

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

69th session (Geneva, 31 July to 18 August 2006)

Consideration of country report – Estonia (6th and 7th periodic reports)

Information submitted to the Committee

On 31 July and 2 August 2006, Estonia appeared before the Committee to present its 6th and 7th periodic reports¹. Estonia's reports were praised by the Committee for incorporating a high level of NGO participation throughout the drafting process and responding to the NGO request for a translation of the report into Estonian, which is now available for the first time.

In its report and presentations to the Committee, Estonia focused on programmes initiated with the aim of reducing the high numbers of non-citizens and stateless people living in the country through a more streamlined naturalisation process so that they may be able to participate more fully in Estonian society. As the issue of citizenship affects the degree of accessibility to Estonian society, the discussion on integration included issues such as employment, education, language learning, and political participation. Maintaining that the integration programme was not one of assimilation, Estonia emphasised that the younger generation of national minorities were becoming more fully incorporated in Estonian society by becoming Estonian citizens; learning the local language, culture, and history of the country; participating in the labour force; and contributing to political debate while simultaneously retaining their own cultural identity. The *National Action Plan*, a programme designed to promote such integration, was described as a way to encourage improvements in the life of national minorities while preserving minority culture and language. This plan, completed in 2005, will be submitted to the Riigikogu (Parliament) in August. The new plan has taken into account the shortcomings of the previous integration plan and the delegation affirmed their dedication to a continuing and long-term process.

Estonia provided oral replies to the written questions submitted in advance by the Committee as well as replies to oral questions from individual experts. Estonia provided comprehensive and thoughtful answers to the questions posed by the Committee and were commended by several Committee members for their effort. The delegation made frequent references to the 2002 recommendations of the Committee, clearly charting the progress from their previous CERD examination.

Themes and issues

Anti-discrimination legislation

The Committee raised several questions in relation to the scope of Estonia's anti-discrimination legislation. Since the last examination Estonia had abandoned the 2002 *Draft Law on Equality and Equal Treatment*, designed to act in accordance with the European Union's *Racial Equality Directive*². Committee members inquired into the reasons behind this abandonment of the draft law and asked what measures were being taken to replace it with related legislation. The delegation responded that although no political consensus was reached in the Riigikogu as to how to transpose the directive into domestic law and the draft legislation was subsequently dismissed, there are plans to resubmit the same draft to the Parliament.

The delegation informed the Committee that in the interim there are constitutional provisions that establish a general definition of racial discrimination³, guarantee recourse to the courts⁴, and entitle victims of discrimination to damages⁵. Article 152 of the *Penal Code* also protects people from discrimination in all spheres of life regardless of citizenship status. The delegation further pointed to other bodies such as the Chancellor of Justice who is equipped to handle allegations of discriminatory behaviour.

¹ CERD/C/465/Add.1

² *Directive 2000/43*.

³ Article 12 of the Estonian Constitution.

⁴ Article 15.

⁵ Article 25.

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Citizenship

Expressing concern over the large number of non-citizens and stateless persons residing in Estonia, Committee members requested information regarding special programmes designed to increase citizenship. Currently taking up citizenship in Estonia is dependent on the motivation of non-citizens to apply and the citizenship exam requires a proficiency in the Estonian language. The Estonian delegation replied that Estonian accession to the European Union (EU) created an additional incentive to apply for citizenship status and has raised the level of new candidates for citizenship in the country. The delegation maintained that the government dissemination of information regarding citizenship applications and the government-subsidised language courses has had an impact upon increasing citizenship take-up. The delegation informed the Committee that the number of undetermined citizens has declined from 33% of the population to slightly below 10%.

Responding to the Committee's inquiries regarding Estonia's failure to ratify both the 1954 *Convention Relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*, Estonia indicated that though they are not a party to these treaties, they have not ignored these instruments. Though they stated that they did not have the intention to accede to these conventions, their primary reason was that they already guaranteed and observed the rights and freedoms included in the conventions. Estonia referred to its *National Action Plan* concerning integration, maintaining that this contributed to a dramatic reduction in statelessness in the country

Employment

The Committee drew attention to the fact that employment rates of non-Estonians are also closely tied to language, as the many jobs in Estonia have language requirements. Citing statistics of a lower employment rate of non-Estonians compared to Estonian citizens, the Committee asked for additional information on affordable language courses to improve the problem of unemployment among non-Estonians.

The delegation made reference to 45 language courses held in the country for unemployed non-Estonians, designed to increase the rate of employment among non-Estonian speakers, which could benefit up to 2,500 people. The delegation cited statistics indicating that the number of unemployed was decreasing, especially in areas of the country with a majority of Russian speakers. In Ida-Virumaa county, where non-Estonians (particularly ethnic Russians) account for over 90% of the population, the delegation noted that unemployment has decreased to 15% of the population which is the lowest level of unemployment ever experienced in the region. They indicated that the number of such language programs designed to combat unemployment of non-Estonians speakers would be increased if non-Estonians showed greater interest in undertaking such programs.

Political participation

The Committee's Vice-Chairperson, Mr. Mario Jose Yutzis, questioned the Estonian delegation regarding the political rights of non-Estonians. He highlighted the Estonian language proficiency requirement for political candidates as well as the exclusion of non-citizens from political parties. The Estonian delegation replied that although non-citizens cannot be members of political parties, they are allowed to participate in local elections even though this practice is prohibited in most countries. Estonia reiterated many of the points made in its periodic report without agreeing to any concrete ways in which the regulations governing the language proficiency of candidates or their right to belong to a political party may be amended.

Roma

During the presentation of the State report, several Committee members raised in their oral comments concerns about the ambiguous data regarding the size of the Roma population in Estonia. Reference was made to the fact that the European Commission Against Racism and Intolerance (ECRI) report adopted in 2005 estimates that there are about 1,100-1,500 Roma

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in Estonia⁶, while the delegation presented the figure of 542 persons identifying themselves as Roma in the 2000 census. Committee members viewed this as too wide a discrepancy and requested an explanation of the incompatible figures. The delegation maintained that the 2000 census relied upon self-identification and was the most solid indicator they had upon which to base the size of the Roma population.

The Estonian delegation explained to the Committee that when reports, such as the ECRI report, had circulated alleging that Estonian newspapers had published openly racist articles against the Roma population⁷, the Estonian Government had re-examined their media outlets for examples of such discriminatory content. The delegation reported that they had not found any such overtly racist articles and provided examples of published articles favourable to Roma that had generated an interest in their culture from Estonians.

The education of Roma children also constituted a concern for the Committee and a few experts made reference to reports that the students were placed in schools for the mentally handicapped. Estonia replied that the schools in question were not schools for the mentally handicapped but rather special schools with additional care, supervision, and capable of giving more individual attention to each student. The delegation assured the Committee that qualified teachers and psychologists made the placement decision.

Conclusions and next steps

The concluding observations from CERD are currently pending and are expected to be made publicly available towards the end of the current Committee session, which ends on 18 August 2006. This "First Impressions" report will be updated when the Concluding Observations have been released.

⁶ European Commission Against Racism and Intolerance, *Third Report on Estonia*, adopted on 24 June 2005, p.35.

⁷ *Ibid.*