languages
- The quality bodies and civil society should organise visible public awareness campaigns, where racism and ethnic discrimination will be in the focus

- The State should include ethnic discrimination and racism into the list of priority issues to be dealt with in the national context in the coming years

Migration and integration

- Measures other than language training should be prepared by the state and local governments and taken in order to support the social and cultural integration of minorities
- The responsible institutions such as Non-Estonian's integration foundation "Our People" should be better control and monitoring of the companies providing integration services
- The institute of the minister responsible for the various aspects of integration should be established by the State
- To monitor the official linguistic policies in order to protect minorities from unfounded and disproportionate control and restrictions over the use of language at work, in the public domain and in contact with public administration.

XV. Conclusion

The Estonian government is definitely making progress towards harmonising its anti-racist legislation with the international norms. At the same time this progress is rather slow and, very often, reluctant.

During 2010 – 2011 few actions or discussions on equal treatment or anti-racism were carried out,. One of the reasons for this is the inactiveness of civil society and reluctant attitudes from the citizens, sometimes even from those who belong to minorities themselves. It is possible to say that, not surprisingly, most of the changes that are taking place are either in the area where international pressure is felt or where strong NGOs or long-term projects that focus on achieving concrete results exist. Unfortunately, the civil society working with minority issues is not big in numbers in Estonia; it lacks dedicated experts and what, even more importantly, funding. Yet, most of the discriminatory cases that became known were highlighted by the lawyers working for NGOs and, in most of the cases, the dialogue with authorities of any level started on the initiative of civil society. However it should be noted that when it comes to public consultation with civil society the authorities are eager to cooperate and sometimes it can even be very fruitful.

Some of the main gaps in the Estonian situation are a clear lack of research addressing various areas of life for non-Estonians and immigrants, as well as the extremely few cases of unequal treatment that are registered and taken to equality bodies or the court. The state continues to insist that ethnic discrimination and racism are not an issue for Estonia and does not take active steps to really identify the most problematic areas or establish practices. Thus as has already been pointed out on numerous occasions by the national and international bodies, including ECRI and CERD, the fact that there are no cases of racism registered does not necessarily mean that such cases do not exist, but rather reveal that the State does not want to see those cases.

Importantly the State encourages institutional racism and in some cases it can even be suspected that access to justice is purposefully limited. This is performed by the rigid linguistic policies of the State, which takes absolutely no account of the fact that there are a lot of minority members and immigrants who are not sufficiently proficient in Estonian to be able to understand and use language for administrative purposes. Despite the fact that Estonian language training is considered the core of integration and claimed to solve lots of problems, including social and economic integration and welfare, the State takes few steps to support such training, but rather introduces new instruments of policing poor knowledge or limiting possibilities to use the minority languages in access to public services, employment and education.

One of the main issues for discussion during the reported on period is the reform of a Russian-schools, through which the upper-secondary level will be transformed predominantly having Estonian as the language of instruction. A big debate has been going on between the local authorities, State, experts and representatives of ethnic minorities who have been opposing the reform from the very beginning but could not achieve significant results. This is because the Estonian authorities do not want to find any compromises and consider the reform to be the only remedy to integrate national minorities even despite the fact that the schools are unprepared, and the language proficiency of pupils is often at a level that does not allow them follow the classes in Estonian. This can result in a worse level of education for the minority children and this is already becoming the case. Such a situation, however, seem to suit the authorities, who have previously mentioned numerous times that non-Estonians should become blue-collar workers.¹⁵²

¹⁵² See Shadow reports „Racism in Estonia“ 2007, 2008, 2009, published by ENAR

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Annex 1: List of abbreviations and terminology

ABBREVIATIONS

LICHR – Legal Information Centre for Human Rights
CERD – Convention on Elimination of Racial Discrimination or Committee of This Convention
CBP – Common Basic Principles of Integration
ECRI – European Commission against Racism and Intolerance
EC – European Commission
EU – European Union.
OECD – Organisation for Economic Co-operation and Democracy

TERMINOLOGY

Immigrants in Estonia – there are two groups of immigrants in Estonia. First, the long-term immigrants which is used rarely due to the fact that this group does not consider its members to be immigrants. This group consists predominantly of those who arrived in Estonia during the Soviet times due to the so to say forced migration of labour force and specialists and those who arrived for other reasons. Those belonging to this group often have several generations residing in Estonia. They have long-time strong connections with the state. The second group is – new-immigrants, i.e. those who arrived in Estonia after 1991. Often they are visible minorities as they originate from African and Asian countries.

Stateless persons – people with undefined citizenship. In the Estonian context, these people have been the citizens of the USSR, but due to Estonian policies after regaining independence they for some reason did not want to or could not receive the citizenship of Estonia or any other state.

Forced migration - During the Soviet time the following scheme was practiced: upon graduation of the university the list of orders for needed positions was submitted to the concrete university. The graduates could choose which position to cover, however the priority to choose was given to those with highest results/marks. If in Estonia for example the universities would not prepare pilots then those could be ordered from anywhere else in the Soviet Union. For two following years the freshly graduate could not change the place of work. As an example the Soviet Estonia needed engineers and specialists to build and work in the port, so those were ordered from other republics, Ukraine for example. After two years majority of those people already married, settled and did not see the reason to move away.

