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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF ESTONIA
ON THE THIRD OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
BY ESTONIA**

(received on 30 September 2011)

Comments of the Government of Estonia on the third opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities in Estonia

The Advisory Committee on the Framework Convention for the Protection of National Minorities adopted its third opinion on Estonia on 1 April 2011. The Opinion of the Advisory Committee is based on the third State Report of Estonia submitted on 13 April 2010, as well as on other written sources and information that the experts of the Advisory Committee obtained at their meetings with governmental officials and non-governmental contacts during the visit to Estonia from 14 to 17 September 2010.

The Government of Estonia highly values the ongoing co-operation with the Advisory Committee and the dialogue that has continued for a decade since the first State Report in 2001. This dialogue has had a positive impact on the policies, legislation, as well as conducting of various programmes and projects involving national minorities in Estonia. As in previous years, Estonia will endeavour to take the proposals and recommendations of the Advisory Committee into account as much as possible and will continue its activities for the protection of national minorities, also in the light of the recommendations of the Advisory Committee.

The Government welcomes the Opinion of the Advisory Committee and hereby submits its remarks and explanations. Reference to the Opinion has been made where necessary.

Article 3 of the Framework Convention

Data collection

Regarding the recommendation in paragraph 32, we would like to clarify that Statistics Estonia is responsible for collecting data based on ethnic origin. A question on ethnic origin is also included in the questionnaire of the 2011 census. Census questionnaires with the accompanying explanatory material, including the electronic format *on-line*, will be available in Estonian, English and Russian. It is foreseen in preparing for the implementation of the census that enumerators should be proficient in Estonian and Russian. Translation to other languages on location has been used in previous censuses when necessary. The right to self-determination of national minorities is respected. Responding to the question of ethnic origin will not be mandatory. If certain ethnic origins are represented in basic statistical data only by one or two persons, Statistics Estonia will publish the data under the heading "other ethnic origins" to prevent the possibility of identification of persons. Information on religious beliefs and language use is included in the category of sensitive personal data.

Article 4 of the Framework Convention

Legislative developments in the field of discrimination

Concerning the suggestion in paragraph 36 that the Gender Equality and Equal Treatment Commissioner is limited to responding to complaints and drafting general reports, we would like to clarify that according to Section 16 of the Equal Treatment Act, the competences of the Commissioner are wide and multifaceted. The Commissioner shall:

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

Hence, the Commissioner has wide competencies which allow her to also be pro-active. She is independent and fulfils her functions according to her own will and judgment.

Further, regarding paragraphs 39 and 191 which recommend the increase of resources to the Office of the Gender Equality and Equal Treatment Commissioner, we would like to clarify that during 2012-2015 the Commissioner will

receive 2 million euros from the Norwegian Financial Mechanism, about 700 000 euros of which is foreseen for awareness raising and information activities and also for studies and analysis. Additional resources for the Commissioner have been applied for in the 2012 State budget. The 2011-2013 European Social Fund programme includes updating information on equal treatment on the web-page of the Ministry of Social Affairs and the renewal of web-pages of the Commissioner. This will contribute to raising awareness of the competences of the Commissioner and of the option of contacting her in case of possible discrimination. The information on the web-pages is available in the Estonian, Russian and English languages.

In paragraph 41 it is recommended to conduct information and training campaigns on the mandate and activities of the Gender Equality and Equal Treatment Commissioner and the Chancellor of Justice. From 2009 to 2011 the Ministry of Social Affairs granted a mandate to the Human Rights Centre of the Tallinn University of Technology to apply for funds in the European Union PROGRESS programme for projects of promoting equal treatment. In 2011 a handbook was issued on equal treatment, introducing the roles of both the Gender Equality and Equal Treatment Commissioner and the Chancellor of Justice in fighting against discrimination. In addition, the various legal remedies and procedures are described in further detail. The contact information of all the agencies and non-governmental organisations fighting against discrimination can be found in the handbook. There is a plan to follow up on the handbook in 2012 and to release an updated version. Also, trainings on the Equal Treatment Act have been provided to judges. In addition, the Ministry of Culture has made calls for project competitions to use funds of the European *Fund* for the *Integration of Third*-country Nationals. This has resulted in projects informing employers and human resources staff about the Equal Treatment Act and the possibilities of fostering equal treatment.

Naturalisation process

With regard to the issues raised in paragraphs 15, 42-48 and 193, we reiterate that reducing the number of persons with undetermined citizenship is one of the priorities of the Government. As a result of the activities accelerating the naturalisation process, the number of persons with undetermined citizenship has constantly declined. In 2001, 174 000 persons with undetermined citizenship lived in Estonia, whereas in 2011 this number has decreased to 95 318 persons (as of 1 September 2011).

Several measures have been taken in order to encourage persons with undetermined citizenship to apply for the Estonian citizenship. First and foremost, people have been provided with the relevant information in order to raise awareness of the conditions and the advantages of obtaining the Estonian citizenship. The State has constantly taken steps to facilitate this process: for example the compensation of Estonian language training costs, the consolidation of exams, and the partial or complete exemption from exams of persons with disabilities. The Citizenship Act stipulates a number of exemptions from the language exam requirement – persons who have acquired basic, secondary or higher education in an Estonian language school and persons who are unable to take the examination due to restricted active legal capacity, disability or health condition. Persons born before 1 January 1930 are exempted from the written part of the exam.

With regard to the recommendation on free-of-charge language classes in paragraph 47, we would like to note that in the autumn of 2009 a programme funded by the European *Fund* for the *Integration of Third*-country Nationals was launched. Through this programme it is possible to offer free-of-charge Estonian language courses to all persons with undetermined citizenship and third-country nationals, irrespective of whether they are in the process of passing the citizenship exam. In 2009, the preliminary test was formed in order to determine the study groups. A study manual for students and study materials for A1, A2 and B1 levels were developed. In 2009, language learning expenses were compensated to everyone who had participated in the courses and had passed the level exams. In the course of the European Social Fund programme for development of language studies 2008-2010 the language learning expenses were compensated for up to 383 euros per one language level. The compensations are continued under European Social Fund development of language studies programme 2011-2013.¹ *In addition, the Unemployment Insurance Fund conducts trainings for enhancement of competitiveness of risk groups in labour market in the Estonian language (300 hours) and also integrated specialised and language training.*

In response to paragraph 48 which recommends granting citizenship to new-born children of stateless persons automatically, unless the parents object, we would like to explain that the *ius sanguinis* principle applies in Estonia. Thus, the decision to grant citizenship automatically would require amending the current general principles. In addition to the principle of *ius sanguinis* the *ius soli* principle of obtaining citizenship by place of birth would have to be introduced. This, however, may not be in compliance with the constitution of Estonia. It is considered that the desired aim of diminishing the number of children with undetermined citizenship in Estonia is attainable by using other equally efficient solutions with less principal changes.

¹ The conditions and further detailed information is available at www.denginazad.com.

In determining the citizenship of a child it is necessary to consider that the first expression of the will to obtain citizenship to a child should be made by the parent. We are of the opinion that relevant prerequisites have been created in the Citizenship Act for the avoidance of statelessness of children. The aim of the Government is currently to more effectively implement the existing law by raising awareness of parents and providing better access to information.

The procedure of obtaining Estonian citizenship by persons under the age of 15 is simplified. According to the Citizenship Act a minor under 15 years of age shall acquire Estonian citizenship if it is applied for the minor by his or her parent who is of undetermined citizenship and has been lawfully living in Estonia for at least 5 years. Thus, only an application from the parent is required, no additional conditions or requirements have been stipulated by law.

In 2008, an information campaign was launched in co-operation with the staff at the Vital Statistics Office to inform parents with undetermined citizenship upon the registration of the birth of their child of the possibility to apply for Estonian citizenship for their child according to the simplified procedure. Upon the birth of a child, the parents are given an information leaflet introducing the application of Estonian citizenship and upon request they are later further personally consulted by the officials. In the course of the counselling, the parents are explained the possibilities to apply for the Estonian citizenship themselves as well. This information dissemination has been well received by the parents and has yielded good results, as most parents have applied for a citizenship for their newborn child.

In addition, the officials send personal information notices to the parents of children with undetermined citizenship. Information is also provided at schools and other awareness raising events.

The personal counselling of parents and other information measures has yielded positive results. The majority of citizenship applicants are children with undetermined citizenship under 15 years of age. Cases of refusal regarding this group are virtually non-existent. Consequently, Estonian citizenship is obtained by almost all children under 15 years of age, whose parents have decided to apply for citizenship for their children. In the light of the above, the number of persons with undetermined citizenship under the age of 15 has been continuously diminishing – from 6451 in 2005 to 1526 in 2011. Various information activities will continue in the future.

Social marginalisation and its effects

In paragraph 53 the recommendation includes paying particular attention to the multiple discrimination experienced by women belonging to national minorities. We would like to point out that in the framework of the European Social Fund programmes the particular subject of protection of women belonging to national minorities has been treated by the Ministry of Social Affairs. Under the European Social Fund programme 2008-2010 a compilation of articles “Towards a balanced society: women and men in Estonia II” and a brochure “Women and men: equal opportunities, equal responsibility” were published in the Estonian and Russian languages. The policy recommendations on gender equality monitoring were published in Estonian, English and Russian. The monitoring and the study on wage gap considered all relevant aspects, including gender and nationality. Information activities, such as the media campaign conducted in 2010 for the promotion of equal opportunities for men and women in the labour market are directed towards both the Estonian and Russian communities and consider the different needs and media habits of the respective communities. A media campaign is designed to fight against gender stereotypes within the framework of the European Social Fund 2011-2013 programme. This includes considering the detrimental effect of gender stereotypes on the work and career choices. The campaign is directed both at Estonian and Russian communities. Further gender equality monitoring and a separate study of the work and domestic life of non-Estonians are envisaged. Also trainings are planned for lawyers and judges on the Gender Equality Act and the Equal Treatment Act, which will also encompass various forms of discrimination.

Article 5 of the Framework Convention

Support for national minority cultures

Concerning the recommendations in paragraphs 59 and 60, we would first like to emphasise that the Ministry of Culture also accepts applications for support from non-profit associations, foundations, local government units and self-employed persons, including all those who do not belong to an umbrella structure (‘project-based’ support).

Since 1991 cultural associations of national minorities receive public baseline funding from the State. This constitutes the backbone of the policy with respect to national minorities in Estonia. It is characteristic to Estonian good administrative practice that all stakeholders are consulted during the process of drafting development plans, strategies and third-sector funding schemes. The target group has always been consulted during the development of basic funding criteria for cultural associations of national minorities.

Previously, support contracts were concluded separately with each cultural association and the number of contracts rose to over 200 per year. In order to increase the efficiency of the current evaluation system and basic funding, the Ministry of Culture offers regular consultations to representatives of national minorities.

The conditions of applying for baseline funding and the requirements for calls for proposals of the Ministry of Culture are available on the websites of the Ministry and the Integration and Migration Foundation Our People.

In 2008, the Office of the Minister of Population Affairs initiated evaluation and funding of cultural organisations through umbrella organisations with the objective to provide funding to active and efficient organisations, as well as to improve their administrative capacity. Starting from 2009 budgetary funding is allocated through umbrella organisations. Umbrella organisations of national minorities can be monoethnic (e.g. Ukrainian, Byelorussian, Russian etc) or multicultural, uniting representatives of various nationalities.

The amount of baseline funding from State budget has continuously increased: in 2003 it was 159,770 € in 2006 204,517 € and in 2010 and 2011, despite the overall economic situation, it amounted to 313,167 €. Baseline funding is to facilitate the daily activities of the societies and associations active in preserving and developing national culture. In 2010, 19 umbrella organisations uniting 231 cultural associations received State support. In 2011, baseline funding is allocated to 17 umbrella organisations uniting 218 cultural associations in total. In addition, since 2008 the Ministry of Culture supports various cultural projects of ethnic minorities for the preservation and introduction of their culture, traditions, organisation of song and dance festivals, training camps and many other activities. In 2010 the State-supported information portal www.etnoweb.ee was opened that reflects the cultural life of ethnic minorities.

In addition, cultural activities of ethnic minorities are supported by local governments, the Ministry of Education and Research, the Integration and Migration Foundation Our People (founded in 1998), Estonian Cultural Endowment, Gambling Tax Council and the National Foundation of Civil Society. Support from the State budget is granted to the cultural autonomies of Finnish-Ingrians and Estonian Swedes, which is comparable to the support granted to umbrella organisations of ethnic minorities. There are more than hundred Russian cultural societies operating under seven umbrella organisations which statutory activity is the preservation of Russian culture and language. In 2011 baseline funding to the Russian cultural societies amounted to a total of 132,552 €, i.e. 42% of the annual budget for baseline support (313,167 €). In addition to the baseline expenses of the cultural associations, all cultural societies of ethnic minorities are entitled to apply for funding of various projects, including the Sunday schools.

The Ministry of Culture supports on a regular basis professional and hobby theatres of ethnic minorities, concert institutions and agencies, museums, publishing and literature events, festivals and other cultural events of ethnic minorities in Estonia. The Russian Theatre and Russian-language media in the Estonian Public Broadcasting Company receive support from the State budget.

National Minority Cultural Autonomy Act

We offer the following comments to paragraph 65 regarding the recommendation to consider reviewing the minority policy and legislation in broader terms. The rights of national minorities are guaranteed by existing legislation. We are working towards ensuring the implementation of existing laws and effective protection of rights. The most important aspect is the co-operation between national minorities and the State in implementing relevant programmes. Any actions specified in the National Minorities Cultural Autonomy Act – organisation of studies in mother tongue, establishment of cultural institutions of national minorities, organisation of cultural events, establishment of foundations, grants, stipends and awards for promoting culture and education of national minorities, etc. – are equally available to those national minorities that do not have cultural autonomy. Everyone in Estonia has a constitutional right to form associations, unions and clubs; to protect their interests; to express shared opinions. The current Non-profit Associations Act establishes the rights and opportunities for cultural activities. Cultural autonomy is regarded as an additional opportunity for cultural self-determination.

Article 6 of the Framework Convention

Integration efforts

With respect to the issues covered under this topic, also referred to in paragraphs 16, 73 and 192, we would like to reiterate that with the aid of the Ministry of Culture and the Integration and Migration Foundation Our People a monitoring of the integration process was conducted in 2010 that focused on the effectiveness of integration activities. According to the summary of the study several positive developments have taken place in the area of integration. The monitoring referred to increased contacts between persons of different ethnic background and

improved mutual recognition. About two thirds of the Estonian and Russian speakers have close acquaintances or friends in the other community. Estonians and Russians have positive or neutral attitude towards contacts with persons of other nationalities. The study suggested that neither the Russian-speaking nor the Estonian population believe that such contacts might lead to the loss of their own cultural identity.

Common language of communication facilitates contacts between persons of different ethnic groups. The fact that the level of command of Estonian among the Russian-speaking people has improved on all levels is a positive development. On the other hand, the interest and need to learn the Russian language has increased among the Estonians.

With the support from the European Social Fund several innovative activities have been implemented, including workplace exchanges aimed at fine-tuning the language skills, exchange of experiences, and making new friends and acquaintances.

The European Fund for the Integration of Third-country Nationals funded a total of 101 projects in the amount of 18.93 million Estonian kroons in 2010. The projects were mainly targeted on various co-operation activities and the development of common media space. Various cultural, youth and educational programmes are aimed at facilitating contacts between schools, citizen associations and youth organisations. The Integration Strategy is implemented in three areas: educational and cultural, social and economic, legal and political areas.

In the cultural area, activities are supported that facilitate the work of cultural associations of ethnic minorities and their links with the country of origin. More attention is paid to the engagement of the representatives of various nationalities into the Estonian cultural life and introduction of the Estonian cultural space, extending the common information space of the Estonian and minority population. Priority activities in the area of culture include increasing the contacts and joint activities between Estonians and other nationalities. One of the major tasks of the State in the integration process of the members of the Estonian society is to grant ethnic minorities an opportunity to preserve their mother tongue and to facilitate their culture. Also operational costs of cultural associations of ethnic minorities are covered and Russian-language media and the Russian Theatre are supported.

We hereby offer further remarks on issues raised in paragraphs 68 and 73. The Estonian Integration Strategy 2008-2013 is a field-specific development plan, which identifies the bases and objectives of Estonian integration policy, as well as measures required for achievement of those objectives. The new three-year Implementation Plan 2011-2013 of the current Integration Strategy does not focus only on the study of official language, but covers a wide range of areas. Support is given to media projects that promote cultural diversity and to translation of information portals into Russian in order to facilitate the involvement and participation of Russian-speaking population in society. Priority actions of the Implementation Plan support common cultural space and facilitate the development of social ties and equal opportunities. The following are some examples of the measures in the Integration Strategy Implementation Plan 2011-2013:

- To continue work with young people, paying more attention on the availability of youth work services to people whose mother tongue is other than Estonian; this includes, in particular, career counselling and fostering contacts and co-operation between young people of different nationalities in Estonia.
- To enhance civic activity of national minorities and to foster contacts between people of different citizenships and cultural backgrounds. To involve national minorities in decision-making – support for the activities of the Council for National Minorities, the Youth Assembly, and other civic forums. Facilitate co-operation between various ethnic associations and Estonian cultural associations through direct contacts and umbrella organisations.
- To present a culturally diverse Estonia to Estonians and to present Estonian culture to national minorities living in Estonia. Support for intercultural co-operation projects.
- To raise awareness on tolerance, human rights and equal treatment, including raising awareness of local governments and State authorities, officials and the business sector with regard to the Equal Treatment Act and the prevention of discrimination.
- To support a shared information space. Support for co-operation and training of journalists from Estonian- and Russian-language media channels. Ensuring that information produced in Estonia and Estonian media channels reach Russian-speaking population. Support for media programmes that provide information on integration and present integration as a two-way process.

Portrayal of minorities in the media

With reference to recommendation in paragraph 77 Estonia confirms its commitment to full protection of human rights both at local and international level.

In co-operation with the Ministry of Social Affairs and within the framework of the EU PROGRESS Programme for Employment and Social Solidarity (2007-2013), the Law School of the Tallinn University of Technology is carrying out a project to raise awareness in Estonian society on equal treatment and to combat intolerance. In 2010, the focus was on fighting against racism and homophobia; in 2011, the project concentrates on tackling homophobia and

promoting social status of disabled persons. Activities in the framework of the project in 2010 included publication of a special issue of the daily newspaper *Eesti Päevaleht*, organisation of thematic film festival Tartuff, screening of films in the framework of museum of modern art Kumu Documentary programme (in co-operation with the Black Nights Film Festival), organisation of training events and an international conference. The project also included a media campaign.²

Media projects are used to promote positive reports on representatives of national minorities. The 2011 call for proposals "Common media field and equal treatment" is used to allocate over half a million euros of support to projects that focus on equal treatment of third country nationals and Estonian citizens and on developing a common information sphere. The four-part call for proposals, funded by the European Fund for the Integration of Third-country Nationals and the Ministry of Culture is used to support training and information events for journalists, promotion of civic activity and integration issues in the media, raising awareness on the Equal Treatment Act, and communication and interaction between Estonian citizens and third country nationals via the Internet. In particular, the call for proposals focuses on members of professional associations and representative organisations of employees and employers if they include third country nationals.

Ethnically-motivated crime

With respect to paragraph 81 Estonia informs that it is currently considering amending the Penal Code pursuant to the recommendation. Preparations are ongoing for amending the Penal Code, including amending the elements of the criminal offence in Section 151 of the Penal Code concerning cases of incitement to hatred. Amendments are also envisaged to Section 58 of the Penal Code by including the hate motive to the list of aggravating circumstances of the offence.

Article 7 of the Framework Convention

Freedom of Assembly

Regarding issues raised in paragraphs 83-85, it is clarified that Section 239 of the Penal Code regulates maintaining public order during mass disorders; this provision does not limit the right of persons to freely assemble and to peacefully protest. The aim of the provision is not to limit the freedom of assembly but to enable the intervention of law enforcement authorities in order to maintain and safeguard public order in time of mass disturbances. Responsibility is foreseen in cases of desecration, destruction, arson or other similar act by a person participating in mass disturbances, or disregarding of lawful order, or offering resistance to a police officer, special constable or any other person combating such activities on a legal basis, or in case of incitement of the said person to disobey his or her official duties.

Article 8 of the Framework Convention

Religious communities

Regarding the recommendation in paragraph 88 to continue the constructive dialogue with the Orthodox Church under the Moscow Patriarchy, it is confirmed that Estonia continues open and transparent dialogue with all religious communities.

Article 9 of the Framework Convention

Minority language media

Regarding the recommendation in paragraph 95 we note that the systematic development of communication and information sphere to alleviate the deficit of information available to the population with a mother tongue other than Estonian and to reduce their separation from Estonian information sphere is one of the priorities of the Integration Strategy Implementation Plan 2011-2013. This is supported by the following actions:

- Support for primary information in Russian. Support for translation of websites and civic association newsletters into Russian to facilitate civic initiative and active outlook to life (culture, sports, hobbies, etc.).
- Support for a shared information space. Support for co-operation and training of journalists from Estonian and Russian-language media channels. Ensuring that information produced in Estonia and Estonian media channels reach Russian-speaking population. Support for media programmes that provide information on integration and present integration as a two-sided process.

² Homepage of the project: <http://erinevus-rikastab.ttu.ee/>

Cooperation between Estonian- and Russian-language media outlets has been supported from the State budget and from the funds of the European Union. Support has been given to translation of several information portals into Russian in order to facilitate involvement and participation of Russian-speaking population in society: www.kultuur.info (Russian-language information on cultural events in Estonia); www.tallinn2011/kalender (information on cultural events); *Estonica* web encyclopaedia at <http://www.estonica.org> (a comprehensive collection of texts on Estonian society, culture, history, nature, education, science, government system, economy and links between these fields) has been available in Estonian and in English since 2000 and, since 2010, is also available in Russian; portal www.ngo.ee/rus (Russian-language news portal of the Network of Estonian Non-profit Organisations). In 2010, the Estonian Public Broadcasting organisation established a Russian news portal at www.rus.err.ee, which achieved an average of 45,000 visits per week by the end of the year, and an English information portal at www.news.err.ee, which has 5,000 readers per week, including 51% in foreign countries. Information portal <http://kodanik.err.ee/> provides links and guidance on all issues pertaining to applications for Estonian citizenship. Russian-language modules were added to portals www.lapsedtrenni.ee and <http://www.sekundomer.ee/>, which promote civic initiative and present sporting opportunities for young people, and <http://www.okokratt.ee>, which is aimed at raising environmental awareness. In addition, support has been given to publication of several Russian periodicals (cultural magazines *Vyshgorod* and *Tallinn*, youth magazine *Plug*, etc.).

Article 10 of the Framework Convention

The protection of the State language and the Language Inspectorate

We hereby present comments on relevant issues raised in paragraphs 19, 101-110 and 195. Regarding the amendments to the Language Act, we would firstly like to point out that the representatives of national minorities were directly involved in the development of the draft Act. They participated in the drafting group via the Integration Foundation and the Office of the Minister of Population and Ethnic Affairs. From July to August in 2009, the draft Act was published on an e-participation website where all residents in Estonia are encouraged to submit their comments. The Cultural Affairs Committee of the Parliament also scrutinised the opinion of the Russian ombudsman in Estonia.

Pursuant to Section 2 (2) of the new Language Act which entered into force on 1 July 2011, the language use of legal persons governed by private law and natural persons is regulated only if it is justified for the protection of fundamental rights or in public interest, such as national security, public order, public administration, education, health care, consumer protection and occupational safety. The Act stipulates *expressis verbis* that the establishment of requirements concerning the use of the Estonian language shall be justified and in proportion to the objective being sought and shall not distort the nature of the rights which are restricted.

The Language Inspectorate only focuses on the Estonian language proficiency of employees who are subjected to the requirement of language proficiency according to the Language Act.

In the supervision proceedings of the Language Inspectorate it is first identified whether the employer has laid down and introduced to the employee the legally required language proficiency requirement, i.e. on which level the employee should be proficient in the Estonian language. To those employees who are not competent in the Estonian language at the required level, the inspectors introduce the language training possibilities and exam requirements, distribute relevant information materials. All inspectors of the Language Inspectorate are sufficiently competent in Russian in order to offer explanations in the Russian language. In general, persons are motivated to study the Estonian language and the officials consider their efforts with understanding and respect. Fines are imposed only to those who have not fulfilled the precepts of the inspectors during a considerable period of time and have not, irrespective of repeated precepts, made any effort to improve their language proficiency.

When inspecting the language proficiency, the inspector has, upon reasonable doubt, to make a precept to the person to pass a language exam. (In this context, a reasonable doubt means that the employer or clients have turned to the Language Inspectorate with a complaint concerning the language proficiency of an employee). The inspector never grants a final opinion on the language proficiency of a person – this is provided by the State Examination Board. A representative of the employer is always present at examinations.

Furthermore, with regard to the doubt expressed in paragraph 104 whether the avenues of appeal are unspecified and the powers granted to Language Inspectorate officials might not be compatible with the due process requirements under Article 6 of the European Convention on Human Rights, we would like to note that it is possible to submit a complaint regarding all acts of the Language Inspectorate. Documents drawn up in supervision proceedings by the Inspectorate which provide for an opinion on the language proficiency always contain specific guidelines of the rights of the person to file a complaint against the act of the official of the Inspectorate in the administrative court.

With regard to paragraph 103 and the suggestion of the Advisory Committee of overregulation of the private sphere, we would like to point out that pursuant to Section 44 of the Constitution of the Republic of Estonia everyone has the right to freely obtain information disseminated for public use. With regard to web-sites, public signs and announcements, the use of language is regulated only in public interests. Information in the Estonian language needs to be added only in case the web-site, sign or announcement is foreseen for general use and is directed to the public, i.e. an unspecified group of persons. Notices, web-sites and private signs of private persons are governed by the person him- or herself; the Language Act does not regulate the use of language in this realm or interfere in it.

Concerning issues raised in paragraph 105, also reflected in paragraph 109, we would like to reiterate that the language proficiency is only checked if the requirement has been stipulated by law – the Estonian language requirement applies to all public sector employees and those in private sector fulfilling public sector tasks. The policy of the Inspectorate is that of guiding, encouraging and cautioning, a sanction has been imposed only in 5% of cases. There is no ground for stressing the punitive aspect of any of its activities.

In most cases a warning or a precept is made to increase the language proficiency to a certain level prescribed by law. A precept with a deadline for compliance is not considered a punishment. Also in cases of fines, the amounts have been 30 times smaller than prescribed in the Language Act. According to the Language Act the maximum fine is 800 euros, however during the last 7 years the average amount has been 28,6 euros. The language exam is for free; also the language training is compensated for up to 320 euros per a language level. The Inspectorate complies with the Language Act requirement for the official to grant enough time to the worker to further his or her knowledge of the language.

With regard to paragraph 107 and also the recommendation made in paragraphs 109 and 199, it is to be emphasised that the main task of the Language Inspectorate is to ensure that public services and information are available in the Estonian language throughout the country. In this respect, the Inspectorate continues to play an important and substantial role, it is functioning in accordance with the Framework Convention and therefore its abolishing is not considered as an option. Estonian, a language with a small number of speakers, requires regular and continuous attention, support and protection, not least in the era of globalisation and the increasing influence of the English language.

As to paragraph 108 concerning the recommendation to guarantee fully the free use of the languages of national minorities, we would like to confirm that the requirements of the Language Act are applied with considerable flexibility.

Use of minority languages in relations with administrative authorities

As to the recommendation in paragraph 115, it should be emphasised that irrespective of the percentage of non-Estonians in a region, in oral communication, by agreement of the parties, it is always possible for national minorities to use their language in communication with the representatives of State and local government authorities, notaries, bailiffs and sworn translators, as well as in foreign missions of Estonia, as provided in Language Act Section 12 (4). Pursuant to Language Act Section 12 (3) it is also possible for State agencies and local governments to accept documents in national minority languages without requiring a translation. Since there are only about ten local governments in Estonia where the rate of national minorities is between 20-50%, the aforementioned provisions are deemed as prevalently sufficient in order to guarantee the smooth interaction of national minorities with the local government agencies. Furthermore, all ministries and other State authorities have websites in both English and Russian; also application and other forms are available in English and Russian. Thus, information is disseminated considering both Russian- and English-speaking persons in Estonia.

Regarding paragraph 116 that recommends finding practical solutions in language matters, we note that on several occasions the local authorities have taken initiatives in language issues to assist certain groups of people belonging to national minorities. For example, positive steps have been taken by free distribution of local newspapers in the minority language.

Article 11 of the Framework Convention

Topographical indications

Regarding previous recommendations on the issue of topographical indications mentioned in paragraph 117, we would like to point out that it lies within the competence of local governments to determine place names on their territory. State intervention without the interest from local governments would undermine the principles of local government. Further, it is possible to use Cyrillic outside the sphere of official signs, signposts, etc that are being covered by the Place Names Act.

As to the present situation of topographical indications referred to in paragraph 118, we would like to reiterate that the Estonian Place Names Act fully takes into account international recommendations regarding the official use and protection of place names of national minorities. Protection of place names of national minorities involves foremost the Estonian Swedish place names in Võrnsi, Ruhnu, Noarootsi and North-West coastal areas of Estonia, and also Russian place names in Petserimaa and by Lake Peipsi.

Regarding paragraph 119, it is acknowledged that the density of population of non-Estonian origin is bigger in cities. However, the cities, including Sillamäe, Kohtla-Järve and Narva, lack historical Russian names, which would carry any symbolic value.

As to recommendation in paragraph 121, we would like to note that already in 1998 the Place Names Board recommended to use two-language place names (whereby the principal place name was Russian) in several village names by Lake Peipsi (Kasepää / Kazepil, Kükita / Kikita, Nõmme / Aleksejevka - colloquially: Lisseifka, Raja / Rajuša, Tiheda / Tihhotka, Alajõe / Olešnitsõ a.s.o). Further to the issue, in 2010 a meeting took place with rural municipalities bordering Lake Peipsi. At the meeting, the Place Names Board introduced the possibilities of using indigenous names. A training concerning place names has also taken place in Ida-Virumaa (rural municipality of Jõhvi), where also the use of minority language place names on signposts was discussed. The Ministry of the Interior and the Place Names Board are ready to assist and guide persons in submitting requests to use minority language place names in accordance with the law. In November 2011, the Place Name Day will be celebrated in Jõhvi. This is the annual open seminar of the Place Names Board. One of the topics to be discussed will be the use of minority languages in place names.

Recording of patronyms

Regarding the recommendation in paragraph 127 to seek legislative solutions for the registration of patronyms in official personal documents, we would like to point out that according to Estonian legislation a person has the right to change his or her first and last names. Thus, a person belonging to a national minority is able take his patronym as a second first name which would be reflected in the personal identification document. Up to this point, no person has contacted the Ministry of the Interior with the wish to have the patronym as another first name for reasons of national characteristics. Furthermore, the possibility of using the legal option to take a last name which reflects the female or male characteristics of a name deriving from a nationality is rarely used. In the light of the aforementioned, the supplementary establishment of a further detailed regulation deriving from national particularities is currently not foreseen.

Article 12 of the Framework Convention

School curriculum

With regard to paragraphs 21 and 132, we would like to point out that in January 2011 the Government approved the new curricula for basic schools and upper secondary schools. They will be implemented over the period 2011-2013. The origin and culture of national minorities have been covered in both the general parts and individual subject syllabi of the new curricula.

The national curricula specify that schools can use a certain number of hours for teaching optional subjects or courses. In addition, the new national curriculum for upper secondary schools requires that schools should offer at least 11 courses, which take into account the particularities of the school and the regional character. For instance, the Tallinn Jewish School has been offering, for several years, extensive courses on Jewish culture. Russian secondary schools can offer optional subjects on Russian culture. In addition, teachers of History and Civics can use materials that present multicultural aspects of Estonian society (e.g., the series "Ethnic Mosaic" comprising 20 brief documentaries that present representatives of different cultures in Estonia or the book series "Ethnic Groups in Estonia") and contribute to fostering tolerance and better mutual understanding. The "Ethnic Mosaic" series includes film recordings of representatives of 27 ethnic groups, including Ukrainians, Russians, Ingrian Finns, Poles, Mordvins, Bulgarians and others. Films are complemented by worksheets and two books, containing supplementary interviews and comments. All materials have been published in both Estonian and Russian. The series "Ethnic Groups in Estonia" includes seven books: "Lithuanians" (2005), "Kazakhs" (2006), "Russians" (2007), "Uzbeks" (2008), "Azerbaijani" (2009) and "Armenians" (2010). Publication is supported by the Ministry of Education and Research.

Access to schooling

With regard to the recommendations in paragraphs 144, 154 and 196, please find the comments of the Government in the annexed document on the transition to Estonian language instruction in Russian language schools, including the legal background and also the supporting measures foreseen with respect to the aforementioned transition.

Article 15 of the Framework Convention

Consultative bodies representing national minorities

As to the recommendation in paragraph 169 to expand consultation structures for minority representatives, we would like to reiterate that, in compliance with the recommendations made by the agencies of the UN and the Council of Europe, several representative bodies have been established for consulting the national minorities. Such bodies include the Cultural Council of National Minorities under the Ministry of Culture, the Youth Assembly of the Estonian National Minorities established with the Council in 2010 and the Round Table of National Minorities established in 2010 under the Estonian Cooperation Assembly. Regional discussion and consulting forums are operating at local government and county government levels: Round Table of National Minorities of Ida-Viru County celebrated its 10th anniversary in 2011; Tallinn Citizens' Forum (Kodurahu Foorum) is active since 2007.

The Cultural Council of National Minorities uniting representatives of 32 cultural societies is advising the Minister of Culture. The Cultural Council of National Minorities meets four times a year in the Riigikogu (the Parliament). In 2010 topical subjects included funding of cultural associations, project competitions, co-operation with media and transition of Estonia to euro.

The Round Table of National Minorities operating under the Estonia Cooperation Assembly was initiated with the aim to engage Estonian inhabitants of various ethnic backgrounds, various mother tongues and citizenship in the discussions on the key issues of the Estonian society. The Round Table specifies a focal issue annually and concentrates on that issue throughout the year. The work of the Round Table culminates in a public report supplemented with proposals and recommendations, which will be presented to the President of the Republic of Estonia and the relevant legislative and executive authorities.

The information regarding the discussions, sessions and seminars of the Cultural Council of National Minorities and the Round Table of National Minorities is available on the web pages of the Ministry of Culture and Estonian Cooperation Assembly.

The newspaper MK Estonia, financially supported by the Ministry of Culture, publishes a monthly section on the work of the Cultural Council of National Minorities and ethnic societies. The Youth Assembly of the National Minorities commenced work at the Council. The Assembly unites active representatives of the younger generation of the ethnic cultural societies. The members of the Youth Assembly have participated in several international projects. Various parties, including the representatives of the organisations of national minorities were engaged in the process of preparation of the Action Plan of the Integration Strategy 2011-2013 starting from dissemination of information to discussions of actual problems.

The representatives of national minorities are also engaged in the discussions of baseline public funding of national societies, the proposals of the societies are taken into account while developing support schemes for projects. The representatives of national minorities are engaged in the process of amendment of the National Minorities Cultural Autonomy Act, preparation of the reform of the upper secondary school level of schools with Russian language of instruction as well as implementation of major cultural festivals as the Year of Reading in 2010, programmes related to European Capital of Culture Tallinn 2011, preparation and implementation of the annual National Minorities Day etc.

Effective participation in economic life

With regard to the recommendation in paragraph 174 concerning high unemployment rate among persons belonging to national minorities, we note that all persons who have registered as unemployed have equal access to labour market services and these services are rendered on individual needs of a person. The Unemployment Insurance Fund continues its work to increase the competitiveness of unemployed persons by using various labour market measures, including language training at various levels. In addition, hundreds of clients of the Unemployment Insurance Fund in the region of Ida-Virumaa have been offered computer training, one of the elementary skills of a contemporary worker.

Further to the issues raised in paragraphs 174 and 198 regarding the high unemployment rate, we would like to note that one of the reasons for the high unemployment rate is the higher activity rate of non-Estonians using public

labour market services. Whereas the rate of unemployment of non-Estonians is notably higher than that of Estonians (23% and 13% respectively), the differences in employment rate (for peoples aged 15-64) is considerably lower (58% and 62% respectively). Also non-Estonians are more active in the labour market, their activity rate being 76% in 2010, as compared to 72% for Estonians.

We would like to reiterate that the reason for the higher rate of non-Estonians among the unemployed is their concentration in an area where the unemployment rate is generally higher (Ida-Virumaa). After regaining independence the rates of unemployment in Ida-Virumaa have constantly been among the highest in Estonia. One of the reasons for this is the fact that industries concentrated in this area have been subjected to a large-scale restructuring. The rates of unemployment are higher in the region for both Estonians and non-Estonians, whereas non-Estonians form ca 90% of the population of Ida-Virumaa. Although unemployment is still highest in Ida-Virumaa, the situation is improving. In the first quarter of 2010 the unemployment rate in Ida-Virumaa was 27,4% as compared to 22,5% in the first quarter of 2011.

As to recommendation in paragraph 175 concerning targeted development initiatives in Ida-Virumaa, we note that the specific Ida-Virumaa development plan 2010-2014 has been concluded whereby in the future attention will be afforded to the further creation of infrastructure supporting the socio-economic development of the region and the promotion of employment.

Articles 17 and 18 of the Framework Convention

Transfrontier contacts

With regard to paragraph 183, in order to reduce economic barriers between the Republic of Estonia and the Russian Federation and to promote transfrontier contacts, a system for compensation of visa fees has been implemented by the Ministry of the Interior since 2007. In 2009, the support system was amended due to the application of a regular visa regime between the Russian Federation and the European Union, based on the agreement on a simplified visa regime. The system is aimed at supporting border-crossings concerning visiting relatives, burial grounds or real estate. The amounts of the compensations have increased over the years – 43 190 euros have been allocated in 2011.

Regarding paragraph 183 that recommends considering the possibility of a bilateral co-operation agreement regarding the mobility of workers in the wider Narva region, we point out that attention has been recently focused on concluding a new agreement between Estonia and the Russian Federation on pension insurance. In the field of labour-related cross-border co-operation the issue of work migration is currently being studied. The need for a further agreement in the field of social security will be considered at a later stage.

ANNEX to the comments of the Government of Estonia on the third opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities in Estonia

Transition to Estonian as the main language of instruction in Russian-language schools

Data about schools and students (as at 2010/2011 academic year; source: Estonian Education Information System)

Basic School

In 32 local governments there are 84 municipal, state and private schools where studies at the level of basic school are conducted in Russian or in language immersion classes, with altogether 26 057 students :

Tallinn 28 schools/11 946 students

Narva 10 schools/4745 students

Kohtla-Järve 9 schools/2741 students

Tartu 3 schools

Sillamäe 3 schools

Valga, Pärnu, Maardu and Tapa all have 2 schools

Among the aforementioned 84 educational institutions there are five private and four state schools – Ahtme School, Narva Vanalinna Riigikool (Narva Old Town State School), Tapa Erikool (Tapa Reform School) and Valga Jaanikese School.

Upper Secondary School

In 19 local governments there are 63 municipal, state and private schools where studies at the level of general secondary education are conducted in Russian or in language immersion classes, where altogether 6001 students study (excl. correctional education students). Among them there are 5 municipal upper secondary schools for adults (2 Russian-language upper secondary schools for adults and 3 bilingual upper secondary schools for adults) to which the transition also applies.

The rest 58 municipal, state and private schools offer full-time studies at the level of general secondary education in Russian or in language immersion classes, with altogether 4971 students :

Tallinn 24 schools/2442 students

Narva 9 schools/787 students

Kohtla-Järve 6 schools/531 students

Sillamäe 3 schools/203 students

Tartu 2 schools/294 students

The remaining local governments have one Russian-language upper secondary school each.

Among the aforementioned 58 educational institutions there are 1 state school (Narva Vanalinna Riigikool, Narva Old Town State School) and 4 private schools (which are not subject to the transition to Estonian as the main language of instruction) – Narva Õigeusu Humanitaarkool (Narva Orthodox School), Eurogümnaasium (Tallinn Euro School), Haabersti Vene Eragümnaasium (Haabersti Russian Private Secondary School) and Sakala Eragümnaasium (Sakala Private Secondary School in Tallinn).

In the academic year 2010/2011 there are 4107 students enrolled in upper secondary schools that operate solely in Russian. The number of students has steadily decreased – in 2004/2005 there were 9759 such students. In the academic year 2010/2011 there are 22 100 students enrolled at the level of basic education in Russian, in 2004/2005 the respective number was 32 515.

Legal background

The transition to Estonian as the main language of instruction has been prescribed by law for more than 17 years. The Basic Schools and Upper Secondary Schools Act from 15 September 1993 has from the very beginning stated the general rule that the language of instruction in upper secondary schools is Estonian.

According to subsection 3 of section 21 of the current Basic Schools and Upper Secondary Schools Act in effect the language of instruction in upper secondary schools is Estonian. In a municipal upper secondary school or in some of its classes the language of instruction may be another language. The permission to organise studies in another language or bilingual studies is given by the Government of the Republic based on an application from the rural municipality or city council. The proposal to this effect has to come from the board of trustees of the school and be based on the school's development plan.

According to subsection 1 of section 21 of the Basic Schools and Upper Secondary Schools Act the language of instruction is considered to be the language that makes up at least 60 percent of the lowest study load as set by the national curriculum.

According to subsection 4 of section 89 of the Basic Schools and Upper Secondary Schools Act in schools where, at the time of the entry into force of the Act, the language of upper secondary school is another language than Estonian, subsection 3 of section 21 will be applied starting from the academic year 2011/2012 for students starting their upper secondary school studies and the whole of upper secondary level will be adjusted according to subsection 3 of section 21 by 1 September 2013.

According to subsection 2 of section 11 of the National Curriculum of Upper Secondary Schools (passed on 6 January 2011) a school provides with its curriculum Estonian studies in at least 57 courses, i.e. 60% of the lowest study load of upper secondary schools, whereby Estonian literature, Estonian history, social studies, music and geography must be taught in Estonian. According to section 21, subsection 2 of section 11 is applied to students starting their upper secondary studies in 2011/2012 or later and the whole of upper secondary level will be adjusted according to subsection 2 of section 11 by 1 September 2013.

In upper secondary schools for adults the number of mandatory courses is 72. Similarly to daytime upper secondary schools the 60% is counted from the volume of mandatory courses. Accordingly, students who in the 2010/2011 academic year start 10th grade in an upper secondary school for adults must study at least 43 courses in Estonian.

The gradual transition started in November 2007; the aim being that starting from September 2011 all students enrolling in the 10th grade of a Russian-language school would study at least 60% (57 courses) of the minimal mandatory study load in Estonian. In the 2007/08 academic year it was mandatory to teach Estonian literature in Estonian; in 2008/09 Estonian literature and music or social studies; in 2009/10 Estonian literature, music and social studies; in 2010/11 Estonian literature, music, social studies and Estonian history and starting from the academic year 2011/12 Estonian literature, music, social studies, Estonian history, geography and subjects chosen by the school in a volume that altogether would make up 60% of the minimal mandatory number of courses.

Supporting measures

In addition to budgetary appropriations to schools and teacher training, the Ministry of Education and Research has supported the transition with supplementary resources. Schools have received funds to buy teaching materials for subjects to be taught in Estonian. In 2007 schools were supported with a sum of 4.48 million EEK, in 2008 with 6.38 million EEK, in 2009 with 7.16 million EEK and in 2010 with 9.53 million EEK. This will continue in 2011 according to the agreement with the owners of the schools and based on the specific regional situation. Altogether this year around 10 million EEK (approx. 640 000 EUR) has been earmarked in the budget for supporting schools. In conclusion in the period 2007–2011 the transition has been directly supported with 37.55 million EEK (approx. 2.4 million EUR). If in 2007/08 the support was afforded to 31 schools, in 2010/11 the number has increased to 49, i.e. almost 80% of all Russian schools.

The state has ordered, both through the Integration Foundation and directly from higher education institutions trainings for school managers and also teachers, opened and maintained since 2008 four regional methodical guidance centres, ordered subject dictionaries for both basic schools and upper secondary schools and study materials. Also it has provided means to support students' extra-curricular activities in an Estonian environment – altogether 34 million EEK (2.17 million EUR) has been earmarked annually in the budget of the Ministry of Education and Research for this purpose.

Also additional funds and support are provided from European Structural Fund to strengthen language studies in preschool institutions and basic schools.

Exceptions

Some exceptions are allowed to the transition to Estonian as the main language of instruction. On 12 July 2011 the Government granted Vana-Kalamaja Täiskasvanute Gümnaasium (Vana-Kalamaja Upper Secondary School for Adults) in Tallinn and Narva Täiskasvanute Gümnaasium (Narva Upper Secondary School for Adults) the permission to use Russian as the main language of instruction at the level of upper secondary school. Tallinna Saksa Gümnaasium (Tallinn German Upper Secondary School) was granted permission for bilingual studies.

The permits issued to upper secondary schools for adults in Tallinn and Narva are valid until 30 August 2016. Both schools shall test the language proficiency of new students and, if necessary, organise special Estonian classes. The language of instruction shall be Estonian in at least five subjects (Estonian literature, Estonian history, music, social studies and geography) and the list of such subjects shall increase gradually.

The exceptions to schools for adults are based on the specific character of part-time study. In general, the studies of adults have been discontinued at some point and there has been a notable time gap between basic and upper secondary school studies. Also, the language proficiency of adult students varies considerably. This has been taken into account and conditions are created to allow the adults to obtain secondary education despite this fact.