



**BEUCITIZEN**  
BARRIERS TOWARDS EU CITIZENSHIP

**NEW BOUNDARIS, NEW POSSIBILITIES**  
Minorities and Citizenship in Estonia

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Tartu Ulikool

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## EXECUTIVE SUMMARY

The Estonian government has taken many steps in order to integrate minorities into Estonian society. Although some international organisations' reports indicate to obstacles in equal treatment, still the integration policy during the last twenty years can be described as successful. The latest integration policy paper until 2020 has shown the Estonia is still paying greater attention to the integration policy and cohesion between Estonian and non-Estonian people.

Estonian Government has during the decades adopted different programmes in order to develop the integration policy. The main concern is connected with Russian minorities. Although there has been some criticism, still those programmes can be evaluated as successful.

The realisation of civil and political rights is sometimes connected with ability to communicate in Estonian. The language requirements seems to be one of the most crucial issue. Although the Estonian government is seeking for opportunities to offer language courses for minorities, it seems to be, that in some regions (e.g. eastern part of Estonia) still the Russian language prevails. Still the necessary information for exercising of the political rights are also provided in Russian.

In realisation of economic, social and cultural rights the possible benefits are not connected to citizenship, but to a right to stay in Estonia (permanent or fixed term). Accessing the labour market again the problem of language has been raised. Although there is no case law, still one can observe, that the knowledge of Estonian language gives to a certain extent a better position.



## INTRODUCTION

The following report gives an overview about the minorities position in Estonia and analyses the possible legal obstacles that are connected with the non-existence of citizenship. According to the statistical data the major group of minorities in Estonia is Russian speaking population. Therefore the main focus of this report concentrates to the Russian speaking population and to their possible difficulties to participate in the Estonian everyday life. Under the Russian speaking population we usually understand those people, who do not possess the nationality. This is one of the characteristic features of two countries – Republic of Latvia and Republic of Estonia. The both countries have the largest number of residents, who do not possess the nationality.

The report consists of three parts. The first chapter contains some background information and the different aspects of minority policies. The second chapter concerns the political and civil rights. How those rights are guaranteed and are there any obstacles for realising those rights. The third chapter is dedicated to the economic, social and cultural rights.

The main aim of the report is to provide readers with the adequate information about the protection of basic rights of minorities in Estonia.

The method that has been used is analytical method. Based on the analysis of legal issues conclusions will be drawn in order to assess, whether the basic rights of minorities are guaranteed or are those rights violated.

The sources that are used by completing this report consist of legal acts and references are made to the conclusions that have been made by the different international organisations.

The main hypothesis of the report is that all the basic rights are guaranteed for minorities who do live in Estonia and it is not possible to see any violations of minorities' rights.

The report has been completed and updated by 07.10.2016.



## I GENERAL ASPECTS OF MINORITY POLICIES

### 1.1. BASIC STATISTICS

#### 1.1.1. ETHNIC COMPOSITION OF THE POPULATION

Estonia became a part of the Russian Empire in the early 18th century. It gained independence following the October 1917 Revolution in Russia. Russia's Bolshevik government recognised the independence of Estonia in 1920. In 1940 Estonia was incorporated into the USSR.

Estonian independence was restored in 1991, August 20th.

#### **Minority Population Dynamics**

According to the 1897 census conducted across the Russian Empire, ethnic Estonians made up 90.6% of the population of the region.<sup>1</sup>

The largest minorities were Russians (4.7% including the population of Narva), and Baltic Germans (3.5%). The Russian population was predominantly urban, comprising 14% of the urban population of the region (43.5% in Narva). Russian peasants resided only in the districts near Narva and the Lake Peipus. The largest minorities were overrepresented among white-collar workers (Russians – 19%, Germans – 24%).

According to the 1934 census, ethnic Estonians made up 88.1% of the country's population. Ethnic Russians were the largest minority group (8.2%) and two fifths of them inhabited territories currently belonging to the Russian Federation.

The two other largest minorities were Germans and Swedes who left Estonia in large numbers shortly before and during World War II. Generally, the war resulted in a major population decrease (some of the reasons being repressions and mass emigration). A massive influx of ethnic non-Estonians into the republic began in the 1950s as the country industrialised.

According to the 1989 census, the largest non-Estonian ethnic groups were Russians (30.3%), Ukrainians (3.1%), Belarusians (3.1%), and Finns (1.1%). Ethnic non-Estonians accounted for 38.5% of the republic's population in 1989.<sup>2</sup>

The 2000 census showed that the minority part of the republic's population had decreased to 32.1%. In 2000 25.6% of the population were ethnic Russians, 2.1% Ukrainians, 1.3% Belarusians, and 0.9% Finns.<sup>3</sup>

According to the 2011 census important minorities were as follow: 24.8% Russians and 1.7% Ukrainians. The number of Belarusians and Finns was below the 1 %.<sup>4</sup>

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<sup>1</sup> A.Tõnurist ETHNIC STRUCTURE OF POPULATION IN ESTONIA. SMALL ETHNIC GROUPS, CENSUS SNAPSHOTS, 2013, available at: [http:// www.digar.ee/arhiiv/et/download/227973](http://www.digar.ee/arhiiv/et/download/227973), accessed: 30.08.2016

<sup>2</sup> A.Tõnurist ETHNIC STRUCTURE OF POPULATION IN ESTONIA. SMALL ETHNIC GROUPS, CENSUS SNAPSHOTS, 2013, available at: [http:// www.digar.ee/arhiiv/et/download/227973](http://www.digar.ee/arhiiv/et/download/227973), accessed: 30.08.2016

<sup>3</sup> Census 2000, available at <http://www.stat.ee/20348>, in Estonian, accessed 26.08.2016

<sup>4</sup> Census 2011, available in Estonian at : <http://www.stat.ee/rel2011>, English translation available at : <http://www.stat.ee/phc2011>, accessed: 26.08.2016



## Languages

The 2000 census showed that Estonian was identified as the native (first) language by 67% of the population and Russian by 30% (62% and 35% in 1989).<sup>5</sup> Some 98% of ethnic Estonians and the same percentage of ethnic Russians said that the language of their ethnic group ('national language') was also their native language (99% in 1989). Among other ethnic groups numbering over 500 people, only Roma were found to have an excellent command of their 'national' language (97%). The lowest percentage of people fluent in their 'national' language (in this case, Hebrew) was found among Jews (6%).

The term 'Russian-speakers', however indefinite, largely reflects the actual situation among non-Russian minorities in Estonia. Finns are the only large ethnic minority in Estonia in which a relatively high percentage of individuals belonging to it regard Estonian as their native language. Russian is spoken as a native language in Estonia by 57% of ethnic Ukrainians, 70% of Belarusians, and 30% of Finns. Generally, in most large non-Estonian ethnic groups in the republic, the native language is either the respective 'national' language or Russian.

According to the 2011 census, Estonian as mother tongue was spoken by 68.5% of the population. At the same time Russian language as mother tongue was spoken by 29.6 % of the whole population and Ukrainian by 0.6 % of the population.

### *1.1.2. THE PROBLEM OF STATELESSNESS*

On November 6, 1991, the Supreme Soviet of Estonia decided that citizenship would be extended only to the citizens of the pre-World War II Estonia and their descendants.<sup>6</sup> The final resolution followed in 1992 with the re-enactment of the 1938 Citizenship Act. The version of the Citizenship Act which was in effect in the period 1992 – 1995 was based on the 1938 text.

Thus, unlike other post-Soviet republics, Estonia (and Latvia) rejected the so-called zero-option, which implied that all (or almost all) permanent residents were entitled to citizenship. According to official estimates, in 1992 32% of Estonia's population were 'individuals with undefined citizenship', which is a euphemism officially used to describe currently stateless former citizens of the USSR.

In the 1990s, large numbers of ethnic non-Estonians inhabiting Estonia choose to acquire Russian<sup>7</sup> citizenship and thus avoided being stateless.

By 2006, the percentage of stateless people in Estonia fell to 8%. According to 2011 census<sup>8</sup> the number of stateless persons was 84949. There is continuous decrease of stateless people from 2000 (12.4%) till 2011 (6.5%). The decrease in the percentage of stateless people in the population of Estonia was due to migration, naturalisation in Estonia, natural causes, and adoption of the Russian citizenship.

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<sup>5</sup> Census 2011, available in Estonian at : <http://www.stat.ee/rel2011>, English translation available at : <http://www.stat.ee/phc2011>, accessed: 26.08.2016

<sup>6</sup> Ülenõukogu otsus Eesti Vabariigi kodakondsuse kohta (Supreme Council, Decision about Citizenship of Republic of Estonia, 06.11.1991, available in Estonian: <https://www.riigiteataja.ee/akt/13074368>, accessed 26.08.2016

<sup>7</sup> Census 2000, available at <http://www.stat.ee/20348>, in Estonian, accessed 26.08.2016

<sup>8</sup> Census 2011, available in Estonian at : <http://www.stat.ee/rel2011>, English translation available at : <http://www.stat.ee/phc2011>, accessed: 26.08.2016



### *1.1.3. MAJOR RELIGIOUS GROUPS*

According to the 2000 census, minorities in Estonia were generally more religious than the ethnic majority. While only 26% of ethnic Estonians belonged to any confession, predominantly Lutheran, 42% of Russians in the country were religious, mostly Christian Orthodox.

Overall, 14.8% of Estonia's population aged 15 and over were Lutheran and 13.9% Orthodox. Altogether, these two groups comprise the majority of religious people in Estonia. The Muslim community is very small.

According to the 2011 census<sup>9</sup>, 29% of the whole population was belongig to the certain religious group. 16 % of Estonian population belonged to the Christian Orthodox religious, 10 % to the Lutheran religious. 14 % of the Estionas were belonging to the Lutheran religious. The orthodox religious was recognised by 51% of Belarusians, 50% Ukrainians, 47 % of Russians and 41% of Armenians.

## **1.2. BASIC ETHNIC POLICIES**

### *1.2.1. RECOGNITION OF NATIONAL MINORITIES*

In Estonia only the 1993 National Minorities Cultural Autonomy Act<sup>10</sup> deals specifically with the rights of minorities. According to this law, only citizens of Estonia are regarded as individuals belonging to national minorities. In 1996, a declaration containing the same statement accompanied the ratification of the Framework Convention for the Protection of National Minorities.<sup>11</sup> Currently the definitions of a national minority in the Cultural Autonomy Act (Article 1) and the Framework Convention ratification act are identical – to qualify, individuals must:

- be Estonian citizens;
- reside in Estonia;
- be different from Estonians ethnically, culturally, religiously, linguistically;
- wish to jointly preserve their cultural traditions, religion, and
- language serving as the basis of their common identity.

Nevertheless, the Cultural Autonomy Act explicitly mentions (ethnic) Russians, Germans, Swedes, and Jews as minorities.

A cultural autonomy can be founded by any other group as well, if it meets the above-mentioned criteria and includes at least 3,000 Estonian citizens (Article 2(2)). So far the right to cultural autonomy has been used by Swedes and Ingrian Finns.

The criterion involving long-term ties with Estonia is fulfilled in the cases of Russians who historically resided not only in the rural areas around the Lake Peipus and near the Russian border, but also in Estonia's largest cities (especially in Tallinn, Narva, and Tartu).

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<sup>9</sup> Census 2011, available in Estonian at : <http://www.stat.ee/rel2011>, English translation available at : <http://www.stat.ee/phc2011>, accessed: 26.08.2016

<sup>10</sup> Vähemusrahvuse kultuuriautonomiamia seadus (National Minorities Cultural Autonomy Act), RT I 1993, 71, 1001, English translation available at: <https://www.riigiteataja.ee/en/eli/519112013004/consolide>, accessed: 20.05.2016.

<sup>11</sup> Vähemusrahvuste kaitse raamkonventsiooni ratifitseerimise seadus (Act about Ratification of Minority Protection Convention) (in Estonian), RT II 1996, 40, 154, available: <https://www.riigiteataja.ee/akt/25204>, accessed: 27.08.2016





In its Opinion on Estonia of March 19th, 2015 the Advisory Committee of the Framework Convention for the Protection of National Minorities<sup>12</sup> said, that it encourages the authorities to pursue an open and inclusive approach to the Framework Convention's personal scope and reiterates its call to consider also extending formally the legal definition of term of national minority to long-term residents without Estonian citizenship. Moreover, the Committee praised the Estonian administration for taking an inclusive approach, and for not attempting to limit the rights of minority individuals who were not Estonian citizens.

Estonian government has followed those recommendations. In that sense, there are no restrictions or limits that are connected to the citizenship. Mostly when one talks about the economic, social and cultural rights, those rights are connected with the right to stay, but not with the citizenship.

### *1.2.2. OFFICIAL INTEGRATION POLICY*

Estonia adopted its first brief integration programme in 1999.<sup>13</sup> It was followed by a more detailed programme, *Integration in Estonian Society 2000 – 2007*.<sup>14</sup>

The document characterised the integration process as follows: “[O]n the one hand the social harmonisation of society on the basis of knowledge of the Estonian language and the possession of Estonian citizenship, and on the other hand the enabling of the maintenance of ethnic differences on the basis of the recognition of the cultural rights of ethnic minorities. The harmonisation of society also means the integration of both Estonians and non-Estonians around a unifying common core”.

The programme proposed the following directions of integration:

- Linguistic-communicative integration: the creation of a common sphere of information and the Estonian language environment with the preservation of cultural diversity;
- Legal-political integration understood as the creation of a population loyal to the Estonian state, and the reduction of the number of residents without Estonian citizenship;
- Socio-economic integration understood as the achievement of greater competitiveness and social mobility regardless of ethnicity and native language.

The Government on April 10, 2008 approved the new *Estonian Integration Strategy 2008 – 2013*.<sup>15</sup> Its key principles were:

- adhering to fundamental European values;
- Estonian as the common language of communication in the public sector;

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<sup>12</sup> See: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168047d0e5>, accessed: 16.05.2016

<sup>13</sup> “Eesti riikliku integratsioonipoliitika lähtekohtade mitte-eestlaste integreerimiseks Eesti ühiskonda» heakskiitmine ( Approval of integration policy for integration non-Estonians in Estonian society) ( in Estonian), 10.06.1998, RT I 1998, 57, 866, available. <https://www.riigiteataja.ee/akt/75582>, accessed: 27.08.2016; see also: R.R. Kionka *Estonia's Minority Policy: Origins and development*, available [http://www.vm.ee/sites/default/files/content-editors/web-static/428/Riina\\_Kionka.pdf](http://www.vm.ee/sites/default/files/content-editors/web-static/428/Riina_Kionka.pdf), accessed 31.08.2016

<sup>14</sup> Riiklik programm “Integratsioon Eesti ühiskonnas 2000-2007” ( State program “ Integration in Estonian Society 200-2007) , Kiidetud heaks Vabariigi Valitsuse poolt 14.03.2000.a ( in Estonian), available at: [http://www.kul.ee/sites/kulminn/files/integratsioon\\_eesti\\_uhiskonnas\\_2000-2007.pdf](http://www.kul.ee/sites/kulminn/files/integratsioon_eesti_uhiskonnas_2000-2007.pdf), accessed: 28.08.2016

<sup>15</sup> Eesti lõimumiskava 2008–2013 ( Estonian Integration Policy 2008 – 2013), Kinnitatud Vabariigi Valitsuse 10.04.2008 korraldusega nr 172, available at: [https://www.tartu.ee/data/L\\_imumiskava\\_2008\\_2013\\_vv\\_10\\_04\\_08\\_nr\\_172.pdf](https://www.tartu.ee/data/L_imumiskava_2008_2013_vv_10_04_08_nr_172.pdf), accessed: 29.08.2016



- strengthening state identity (“The objective of integration is to strengthen the common state identity of Estonia, developing common understanding of the state among permanent residents of Estonia based on the constitutional values of Estonia as a democratic state under the rule of law, valuing Estonian citizenship and appreciating the contribution of every person to the development of the society, at the same time accepting cultural differences”);
- involving all residents in developing society;
- equal opportunities;
- avoiding ethnicity-based separation;
- integration as a process originating at the individual level and involving the whole of society.

The results on this programme were as follow:

- The level of command of Estonian among the people whose mother tongue is not Estonian has improved on all levels;
- Contacts and communication between people with different mother tongues have increased and differences in participation in civil society organisations and the public sphere between Estonian and Russian speaking population have decreased;
- The percentage of people with undefined citizenship among the residents of Estonia has been consistently decreasing;
- The majority of Estonian residents trust people of other ethnic groups living in Estonia and they trust the Estonian state;
- The majority of the people whose mother tongue is not Estonian regularly receive information from Estonian media sources and trust them.

The present strategy for integration was approved by the government on 29 December 2014 „ The Strategy of Integration and Social Cohesion in Estonia „ Integrating Estonia 2020“.<sup>16</sup>

The latest Strategy “Integrating Estonia 2020” approved by the Government of Estonia on 29 December 2014, focuses more than the preceding ones on equal access to work, education and culture, as well as intercultural contacts among different segments of society, regardless of their linguistic or cultural background.

According to the strategy, following aims have to be followed:

- 1) increasing the openness of society, including Estonian-speaking permanent residents and making their attitudes towards integration more supportive;
- 2) the continuing support for permanent residents with cultures and native languages different from Estonian in the society;
- 3) supporting the adaptation and integration of new arrivals as a growing target group.

Based on the previous, the following aspects need to be earmarked for attention to achieve the objectives of integration:

- activities supporting active social participation and strengthening a common communication space, which take into account regional characteristics and also focus on the regions of Ida-

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<sup>16</sup> See: <http://www.kul.ee/en/integrating-estonia-2020>, accessed: 16.05.2016



Virumaa and Harjumaa, where many people with Russian as their main language of communication reside;

- activities which help to make society more tolerant and open, stressing the importance of cooperation between different ethnic groups in Estonia and creating open attitudes encouraging integration in society;
- activities supporting active participation on the labour market and ensuring equal opportunities;
- language learning activities, in addition to formal language learning, targeted at improving language skills through practical language use.
- activities introducing possibilities of practical participation in Estonian culture;
- activities supporting naturalisation;
- flexible activities promoting adaption targeted at new arrivals.

The last program also contains a lot of activities, that definitely will to improve the integration of minorities. The previous integration policies can still be described as successful. It can be concluded from those programmes, that Estonian government gives its efforts especially for integrating the Russian speaking minorities.

### *1.2.3. LANGUAGE POLICY*

#### **General Aspects**

The preamble of the Constitution says, “[w]ith unwavering faith and a steadfast will to strengthen and develop the state, [...] which shall guarantee the preservation of the Estonian nation, language and culture through the ages, the people of Estonia [...] by a referendum held on 28 June 1992, adopted the following Constitution”.<sup>17</sup>

The preamble had been invoked by courts to resolve specific language-related legal disputes. Examining for the second time the constitutional legality of the requirement that members of the municipal councils must know Estonian, in 1998 the Supreme Court’s Constitutional Review Chamber ruled that “[t]he conformity of language qualifications with the Constitution proceeds from the preamble of the Constitution, pursuant to which one of the aims of the Republic of Estonia is to guarantee the preservation of the Estonian nation and culture throughout the ages. As the Estonian language is an essential component of the Estonian nation and culture, without which the preservation of the Estonian nation and culture is not possible, the enacting of electoral qualifications guaranteeing the use of Estonian by the Local Government Council Election Act is constitutionally justified”.<sup>18</sup>

In spite of this judgment, the language requirement was nevertheless abolished. In 2006, the Estonian parliament initiated an amendment of the Constitution to add a reference to the Estonian language to its preamble. The one-word amendment became effective in July 2007.

The Constitution also mentions the special linguistic rights of minorities: the right to preserve ethnic identity (Article 49); the right to establish cultural autonomies (Article 50); the right of national minorities’ educational institutions to choose the language of instruction (Article 37); the right to

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<sup>17</sup> Eesti Vabariigi põhiseadus, 28.06.1992 - [RT 1992, 26, 349](https://www.riigiteataja.ee/en/eli/521052015001/consolidate), (The Constitution of the Republic of Estonia), English translation available: <https://www.riigiteataja.ee/en/eli/521052015001/consolidate>, accessed: 29.08.2016

<sup>18</sup> Supreme Court, case: 3-4-1-1-98, 05.02.1998 ( in Estonian), available at: <http://www.nc.ee/?id=11&tekst=RK/3-4-1-1-98>, accessed: 27.08.2016



receive responses in minority languages from municipal and state authorities in localities where at least 50% of permanent residents belong to minorities (Article 51), and the right to use a second language in official transactions in localities where Estonian is not the native language of over half the residents (Article 52).

The issue of the cultural autonomy of a national minority (Article 50) was discussed above. The constitutional right to choose the language of instruction (Article 37) is probably supposed to be exercised by educational institutions created by cultural autonomies.

The current Constitution (in contrast to the Constitution of 1920 with its Article 12) does not grant minorities the right to instruction in their native languages.

As for the use of the minority languages in official contacts, Article 52 of the Constitution refers to „the procedure provided by law“. The Language Act<sup>19</sup> requires that local self-government (municipal) institutions ask the central government to grant the corresponding permissions (Article 11). No permits have ever been issued. It nevertheless makes sense to check how the above norm is interpreted in laws. A local self-government council can ask to allow a second language, but the corresponding permit would remain valid only until the expiration of the term of this council. No limits are imposed, meanwhile, on how long the central government can keep the request under consideration. Where the central government issues the permit, the local government and the council may decide to translate part or all of their sessions into the language of the national minority (and not vice-versa). No permit is necessary to have minutes of self-government council sessions written in two languages in parallel (Local Government Organisation Act, Articles 23(7) and 41(3)-(4))<sup>20</sup>. No other relevant norms can be found in the Estonian legislation.

According to a special provision of the Language Act based on Article 51 of the Constitution, in local self-governments in areas where half or more residents belong to a national minority every individual has the right to receive responses from municipal and local state institutions not only in Estonian but also in the corresponding minority language (Article 9).

Though in Estonia a detailed definition of ‘a national minority’ can be found only in the National Minorities Cultural Autonomy Act, Estonian courts are not guided by it in the sphere of language regulation (thus they do not regard the national minority status as limited to citizens in the field of regulation of the Language Act).

However, the Supreme Court ruled that the right to receive responses from authorities in Russian or other minority languages belongs to individuals and not to ordinary legal entities.

Article 3(1) of the Language Act replicates the Constitution’s assertion (Article 6) that Estonian is the state language of Estonia. According to Article 8(1), every individual has the right to access the public administration and to communicate in Estonian in state agencies, local governments, bureaus of notaries, bailiffs and sworn translators, cultural autonomy bodies and institutions, companies, non-profit associations and foundations. A variety of acts regulating the use of Estonian in the official and public spheres reinforces this rule and provides for control over its implementation.

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<sup>19</sup> Keeleseadus (Language Act), RT I, 18.03.2011, 1, English translation available at: <https://www.riigiteataja.ee/en/eli/512012016001/consolide>, accessed: 15.05.2016

<sup>20</sup> Kohaliku omavalitsuse korralduse seadus (Local Government Organisation Act), RT I 1993, 37, 558, English translation available at: <https://www.riigiteataja.ee/en/eli/529022016003/consolide>, accessed: 15.05.2016



As mentioned above, integration largely relies on the official language as the instrument of promoting cohesion in the society. Estonian is the main (and in many cases the only) language of official communication and state-supported higher education. Nevertheless, the Estonian language has not taken a sufficiently big role in daily inter-ethnic communication.

The situation with the command of Estonian is improving. According to the 1989 census, only 15% of ethnic Russians in Estonia spoke Estonian. In 2000, the figure rose to 40%. A good command of Estonian is more widespread among younger people belonging to minorities (59% of the people aged 15 – 19;<sup>21</sup> in 2015 this number was 63%). In 2015, 48% people belonging to minorities have stated they have at least passive ability of Estonian language.<sup>22</sup>

Despite these positive changes, it appears that Russian-speakers have already used up most of the private resources they could allocate to the task of mastering Estonian, and in the future, the progress in spreading proficiency in the language is going to be limited. In reality, Russian is the predominant language of communication in certain regions of the country. This e.g the case of Easter-Estonia (Ida-Virumaa), especially the city of Narva where approx.. 95% of residents are Russian-speaking).

In 2003, Estonia passed a new Place Names Act<sup>23</sup>, which affords a more liberal approach to names in languages other than Estonian. Though the general rule is that place (geographical) names must be in Estonian, historically and culturally motivated exceptions are allowed. If a local self-government chooses a non-Estonian place name, its decision must be confirmed by the Minister of Regional Affairs. The Minister makes the decision taking into consideration advice from the Place Names Council, and what language was spoken by the majority of the local population by September 27, 1939 when Soviet military bases were deployed in the country. If by that date the majority of the population in the area spoke Russian for example, the Russian place name can be chosen without such confirmation.

The law also allows local self-governments to change official names, but the procedure requires the agreement of the Minister of Regional Affairs and the Place Names Council. For example, a place can reclaim its original Estonian name. In addition to other reasons of purely technical character, a place name can be legitimised simply because it is used in practice more often than the official one. In this case, the new name must meet the Estonian language and other requirements listed in the law (Article 7).

It should be noted that due to reasons rooted in Estonian history, many of the official geographic names in the country have changed more than once. Before the 20th century, the official place names were in many cases German. The official place names were radically Estonianised during the first period of independence, and the process affected a large number of Russian villages and townships in the region bordering Russia and in the proximity of the Lake Peipus. In the Soviet era, the possibility of reverting to the original Russian names was not considered.

According to the Place Names Act, the use of a parallel name is meant to preserve the place's 'foreign name' in case it already has one in Estonian (or vice-versa). The corresponding decisions can be made

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<sup>21</sup> Census 2000, available at <http://www.stat.ee/20348>, in Estonian, accessed 26.08.2016

<sup>22</sup> Eesti ühiskonna lõimumismonitooring 2015 (Report on Estonian Integration),(in Estonian), <http://www.kul.ee/et/eesti-uhiskonna-loimumismonitooring-2015>, accessed: 30.08.2016

<sup>23</sup> Kohanimeseadus (Place Names Act), RT I 2003, 73, 485, English translation available at: <https://www.riigiteataja.ee/en/eli/503072015002/consolide>, accessed: 16.05.2016



at the local self-government level but they require the agreement of the Minister of Regional Affairs who must seek the advice of the Place Names Council (Article 11). Several Swedish villages in the western part of Estonia have been given parallel names in this way.

#### *1.2.4. CITIZENSHIP POLICY*

##### **General Aspects**

The naturalisation requirements are an indispensable part of Estonian ethnic policies. Since 1992, Estonia has had two Citizenship Acts, which reflected a compromise in the pursuit of two objectives:

- 1) to assure the survival of the Estonian nation by limiting citizenship to those who understood the country's language and culture
- 2) to integrate those who had settled in Estonia under the Soviet rule and thus to ensure a stable and loyal population.

Most of the criticism of this approach concerned the language requirements linked to naturalisation. In the case of the 1992 Act – the restored 1938 Act – an important role was played by the Supreme Soviet's decision on its application.

The Act allowed a simplified naturalisation procedure (involving no language requirements) for stateless individuals who had lived in Estonia for over a decade. However, the Supreme Soviet decided that the earliest starting point for the ten-year residence term had to be March 30, 1990.<sup>24</sup>

The linguistic requirements for naturalisation were established by a separate Act, which entered into force in 1993. This Act included provisions stipulating what kind of language proficiency has to be demonstrated by applicants to obtain citizenship. It thus became possible for most ethnic non-Estonians to gain Estonian citizenship by naturalisation. The pre-war law had given ethnic Estonians a privilege: they did not have to take the language test.

Until 1995, the content of the naturalisation language test was defined by a government regulation based on the Act on the Estonian Language Requirements for Citizenship Applicants. Most of the questions arose in connection with the topics for conversation during the oral examination, which were country-specific in character (Estonia's major cities, lakes, rivers, and islands, its main historical events and figures, Estonian artists, etc.).

In 1995, the parliament passed a new Citizenship Act which broadened the range of naturalisation requirements to include a Constitution and Citizenship Act Test (Article 6). The new Act allowed no ethnically-based privileges. The naturalisation process was switched completely to the new set of requirements.

The situation regarding Estonian citizenship remained tense in the late 1990s. Since 2000, the language tests for employees (special tests must be taken by all public and many private sector employees) were the same as those used in the citizenship test.

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<sup>24</sup> Eesti Vabariigi Ülemnõukogu otsus Kodakondsuse seaduse rakendamise kohta (Supreme Council Decision about the Citizenship Act), RT 19992, 7, 109, (in Estonian), available: [http://eudo-citizenship.eu/NationalDB/docs/EST%20Decision%20and%20Citizenship%20Act%20of%201938%20\(consolidated%20text%20of%2031.03.95\)%20\(original\).pdf](http://eudo-citizenship.eu/NationalDB/docs/EST%20Decision%20and%20Citizenship%20Act%20of%201938%20(consolidated%20text%20of%2031.03.95)%20(original).pdf), accessed 28.08.2016



The tests address listening and reading comprehension, and the ability to speak and write in the language. Since the language test certificate of any level could be used in the naturalisation process, the minimal naturalisation requirements were somewhat liberalised as a result.

The second naturalisation test examines knowledge of the Estonian Constitution and the Citizenship Act (Article 9(1) of the 1995 Citizenship Act)<sup>25</sup>. The procedure of this test and the list of questions have changed a number of times.

Since 1999, a liberalised procedure of citizenship acquisition is open to children under 15 if they and both their parents are stateless.

Any person who has completed basic, secondary or higher education in the Estonian language shall not be required to complete the language examination (Article 8(5)).

According to the 2015 Integration Monitoring, while 60% of ethnic Estonians held that the country's citizenship policy was "normal" and in accordance with international standards, 70% of ethnic non-Estonians considered it "too strict" and believed that it violated "the human rights of non-Estonians"<sup>26</sup>. Those numbers seem to be high, but at the same time, it is necessary to point out, that there has been any case law about violation of minority rights based on the naturalisation exams.

### **Ban on Naturalisation**

Certain categories of non-citizens (including stateless residents) are denied the right to naturalisation in Estonia. For example, according to Article 21(1) of the Citizenship Act, Estonian citizenship cannot be granted to an individual:

who has committed a criminal offence for which a punishment of imprisonment of more than one year was imposed, and whose criminal record has not expired, or who has been repeatedly punished according to the criminal procedure for intentionally committed criminal offences;

who has been employed or is currently employed by the intelligence or security service of a foreign state;

has served as a professional member of the armed forces of a foreign state, or who has been assigned to the reserve forces thereof, or has retired therefrom;

and nor shall Estonian citizenship be granted to, or resumed by, his or her spouse who entered Estonia due to a member of the armed forces being sent into service, the reserve or into retirement.

As an exception, Estonian citizenship may be granted to, or resumed by, a person who has been repeatedly punished according to the criminal procedure for intentionally committed criminal offences, and whose criminal record has expired, "taking into consideration the circumstances relating to the commission of a criminal offence and the personality of the offender" (Article 21(1-1)).

A former military serviceman can get citizenship only if he or she has been married for at least five years to an individual who obtained Estonian citizenship at birth (Article 21(2)).

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<sup>25</sup> Kodakondsuse seadus (Citizenship Act), RT I 1995, 12, 122, English translation available at: <https://www.riigiteataja.ee/en/eli/503022016004/consolide>, accessed: 17.05.2016

<sup>26</sup> See: <http://www.kul.ee/et/eesti-uhiskonna-loimumismonitooring-2015>, accessed: 17.05.2016



The Citizenship Act explicitly demands that a naturalised citizen be loyal to Estonia (Article 6).

According to the Constitution (Article 8) citizenship obtained at birth cannot be revoked. The principle has been incorporated into the Citizenship Act (Article 5(3)). A naturalised citizen can be stripped of his Estonian citizenship if he or she attempts to change the constitutional system of Estonia by force, as an Estonian citizen, enters state public service or military service for a foreign state without permission, and so on. Citizenship can be revoked in this way even if as a result the person concerned becomes stateless. The citizenship is revoked by a government decision, not by that of a court. It is prohibited to deprive an individual of the Estonian citizenship because of his or her beliefs (Article 28).

### **1.3. FUNDAMENTALS OF MIGRATION POLICY**

In Estonia, the number of individuals belonging to minorities grew fourfold after the end of World War II, reaching 38.5% of the population by March 1989.

When Estonia regained its independence, the people who were permanent residents and citizens of the Estonian Soviet Socialist Republic but who had not been citizens of the prewar independent Republic of Estonia as of July 16, 1940, or their descendants, became 'aliens'.

The Aliens Act passed on July 8, 1993 defined the legal foundations for their presence in Estonia. <sup>27</sup>The same act (Article 20(2) of its first version) guaranteed to these 'aliens' who had a permanent registration in Estonia as of July 1, 1990, and whose legal status was in line with the requirements of the act, the right to a residence permit (a temporary permit, initially) and to a work permit. A part of the population that could claim Estonian citizenship on the basis of the pre-war law – mostly women married to men who were Estonian citizens by birth, and their children from previous marriages, were, at the same time, recognised as citizens.

As noted above, Estonia's population is divided into four major groups. Estonian citizens (84.2%), Russian citizens (6.8%), citizens of other countries (0.7%), and 'individuals with undefined citizenship' (the stateless former citizens of the USSR and their descendants) (6.5%).

In recent years, there has been an increase in the number of residents of Estonia obtaining Russian citizenship. It was obtained by 1,450 people in 2003, by 3,861 people in 2004, by 5,306 people in 2005, and by 3,124 people in 2006. The increase resumed in 2007: in the period August 2007 – March 2008, the number of Russian citizenship applications more than doubled compared to the same months in 2006 – 2007. <sup>28</sup> According to the Russian Embassy in Tallinn, "a considerable number of applicants indicated that they were motivated by a "loss of confidence in the Estonian administration and in Estonian democracy" after the events of April. 2007" (when a Soviet war memorial was controversially removed from the centre of town, an event which led to violent clashes) and "by the now available unimpeded opportunities to travel to Russia and Europe and to get jobs there after Estonia joined Schengen".

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<sup>27</sup> Välismaalaste seadus (Aliens Act)(in Estonian), 08.07.1993,

RT I 1993, 44, 637, available at: <https://www.rigiteataja.ee/akt/28574>, accessed: 26.08.2016

<sup>28</sup> EUDO CITIZENSHIP OBSERVATORY COUNTRY REPORT: ESTONIA, P. Järve, V.Poleshchuk Revised and updated January 2013, in English, available at: <http://eudo-citizenship.eu/docs/CountryReports/Estonia.pdf>, accessed: 29.08.2016





According to the last monitoring about the integration in Estonia the number of stateless people, who wanted apply for Russian citizenship has decreased (in 2008 this percentage was 19, in 2015 only 7 %).<sup>29</sup>

### *1.3.1 THE STATUS OF A LONG-TERM RESIDENT OF THE EC*

When the Aliens Act was passed in 1993, most of Estonia's Soviet era residents were guaranteed temporary and later permanent residence permits in the country. Some people failed to obtain permanent permits since they had no permanent income or place of residence. According to the previous version of Article 12(3) of the Aliens Act, a permanent residence permit could be issued to an alien who had resided in Estonia for at least three of the last five years on the basis of a temporary residence permit, if his or her permanent legal income ensured his or her subsistence in Estonia, and if he or she has a valid residence permit and a place of residence in Estonia (unless otherwise provided by law). A permanent residence permit could not be issued to an alien who obtained a temporary residence permit for employment or study.

In April 2006 in order to transpose, the Council Directive 2003/109/EC Estonia changed the Aliens Act and introduced the status of a so-called long-term resident of the European Community (referred to as Status in what follows). All individuals holding permanent residence permits were automatically recognised as having the Status of the long-term resident.

Since 01.10.2010, new Aliens Act came into force.<sup>30</sup>

According to the general rule now, it is necessary fulfil the so-called integration requirement – by passing a test in Estonian – prior to submitting the Status applications. Individuals younger than 15 and older than 65, as well as those with limited legal capacity, are exempt from the requirement (Articles 234 and 235). The integration requirement entered into force only in July 2007 and, as a result, the opportunity to obtain a permanent residence permit without taking the language test remained open for a year.

It could also be used by the categories of people who previously were unable to obtain permanent residence permits (for example, Soviet and Russian military pensioners). It should be noted, however, that some of the requirements were actually tightened: the period of residence necessary for a permanent permit to be issued rose from 3 to 5 years (Article 232).

Aliens who entered Estonia with valid visas can be expelled without an administrative court warrant or a precept if their visas have expired. Aliens if they have received criminal convictions and have no valid residence permits can also be expelled upon release from prison without an administrative court warrant or a precept.

According to Article 241(7) of the Aliens Act, the long-term resident status can be annulled, among other reasons, if its holder spends 12 months continuously outside the EU or 6 years continuously outside Estonia; if the same status is granted to the holder in another EU Member State; or if the holder poses a serious threat to public order and security (the Act does not specify what this condition actually means).

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<sup>29</sup> Eesti ühiskonna lõimumismonitooring 2015 (Report on Estonian Integration),(in Estonian), <http://www.kul.ee/et/eesti-uhiskonna-loimumismonitooring-2015>, accessed: 30.08.2016; See also: EUDO CITIZENSHIP OBSERVATORY COUNTRY REPORT: ESTONIA, P. Järve, V.Poleshchuk Revised and updated January 2013, in English, available at: <http://eudo-citizenship.eu/docs/CountryReports/Estonia.pdf>, accessed: 29.08.2016

<sup>30</sup> Välismaalaste seadus (Aliens Act), RT I 2010, 3, 4, English translation available at: <https://www.riigiteataja.ee/en/eli/522042016002/consolide>, accessed: 18.05.2016



In 2014, the Police and Border guard Board issued 847 long-term residents' residence permits. In 01.01.2015 there were 171 196 people with the Status of long-term residents in Estonia.<sup>31</sup>

### *1.3.2. ILLEGAL ALIENS. EXPULSION*

The conservative estimate of the number of illegal aliens in Estonia puts their number at several thousands. They can be divided into two major groups: those who used to live in Estonia before 1990 – 1991 and 'newcomers'. The first category comprises the individuals who failed to get residence permits due to the restrictive and inflexible character of the Estonian migration legislation or their personal mishaps. The second category consists mainly of people working in Estonia illegally or who do not previously have residence permits to settle with their families due to the immigration quota.

According to the Obligation to Leave and Prohibition on Entry Act,<sup>32</sup> an illegal alien can be ordered either to leave the republic or to legalise his or her residence. Both orders can be appealed in court

According to Article 33-2 of the Act, an individual should be informed about a ban on entry if he or she requests the information. Article 33-3 says that the ban on entry can be contested by an individual within 30 days after having being informed about it.

### **1.4. FIGHT AGAINST ETHNIC, RACIAL, AND RELIGIOUS DISCRIMINATION**

#### **Constitutional Guarantees**

Article 12 of the Estonian Constitution says that everyone is equal before the law and no one shall be discriminated against on the basis of ethnicity, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds. The constitutional principle of non-discrimination is reiterated by a number of laws (e.g. Gender Equality Act and Equal Treatment Act). It is a commonly held view that the Constitution prohibits discrimination on any basis including those listed in Article 12 of the Constitution. This is a significant circumstance as in Estonia the Constitution is directly applicable in the courts.

As for equality before the law, the Supreme Court's Constitutional Review Chamber confirmed that the principle applies to all sphere of life. The court also stated clearly that equality before the law is a fundamental right.<sup>33</sup>

Cases in which parties invoke Article 12 of the Constitution per se come to the Supreme Court, but no ethnic, racial, or religious discrimination cases have ever been heard in it. Nevertheless, the Supreme Court has developed a number of significant principles concerning unequal treatment. On the whole, Article 12 of the Constitution should be interpreted so as "those who are equal must be treated equally and those who are unequal must be treated unequally [...] The prohibition to treat equal persons unequally has been violated if two persons, groups of persons or situations are treated

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<sup>31</sup> Pikaajaline elamisluuba on enam kui 170 000 Eesti elanikul (Long term residence right is given more than 170000 Estonian residents) (in Estonian), 10.02.2015, <http://www.postimees.ee/v2/3086293/pikaajaline-elamisluuba-on-enam-kui-170-000-eesti-elanikul>, accessed:31.08.2016

<sup>32</sup> Väljasõidukohustuse ja sissesõidukeelu seadus (Obligation to Leave and Prohibition on Entry Act) RT I 1998, 98, 1575, English translation available at: <https://www.riigiteataja.ee/en/eli/522042016003/consolide>, accessed: 17.05.2016

<sup>33</sup> Supreme Court, 07.06.2011, Case: 3-4-1-12-10 ( in Estonian), available: <http://www.nc.ee/?id=11&tekst=222535250>, accessed: 28.08.2016



arbitrarily unequally. An unequal treatment can be regarded as arbitrary if there is no reasonable cause there for”.<sup>34</sup>

The issue of whether unequal treatment of two persons, two groups of persons or situations “is justified or unjustified (i.e. arbitrary) can only arise if the groups who are treated differently are comparable, i.e. they are in an analogous situation from the aspect of concrete differentiation”.<sup>35</sup>

In one of its judgments, the Supreme Court showed clearly that “unequal treatment can not be justified by difficulties of mere administrative and technical nature”.<sup>36</sup>

### **Criminal Law**

A special provision of the Penal Code<sup>37</sup> which entered into force in September 2002 (Article 152) makes punishable the unlawful restriction of the rights of a person, or the granting of unlawful preferences to a person, on the basis of his or her ethnicity, race, colour, sex, language, origin, sexual orientation, religion, political opinion, financial or social status.

The following Articles of the Penal Code could play an important role in the context of the struggle against discrimination: Article 151 (incitement of hatred), Article 153 (discrimination based on genetic risks), Article 154 (violation of freedom of religion), and Article 155 (compelling a person to join or retain membership of a religious association).

### **Implementation of EU Anti-Discrimination Norms in Estonia**

In 2000 the EU passed a directive banning discrimination based on race and ethnic origin practically in all spheres of public life (the so-called Race Directive). Another directive passed the same year banned discrimination in the labour market based on religion, age, disabilities, and sexual orientation.

Estonia as well as other EU candidate states was supposed to transpose the requirements contained in the directives into their national legislations by May 1, 2004. In 2004 Estonia passed a separate Gender Equality Act<sup>38</sup>. As for discrimination on other grounds, the Employment Contracts Act and the Chancellor of Justice Act were amended in 2004 as a temporary solution.

The Equal Treatment Act<sup>39</sup> entered into force on January 1, 2009. It includes definitions of direct and indirect discrimination and rules for protecting victims of discrimination against harassment and victimisation (Article 3) which are practically identical to those spelled out in the EU directives.

It took Estonian legislators about five years to introduce detailed norms for protection against discrimination based on race, ethnic origin, religion, age, and sexualorientation aligned with the

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<sup>34</sup> Supreme Court, 03.05.2001, case, 3-4-1-6-01, (in Estonian), available:

<http://www.nc.ee/?id=11&tekst=RK/3-4-1-6-01>, accessed: 28.08.2016

<sup>35</sup> Supreme Court, 03.01.2008, case 3-3-1-101-06, in Estonian, available: <http://www.nc.ee/?id=11&tekst=222507066>, accessed: 29.08.2016

<sup>36</sup> Supreme Court, 21.01.2004, case 3-4-1-7-03 ( in Estonian), available

<http://www.nc.ee/?id=11&tekst=RK/3-4-1-7-03>, accessed: 29.08.2016

<sup>37</sup> Karistusseadustik (Penal Code), RT I 2001, 61, 364, English translation available at: <https://www.riigiteataja.ee/en/eli/530052016001/consolide>, accessed: 17.05.2016.

<sup>38</sup> Soolise võrdõiguslikkuse seadus (Gender Equality Act), RT I 2004, 27, 181, English translation available at: <https://www.riigiteataja.ee/en/eli/521012016001/consolide>, accessed: 18.05.2016

<sup>39</sup> Võrdse kohtlemise seadus (Equal Treatment Act), RT I 2008, 56, 315, English translation available at: <https://www.riigiteataja.ee/en/eli/530102013066/consolide>, accessed: 18.05.2016



requirements spelled out in EU directives. Although Estonia has transposed all possible directives, the case law is modest. There are few lawsuits that concern the discrimination issues, but it seems to be that discrimination based on nationality

### **Labour Law**

As of late 2004, more progress towards the implementation of the EU anti-discrimination requirements was made in Estonia's labour law than in other legislation spheres. The corresponding amendments to the Employment Contracts Act were passed in 2004.

The Act did not regulate the labour relations of a number of areas, for example the work of state and local government officials. As a result, the scope of the antidiscrimination provisions of the Employment Contracts Act was not as broad as required by the EU directives concerning the labour market.

The Employment Contracts Act contained definitions of direct and indirect discrimination similar to those found in the EU directives. The term 'harassment' was given a wider interpretation in the EU directives than in Estonia's national law. Estonian legislators did not implement the provisions concerning, for example, the protection of individuals victimised as a result of discrimination if they took their cases to court, etc. These shortcomings were eliminated when the Equal Treatment Act was passed.

In 2009 the new Employment Contracts Act (hereinafter ECA) was adopted<sup>40</sup>. The Article 3 of the ECA states that the principle of equal treatment shall be followed according to the Gender Equality Act and Equal Treatment Act. The same rule is also contained in Public Service Act that came into force on 01.04.2013.

The Equal Treatment Act entered into force on January 1, 2009. It includes definitions of direct and indirect discrimination and rules for protecting victims of discrimination against harassment and victimisation (Article 3) which are practically identical to those spelled out in the EU directives.

Detailed anti-discrimination norms are established not only for the private sector but also for state and municipal officials (Article 2). As for discrimination based on race and ethnic origin, the Act's scope includes not only employment but also the spheres of education, social protection, including social security and healthcare, social advantages, and access to and supply of goods and services that are available to the public, including housing (Article 2).

The Equal Treatment Act (Article 10) states that a difference of treatment shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned, or of the context in which they are carried out, the attribute at issue constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate. Specific measures ('positive actions') to prevent or compensate for disadvantages linked to any of the attributes specified by the Act are allowed, provided that such action is in proportion to the objective being sought (Article 6).

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<sup>40</sup> Töölepingu seadus (Employment Contracts Act), RT I 2009, 5, 35, English translation available at: <https://www.riigiteataja.ee/en/eli/509012015006/consolide>, accessed: 17.05.2016



Article 9(1) of the Equal Treatment Act provides that measures do not prejudice the adoption or maintenance of specific measures that are in accordance with law and are necessary to ensure public order and security, to prevent criminal offences, or to protect the health, rights and freedoms of others. Any such act must be in proportion to the objective being sought.



## II SPECIFIC ISSUES CONCERNING THE REALISATION OF CIVIL AND POLITICAL RIGHTS

### **2.1. PARTICIPATION IN POLITICAL AND PUBLIC LIFE**

In 1992, Estonia's last Supreme Soviet re-enacted the Citizenship Act, which had been in force before World War II. It thereby stripped a large part of its own electorate (about one third) of voting rights.

As a result, the new parliament (Riigikogu) elected in 1992 was 100% Estonian ethnically.

Two 'Russian' parties won 6 seats (out of 101) in the 1995 parliamentary elections. In 1999, one "Russian" party won 6 seats. In 2003 and 2007 neither of the 'Russian' parties were elected to the parliament but in, both elections six ethnic Russians who ran as candidates from mainstream parties were elected (compared to two in 1999). In 2015 election also no „Russian“ parties were elected. Most votes of Russian speaking population were going to one party – Centrist Party (Keskerakond).

MPs who are ethnic non-Estonians (from 'Russian' or mainstream parties) had and have practically no influence over the decision-making process. It is possible to observe, that Estonia's main political parties have maintained the consensus concerning the fundamentals of the national ethnic politics, including the politics with respect to such issues as citizenship, language, and migration.

According to the Riigikogu Election Act (Article 4)<sup>41</sup> only Estonian citizens have the right to vote and to stand as candidates in parliamentary elections.

The last local elections (in cities and rural municipalities) were held in 2013. Only citizens of Estonia and the EU had both the right to vote in them or to stand as candidates. The participation of third country nationals including stateless was limited to the right to vote if they were holders of a permanent residence permit. Thus, most non-citizens could vote but could not be candidates.

It should be noted that the recent years have seen a much lower parliament electoral activity in the predominantly non-Estonian Ida - Viru county than the average across the republic (in Ida-Virumaa 55%, the average in Estonia 64.2%), but not in the case of local elections.<sup>42</sup>

### **2.2. FREEDOM OF SPEECH, FREEDOM OF INFORMATION**

#### **Prosecution for Inciting Hatred**

In the context of the freedom of speech and religion the theme of greatest interest is the administration's implementation of Article 151 of the Penal Code, which deals with incitement of hatred, violence and discrimination based on ethnic origin, race, language, religion and so on.

In June 2006, the Parliament passed amendments to the Penal Code, which were supposed to make it easier for law enforcement agencies to investigate crimes in the internet. Article 151 dealing with incitement to hatred on various grounds was changed. It should be regarded as a positive change that the new version of the Article introduced the responsibility of legal entities. Calls for discrimination were also added to the list of punishable offences.

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<sup>41</sup> Riigikogu valimise seadus (Riigikogu Election Act), RT I 2002, 57, 355, English translation available at: <https://www.riigiteataja.ee/en/eli/506052016002/consolide>, accessed: 20.05.2016

<sup>42</sup> Riigikogu valimised 2015, Vabariigi Valimiskomisjon (Commission for Elections), <http://rk2015.vvk.ee/participation.html>, accessed: 26.08.2016



It should, however, be regarded as a negative change that the applicability of the Article 151 was limited to cases where the illegal activities in question resulted at least in danger to the life, health or property of a person. As a result, the Penal Code can no longer operate in investigations into hate speech in the media unless serious consequences have ensued.

### **The Media**

According to the Language Act (Article 18) when broadcasting (including transmission by television stations or cable networks) audiovisual works (including programmes and advertisements), 'foreign language' text shall be accompanied by an adequate translation into Estonian. A translation into Estonian is not required for programmes, which are immediately retransmitted, or for language learning programmes, or for the newsreader's text of originally produced 'foreign language' news programmes and of originally produced live 'foreign language' programmes. Thus, translation is mandatory when a pre-recorded programme is broadcasted. Furthermore, the volume of foreign language news programmes and live foreign language programmes without translations into Estonian shall not exceed 10% of the volume of weekly original production.

Estonian public broadcasting started in 2016 with special channel that is meant for Russian speaking population. The casting is in Russian, without any Estonian translation.<sup>43</sup>

### **The Language of Public Information**

For a long time, public signs, signposts, advertisements and announcements in Estonia had to be in Estonian only (exceptions were mostly allowed in the interests of foreign tourists). Article 16(2) of the Language Act allows adding messages in 'regional versions' of the Estonian and 'foreign languages', requiring that the text in Estonian occupy the first place and be no less visible than the addition.

### ***2.3. FREEDOM OF RELIGION***

Article 40 of the Estonian Constitution states that there is no state church in the country. By default, the Lutheran faith is the country's basic religion. A special joint commission for promoting cooperation between the Estonian government and the Estonian Evangelical Lutheran Church was established in 1995.

Nevertheless, the number of Lutherans is currently estimated at 108,513 (2011 Census), which is less than in two officially registered Orthodox churches (176 773, 2011 Census).

### **Christian Orthodox**

However, religion is not a major in individual contacts between ethnic Estonians and non-Estonians, the status of the Orthodox Church was a highly politicised issue in the early 1990s. After 1991, the local Orthodox Church, which belonged to the Moscow Patriarchate, was not recognised as the legal successor to the church that existed before World War II. Instead, this status was granted to a group which fled to the West during the war and which was under the authority of the Patriarch in Constantinople. It was allowed to register itself under the name of the pre-war church organisation.

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<sup>43</sup> Venekeelne telekanal ETV+ (Russian speaking TV), available: [http://info.err.ee/v/avalikteave/venekeelne\\_telekanal/36b3706a-9707-48a7-bcf4-666b68ce189c](http://info.err.ee/v/avalikteave/venekeelne_telekanal/36b3706a-9707-48a7-bcf4-666b68ce189c), accessed: 30.08.2016



The legally dubious procedure (the organisation had no episcopal structure as required by law) made it possible for the group to get control over practically all the property which belonged, and de facto continues to belong, to the parishes linked to Moscow. Almost all Orthodox parishes with ethnic Estonian believers switched to Constantinople (in contrast to the 'ethnically Russian' parishes).

In Estonia there no information about the claims or lawsuit, that has been raised due to the religion or due to the discrimination based on religion.

### **Muslim Minority**

Estonia is home to a very small Muslim community mainly comprising ethnic Tatars and Azeris (Azerbaijanis). According to 2011 census, there are 1508 muslims.<sup>44</sup> The lifestyle of most Muslims in Estonia – as that of most Christians – is quite secular. The share of religious people among the traditionally Muslim ethnic groups is roughly the same as among the rest of the ethnic non-Estonian population.

A potential inflow of 'fundamentalist' Muslims into the country has been regarded with concern both by the government and by experts. The concern is largely shared by the leaders of the Tatar and Azeri communities. Attempts to import 'radical Islam' into Estonia were made in the mid-1990s but met with strong opposition from the local Muslim communities.

At present, there are no mosques in Estonia but there do exist Muslim houses of prayer.

### **Other Religious Groups**

Adepts of the Taara (Earth) pagan cult<sup>45</sup> – about 1,047(2011 census) – have complained about being harassed by the administration. They had difficulty registering their organisation. Eventually the corresponding provisions of the Churches and Congregations Act (§ 7)<sup>46</sup> were adjusted to allow the use of titles other than church, parish, and monastery in the process of registering religious organisations.

## **2.4. ACCESS TO JUSTICE**

### Problems Related to the Language Used by the Justice System

Article 5 of the Courts Act<sup>47</sup> says that judicial proceedings in court must be conducted in Estonian while certain exceptions are possible. In practice, the norms concerning the language of court proceedings can obstruct access to justice for a large group of Russian-speakers not fluent in Estonian.

Article 10(2) of the Code of Criminal Procedure<sup>48</sup> says that the assistance of a translator or an interpreter must be ensured for the participants in any proceeding if the parties are not proficient in Estonian.

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<sup>44</sup> Census 2011, available in Estonian at : <http://www.stat.ee/rel2011>, English translation available at : <http://www.stat.ee/phc2011>, accessed: 26.08.2016

<sup>45</sup> Taarausulised said õiguse oma nimedele ( Adepts have got the right for their name), (in Estonian)16.01.2004, <http://www.delfi.ee/news/paevauudised/eesti/taarausulised-said-õiguse-oma-nimedele?id=7026779>, accessed 25.08.2016

<sup>46</sup> Kirikute ja koguduste seadus (Churches and Congregations Act), RT I 2002, 24, 135, English translation available at: <https://www.riigiteataja.ee/en/eli/523012015005/consolide>, accessed: 17.05.2016

<sup>47</sup> Kohtute seadus (Courts Act), RT I 2002, 64, 390, English translation available at: <https://www.riigiteataja.ee/en/eli/516032015002/consolide>, accessed: 16.05.2016





More questions arise in connection with the Code of Civil Procedure<sup>49</sup>. Its Article 34(1) allows the involvement of an interpreter or a translator at the request of a participant in the proceeding or at the court's own initiative. However, if the court is not able to immediately involve an interpreter or translator, the court shall make a ruling whereby the participant in the proceeding needing the assistance of an interpreter or translator is required to find an interpreter, a translator (citizens of Estonia and other EU countries) or a representative proficient in Estonian for himself or herself). Furthermore, failure to comply with the demand of the court does not prevent the court from adjudicating the matter. If the plaintiff fails to comply with the demand of the court, the court may refuse to hear the action. The same principles are also applied according to the § 84 section 2 of the Code of Administrative Court Procedure<sup>50</sup>. In practice, up to the present, courts have used translators for Russian-speakers.

Difficulties can be faced when complaints and lawsuits are filed, as generally they are not accepted if written in Russian. However, exceptions are often made for those who are imprisoned.

It is assumed that the poorest categories of the population can obtain assistance in writing complaints and lawsuits on the basis of the State Legal Aid Act<sup>51</sup>. The Law passed in 2004 allows a petition to be submitted to a court in any language but the applicant could be made pay for translation. Residents and citizens of the EU can also submit documents in English, but no exception was made for Russian, which is the native language of almost a third of Estonia's population.

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<sup>48</sup> Kriminaalmenetluse seadustik (Code of Criminal Procedure), RT I 2003, 27, 166, English translation available at: <https://www.riigiteataja.ee/en/eli/530052016003/consolide>, accessed: 15.05.2016

<sup>49</sup> Tsiviilkohtumenetluse seadustik (Code of Civil Procedure), RT I 2005, 26, 197, English translation available at: <https://www.riigiteataja.ee/en/eli/514032016001/consolide>, accessed: 15.05.2016

<sup>50</sup> Halduskohtumenetluse seadustik (Code of Administrative Court Procedure), RT I, 23.02.2011, 3, English translation available at: <https://www.riigiteataja.ee/en/eli/506042016001/consolide>, accessed: 15.05.2016

<sup>51</sup> Riigi õigusabi seadus (State Legal Aid Act), RT I 2004, 56, 403, English translation available at: <https://www.riigiteataja.ee/en/eli/527042016001/consolide>, accessed: 20.05.2016



## III SPECIFIC ISSUES CONCERNING THE REALISATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

### **3.1. EDUCATION**

According to Article 37 of the Estonian Constitution, everyone has the right to education and everyone has the right to receive instruction in Estonian. The language of instruction in national minority educational institutions is to be chosen by the educational institution. The Constitution gives no definition of a national minority educational institution, but in practice, Russian municipal and state schools are not regarded as such. The only exception is in fact made for a Jewish school in Tallinn where the language of instruction is Russian and a number of classes teach Jewish history, tradition, and culture.

There are no formal legal obstacles in the way of educating minorities, migrants, and refugees in Estonia. However, the speakers of Russian who are not fluent in Estonian can face certain problems in higher education, and Roma and recent immigrants, knowing neither Estonian nor Russian, in basic schools.

Currently education is provided in both Estonian and Russian free of charge in publicly funded preschools and schools. A small number of students are taught in English and Finnish.

The access to higher education in Russian is limited. The curriculum in all state and municipal general education publicly funded schools is the same regardless of the language of instruction.

Estonian law gives no guarantee that educational opportunities in languages other than Estonian will continue to be available.

In September 2007, Estonia started switching to predominantly Estonian-language instruction in upper secondary schools (10 – 12 gr(2007 Reform). The reform is implemented on the basis of the corresponding provisions of the Basic Schools and Upper Secondary Schools Act<sup>52</sup>. When it was passed in 1993, the initial plan was to switch to instruction in Estonian in upper secondary schools by 2000/2001. The law was amended several times in order to shift the deadline. The last deadline was study year 2011/2012.

There is no information that the regulations echoed with any concerns in the country's small Muslim community. Religion-related subjects are taught in Estonian schools in of non-confessional optional programmes.

#### **Preschools**

Local authorities are responsible for preschools. Both Estonian and Russian preschools are open in the areas where there is a large concentration of Russian-speakers.

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<sup>52</sup> Põhikooli- ja gümnaasiumiseadus (Basic Schools and Upper Secondary Schools Act), RT I 2010, 41, 240, English translation available at: <https://www.riigiteataja.ee/en/eli/508012016005/consolide>, accessed: 19.05.2016



Lack of preschool capacities and long waiting lists are a problem common to many Estonian towns. Russian-speaking parents gladly send their children to Estonian preschools where they can learn the state language in the process of communicating with their peers.

### **Small Minority Groups in the Education System**

According to the 3<sup>rd</sup> report on Estonia of the European Commission Against Racism and Intolerance the Commission<sup>53</sup> “received reports that in Valga and Tartu some Roma children were sent to schools for mentally handicapped children simply because they did not speak Estonian”.

No information of the same kind from other sources is available. It is nevertheless well known that only a small fraction of Roma children attends schools.

To accommodate the interests of students who do not study at school in the languages in which they communicate at home, Estonian schools provide optional programmes in native languages and cultures (as guaranteed by Article 21(5) of the Basic Schools and Upper Secondary Schools Act).

In late 2008 the Estonian education information system registered so-called Sunday schools (private classes where minorities studied their language and culture).

### **Language Immersion**

According to the Estonian education information system<sup>54</sup>, 4.9% of the students whose native language was other than Estonian went either to Estonian schools or to classes with the immersion in the language environment (with the instruction predominantly in Estonian) in the 2015/2016 academic year. Data from the same source shows that the same year 6949 students were enrolled in full or partial language immersion programs.

In Estonia, programmes of the above type can be joined already in preschool, in the first grade (early immersion), or in the sixth grade (late immersion). If the study begins in the first grade, all the educational material is typically presented in Estonian throughout the first year at school. In two years, the share of subjects taught in Russian begins to increase and finally reaches 50%. In the case of late immersion, a third of the instruction is in Estonian in the sixth grade and in the seventh and eighth grades it reaches 3/4 (a quarter are classes of natively language and of foreign ones). In the ninth grade, approximately 60% of the instruction is in Estonian.

Active support of the language immersion classes by the central administration in small towns leads to the replacement of Russian classes by the immersion ones, making the students’ parents choose between the latter and Estonian schools.

For a long time, there were almost no programmes of training teachers for Russian schools in Estonia. Typically, the teachers in the Russian schools are people of senior age. The Language Inspectorate frequently screens teachers in Russian schools and preschools, both state and municipal. The adequacy of the level of Estonian language requirements for teachers is widely questioned, especially since very few manage to pass the corresponding checks.

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<sup>53</sup>See: [http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Estonia/Estonia\\_CBC\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Estonia/Estonia_CBC_en.asp), accessed: 16.05.2016

<sup>54</sup> <http://www.ehis.ee/>, accessed: 20.08.2016



The monitoring and the expectation of language testing create a tense atmosphere in Russian schools, which eventually tells on the quality of instruction. In 2008 the Basic Schools and Upper Secondary Schools Act and the Vocational Educational Institutions Act<sup>55</sup> were amended to stimulate the inflow of younger teachers into provincial schools.

A specialist starting a teaching career in an educational institution outside Tallinn and Tartu can expect to get a start-up bonus.<sup>56</sup> However, one of the requirements when applying for such jobs is advanced level certificate of Estonian language proficiency, while only middle level proficiency was required from most Russian schoolteachers at the time the corresponding legislation was passed.

### **3.2. ACCESS TO EMPLOYMENT**

#### *3.2.1. LEGISLATION*

According to Article 29 of the Estonian Constitution, an Estonian citizen has the right to choose his or her sphere of activity, profession and place of work freely. Citizens of foreign states and stateless persons who reside in Estonia have this right equally with Estonian citizens, unless otherwise provided by law.

Only Estonian citizens can serve as state and local self-government (municipal) officials. Certain types of positions can also be held by citizens of the EU (Article 14 of the Public Service Act<sup>57</sup>). Third country nationals (citizens of non-EU countries and stateless people) cannot serve as state or municipal officials.

According to the general rule, citizens of third countries who hold temporary residence permits must obtain work permits to get employed (Articles 104, 176 and 259 of the Aliens Act).

There are types of positions that can be held exclusively by Estonian citizens or EU citizens (the overwhelming majority of all non-citizens in Estonia are third country nationals). Some of the examples are:

- a bailiff (Articles 17(1) of the Bailiffs Act);<sup>58</sup>
- a patent agent (Article 14(1) of the Patent Agents Act)<sup>59</sup>;
- a master of an Estonian vessel (Article 3 (1) of the Law of Ship Flag and Registers of Ships Act)<sup>60</sup>; Citizens of the European Economic Area can also work as harbour masters and masters of Estonian vessels.
- a harbour master (Article 10(2) of the Ports Act)<sup>61</sup>;
- a notary (Articles 6(1) of the Notaries Act)<sup>62</sup>.

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<sup>55</sup> Kutseõppeasutuse seadus (Vocational Educational Institutions Act), RT I 30.12.2015, 25, English translation available at: <https://www.riigiteataja.ee/en/eli/515012016003/consolide>, accessed: 14.05.2016

<sup>56</sup> §77, Põhikooli- ja gümnaasiumiseadus (Basic Schools and Upper Secondary Schools Act), RT I 2010, 41, 240, English translation available at: <https://www.riigiteataja.ee/en/eli/508012016005/consolide>, accessed: 19.05.2016

<sup>57</sup> Avaliku teenistuse seadus (Civil Service Act), RT I, 06.07.2012, 1, English translation available at: <https://www.riigiteataja.ee/en/eli/509072014003/consolide>, accessed: 16.05.2016

<sup>58</sup> Kohtutäituri seadus (Bailiffs Act), RT I 2009, 68, 463, English translation available at: <https://www.riigiteataja.ee/en/eli/508012016002/consolide>, accessed: 19.05.2016

<sup>59</sup> Patendivoliniku seadus (Patent Attorneys Act), RT I 2001, 27, 151, English translation available at: <https://www.riigiteataja.ee/en/eli/503022016005/consolide>, accessed: 18.05.2016.

<sup>60</sup> Laeva lipuõiguse ja laevaregistri seadus (Law of Ship Flag and Ship Registers Act), RT I 1998, 23, 321, English translation available at: <https://www.riigiteataja.ee/en/eli/527012015001/consolide>, accessed: 18.05.2016

<sup>61</sup> Sadamaseadus (Ports Act), RT I 2009, 37, 251, English translation available at: <https://www.riigiteataja.ee/en/eli/513042015010/consolide>, accessed: 18.05.2016



Only Estonian citizens can work as:

- an operator of a vessel traffic service (Article 51(4) of the Maritime Safety Act)<sup>63</sup>;
- a sole proprietor who provides security services, a security officer or a head of in-house guarding units (Article 22(2) of the Security Act)<sup>64</sup>.

### *3.2.2. ETHNIC NON-ESTONIANS ON THE LABOUR MARKET*

#### **Unemployment Rate**

In the period since the early 2000s until the crisis in 2008, the Estonian labour market situation was generally favourable for all ethnic groups and the unemployment rate remained low. Nevertheless, a disparity between the rates of unemployment among ethnic Estonians and non-Estonians – by a factor of two on average – persisted throughout the years.

In 2007, the unemployment rates among Estonians and minorities were 3.6% and 6.9% respectively. Individuals aged 15 – 24 faced a much more complicated job market situation than other age groups.

The unemployment data according to citizenship status reflect the difficulties experienced by minorities on the labour market. Whereas the unemployment rate among citizens of Estonians in 2007 was 3.9% it reached 8.3% among non-citizens. In 2015 the unemployment rate among Estonians was 5.1% and non-Estonians 9.8%.<sup>65</sup> The highest unemployment rate was in Ida-Virumaa, where the majority of people is Russian speaking. The rate was lower among the stateless people (8.1%) than among Russian citizens (9.8%). The latter circumstance can be only partially attributed to the high concentration of Russian citizens in the depressed Ida-Viru County located near the Russian border.

#### **The Estonian Language Factor: Labour Market Competition**

Discussing the possibility that the high unemployment rate among minorities is linked to a lack of fluency in Estonian. The importance of proficiency in Estonian varies depending on the region of residence and employment, profession, age, etc. It may play a less important role in the regions where opportunities to communicate in Estonian are relatively limited.

For example, fluency in Estonian does not significantly affect the chances to find a job in Tallinn and the Ida-Viru County, though it does improve prospects for employment in Estonia as a whole. Besides, knowing Estonian gives ethnic non-Estonians a competitive advantage on the labour market over the non-Estonians who do not know it, but a less significant advantage compared to ethnic Estonians. Besides, studying Estonian is found to have a greater positive effect on the situation faced by individuals with a higher educational status.

Minorities need the ability to read and write in Estonian (and/or use Estonian as the language of communication at home) to have equal opportunities in the labour market and to occupy higher

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<sup>62</sup> Notariaadiseadus (Notaries Act), RT I 2000, 104, 684, English translation available at:

<https://www.riigiteataja.ee/en/eli/511032016002/consolide>, accessed: 18.05.2016

<sup>63</sup> Meresõiduohutuse seadus (Maritime Safety Act), RT I 2002, 1, 1, English translation available at:

<https://www.riigiteataja.ee/en/eli/514042016001/consolide>, accessed: 18.05.2016

<sup>64</sup> Turvaseadus (Security Act) RT I 2003, 68, 461, English translation available at:

<https://www.riigiteataja.ee/en/eli/501022016012/consolide>, accessed: 18.05.2016

<sup>65</sup> Registreeritud töötus detsembris ja 2015. aastal ( Unemployment in December and in 2015)(in Estonian), 11.01.2016, available: <https://www.tootukassa.ee/uudised/registreeritud-tootus-detsembris-ja-2015-aastal>, accessed: 31.08.2016



positions. One should also keep in mind that only a small fraction of ethnic non-Estonians has a good command of Estonian.

### 3.2.3. LABOUR MARKET DISCRIMINATION

Since 2004, the office of the Chancellor of Justice is entitled to organise a special conciliation procedure which can be invoked by victims of unequal treatment by both individuals and private legal entities. So far, the Chancellor received only one petition for a conciliation procedure, which was related to discrimination at work. A Russian-speaking resident of Estonia claimed that he was harassed on the basis of ethnic origin and forced to quit his job after a newspaper article describing the events of April 2007 was illustrated with his photograph. (He said he did not take part in the events). No resolution on the case followed as the former employer of the individual who submitted the petition refused to take part in the voluntary conciliation procedure.

Since 2004, there is a position of commissioner for gender equality. In 2009, the law about equal treatment was adopted. The position of the commissioner for gender equality was widened and all other questions of equal treatment (including equal treatment based on the nationality) was included to the sphere of activity of the commissioner. Since then the official name of the commissioner is the gender equality and equal treatment commissioner.

In 2014, there was eight (8) applications about the discrimination based on nationality; six of them concerned the labour market issues<sup>66</sup>.

Over the past years, Estonia's Supreme Court has not dealt with cases of ethnically based discrimination. Different studies demonstrated that the majority of ethnic non-Estonians did not believe that the private and public sector employment, earning, and educational opportunities open to them were the equal to those open to Estonians. In addition, it has been stated, that approx. 23.3 per cent of Russian speaking minorities feel the discrimination. The grounds for that might be different: due to the nationality, due to the language. 11 per cent have noticed that both language and nationality are important grounds for the discrimination.

### 3.3. ACCESS TO SOCIAL BENEFITS AND WELFARE

Estonia has ensured equal access to social benefits, welfare, and services to all residents regardless of citizenship status or type of residence permit. Several Acts guarantee the equal treatment:

- Labour Market Services and Benefits Act (Article 3)<sup>67</sup>;
- Social Benefits for Disabled Persons Act (Article 3)<sup>68</sup>;
- State Pension Insurance Act (Article 4(1))<sup>69</sup>;
- State Family Benefits Act (Article 2(1))<sup>70</sup>;
- Health Insurance Act (Article 5(1))<sup>71</sup>.

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<sup>66</sup> See: <http://www.vordoigusvolinik.ee/wp-content/uploads/2015/06/SVV-Aastaaruanne-2014.pdf>, accessed: 19.05.2016

<sup>67</sup> Tööturuteenuste ja -toetuste seadus (Labour Market Services and Benefits Act), RT I 2005, 54, 430  
English translation available at: <https://www.riigiteataja.ee/en/eli/505042016003/consolide>, accessed: 14.05.2016

<sup>68</sup> Puuetega inimeste sotsiaaltoetuste seadus (Social Benefits for Disabled Persons Act), RT I 1999, 16, 273, English translation available at: <https://www.riigiteataja.ee/en/eli/501022016021/consolide>, accessed: 12.05.2016

<sup>69</sup> Riikliku pensionikindlustuse seadus (State Pension Insurance Act), RT I 2001, 100, 648, English translation available at: <https://www.riigiteataja.ee/en/eli/501022016016/consolide>, accessed: 18.05.2016

<sup>70</sup> Riiklike peretoetuste seadus (State Family Benefits Act), RT I 2001, 95, 587, English translation available at: <https://www.riigiteataja.ee/en/eli/501022016022/consolide>, accessed: 14.05.2016

<sup>71</sup> Ravikindlustuse seadus (Health Insurance Act), RT I 2002, 62, 377, English translation available at: <https://www.riigiteataja.ee/en/eli/516052016001/consolide>, accessed: 13.05.2016



The social protection of refugees and asylum-seekers is provided in accordance with a special Act on Providing International Protection to Aliens<sup>72</sup>. Many types of social benefits and welfare are available to refugees and their family members on equal basis with permanent residents of Estonia (Article 75 of the above Act).

In practice the differences of treatment, which are based on citizenship concern victims of Stalinist and Nazi repressions: only individuals who were Estonian citizens or permanent residents of Estonia by 16 June 1940 and who suffered from repressions, can be recognised as illegally repressed in accordance with the Persons Repressed by Occupying Powers Act (Article 2(1))<sup>73</sup>. As a result, the Act applies predominantly to Estonian citizens by birth, while the benefits listed in it remain beyond the reach of many other victims of repressions living in Estonia (including those held in concentration camps by Nazi Germany at a minor age) and of many of the people who participated in the clean-up of the accident at the Chernobyl nuclear power station.

#### **3.4. ACCESS TO HOUSING**

In general, every resident of Estonia can request social housing and home credits if he or she is in the country legally. There are currently no obstacles based on ethnic origin, citizenship status, social origin, or language proficiency.

The most complete information on the housing conditions of the population of Estonia was collected during the 2011 census.<sup>74</sup> On the whole, the quality of ethnic non-Estonians' housing conditions was found to be fairly high as most of them settled in the Soviet era in the outskirts of large cities where housing used to be relatively comfortable. Indeed, lack of fluency in Estonian can impede contacts between neighbours. While in many regions of Estonia contacts with people speaking other languages happen all the time, there are very few black people in Estonia.

#### **3.5. ACCESS TO HEALTH CARE SYSTEM**

The relatively small amount of available data concerning the overall situation in the health care system for various ethnic groups suggests that the average health conditions among ethnic Estonians and non-Estonians differ, but not in many respects, and no general tendency can be discerned. There is no substantial disparity in access to medical care. Nevertheless, minorities are much more exposed to the risks of drug abuse and HIV/AIDS.

It is well known that a large part of the Russian-speaking population is not fluent in the official language. From the legal standpoint, however, the health care institutions do not have to provide services in Russian or in other minority languages. This situation breeds conflicts, examples of which can be found in human rights reports.

Language-related difficulties are also encountered because all instructions accompanying medications must be translated into Estonian only. There is no mandatory translation into Russian.

Still there are specialists in the health care system who are able to communicate in Russian.

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<sup>72</sup> Välismaalaste rahvusvahelise kaitse andmise seadus (Act on Granting International Protection to Aliens), RT I 2006, 2, 3, English translation available at: <https://www.riigiteataja.ee/en/eli/529042016002/consolide>, accessed: 13.05.2016

<sup>73</sup> Okupatsioonirežiimide poolt represseeritud isiku seadus (Persons Repressed by Occupying Powers Act), RT I 2003, 88, 589, English translation available at: <https://www.riigiteataja.ee/en/eli/502022016011/consolide>, accessed: 13.05.2016

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