



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr.: General
15 October 2019

Original: English
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

**Combined twelfth and thirteenth periodic reports
submitted by Estonia under article 9 of the
Convention, due in 2018***


[Date received: 23 July 2019]

* The present document is being issued without formal editing.

GE.19-17599(E)



* 1 9 1 7 5 9 9 *

Please recycle 



I. Introduction

1. The twelfth and thirteenth periodic reports (hereinafter the 'report') have been prepared on the basis of Article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination (hereinafter 'ICERD') of the United Nations. According to this Article, the States Parties to the Convention are required to submit to the Secretary-General of the United Nations periodic reports on the measures that they have adopted and that give effect to the provisions of the Convention, and on the success achieved. The Convention entered into force with regard to the Republic of Estonia on 20 November 1991.
2. Estonia submitted its combined tenth and eleventh periodic reports in 2013. The Committee on the Elimination of Racial Discrimination (hereinafter the 'Committee') discussed Estonia's tenth and eleventh periodic reports in August 2014 and adopted its concluding observations on 28 and 29 August 2014.
3. After the submission of the last periodic report and based on paragraph 23 of the Committee's concluding observations, Estonia submitted interim information concerning the recommendations contained in paragraphs 7, 8 and 13. The report also considers the Committee's interim recommendations of 26 January 2016, especially regarding Roma children's education addressed in paragraph 13 concerning Article 2.
4. This report reflects legislative, administrative and other measures adopted to give effect to the rights established in the Convention, and it has been prepared according to the reporting guidelines. The questions and suggestions made during discussion of Estonia's combined tenth and eleventh periodic reports have also been considered. Special attention has been given to the concerns stated by the Committee in its concluding observations and additional questions.
5. The report reflects the period beginning from the submission of the previous report but focuses mainly on recent years. The Ministries of Education and Research, Justice, Defence, Culture, Interior and Social Affairs were involved in this report's preparation.
6. The report was submitted for information to the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner.
7. The report was submitted for comments and opinions to three NGOs: the Estonian Human Rights Centre, the Estonian Institute of Human Rights (EIHR) and the Legal Information Centre for Human Rights (LICHR). The latter two provided feedback, which has been reflected in the report.
8. Estonian reports to international human rights treaty bodies are published on the website of the Ministry of Foreign Affairs (<http://www.vm.ee>) and are publically available after submission. This report was prepared in Estonian, translated into English, and published on the website of the Ministry of Foreign Affairs both in Estonian and in English. The Committee's concluding observations have also been published on the website in Estonian and English.

II. Information on article 2–7 of the Convention

Article 2

9. Estonia has always considered it important to ensure and protect human rights and fundamental freedoms nationally and internationally. Estonia condemns all racial discrimination and continues making efforts to eliminate manifestations of racial discrimination from legislation and practice.
10. The Constitution establishes the fundamental bases for prohibiting discrimination. According to § 12 of the Constitution, everyone is equal before the law. No one may be

discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or on other grounds.

11. Since the previous report, the general prohibition on discrimination in legislation has not changed significantly, and it has not been set out in this report again. Insofar as there have been significant legislative changes relating to the Convention, the changes have been referred to under separate topics.

12. More specifically, the prohibition on discrimination is governed by various legislative acts; for example, the Equal Treatment Act, the Gender Equality Act, the Employment Contracts Act, the Penal Code and other legal instruments and policy documents include relevant provisions.

13. In paragraph 6 of its 2014 concluding observations, the Committee recommended establishing an independent national human rights institution in accordance with the Paris Principles.

14. The Paris Principles, adopted by UN General Assembly resolution 48/134 of 20 December 1993, impose on states an obligation to establish an independent national human rights institution based on the conditions formulated in the resolution. In addition to the CERD Committee, the establishment of a national human rights institution has also been recommended by other international bodies, such as the UN Human Rights Committee, the European Union Agency for Fundamental Rights (FRA), the UN Human Rights Council and the UN Committee against Torture. Representatives of Estonian civil society have also drawn attention to this issue.

15. On 13 June 2018 the Riigikogu adopted an Act Amending the Chancellor of Justice Act, according to which the Chancellor of Justice performs in Estonia the internationally assumed function of a national human rights institution (NHRI) as of 1 January 2019. This allows the Chancellor of Justice to apply for accreditation as an NHRI. As an NHRI, the Chancellor of Justice's role also includes issues concerning the prohibition on racial discrimination covered by the ICERD. This step has also been warmly received by EIHR.

16. The Committee's recommendation has thus been implemented, and the establishment of an NHRI and the commencement of its activities can be considered one of the most important developments compared to the previous reporting period.

17. The Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner play important roles in promoting equality and ensuring and exercising supervision over compliance with existing legislation. This report gives an overview of issues and complaints that they have dealt with in recent years and that concern ICERD issues.

18. To improve the protection of equal rights, the Ministry of Social Affairs has prepared amendments to the Equal Treatment Act. These amendments seek to extend beyond employment contexts the legal protection against discrimination on the basis of disability, age, religion, views and sexual orientation. The objective is to harmonise the scope of application of the Equal Treatment Act with the protection provided by applicable law against discrimination on the grounds of nationality (ethnic origin), race or colour so that in addition to one's work life the prohibition on discrimination would also include social protection (including social security and healthcare), social benefits, acquisition of education and access to public goods and services (including housing). The amendments would also expand the role of the Gender Equality and Equal Treatment Commissioner.

19. To decrease discrimination in the labour market, there are efforts being made to raise employers' awareness of discrimination and improve their willingness and ability to act. Collaborating with the Estonian Human Rights Centre, the Ministry of Social Affairs has developed the concept of the Diverse Workplace Label. Activities related to said Label support increased workplace diversity based on employee age, gender, ethnic background, native tongue, race, religion, state of health (including disability and reduced work ability) and sexual orientation. Relying on consultations and a network of employers, the Label seeks to design a tool for improving workplace quality and promoting diversity in an organisation by supporting the principle of equal treatment. To be awarded the Label, an organisation must prepare a diversity plan, which requires assessing the organisation's

diversity situation and setting goals for making changes. The first Labels were awarded in the spring of 2018.

20. The Gender Equality and Equal Treatment Commissioner counsels and assists all those who suspect they have been discriminated against because of their gender, nationality or colour, religion, views, age, disability, sexual orientation, parental status or family obligations, or trade union membership. LICHR and EIHR embrace the work being done and the quality of the Commissioner's decisions. LICHR believes that more attention should be given to other types of discrimination besides gender.

21. The Commissioner monitors compliance with the requirements of the Gender Equality Act and the Equal Treatment Act and exercises authority in both the public and private sectors. The Commissioner also raises awareness to change attitudes and overturn possible preconceptions and outdated and restrictive stereotypes. The number of complaints submitted to the Commissioner has steadily grown, showing that people are better informed of how to protect their rights. In 2014 the Commissioner received 192 inquiries and complaints, 90 concerning gender equality and 114 concerning employment. In 39 cases the Commissioner identified discrimination. LICHR believes the funding and staffing of the Commissioner's office is insufficient in light of the growing workload.

22. In 2015 there were 209 inquiries concerning various types of discrimination. Of these, 70 concerned gender equality, 35 disability, 16 age, 13 nationality, 6 sexual orientation, 3 religion and views, 2 employment, 1 trade union membership, 48 lack of competence, and 15 multiple types of discrimination.

23. In 2016 there were 332 inquiries concerning various types of discrimination. Of these, 157 concerned gender equality, 52 disability, 30 age, 21 nationality, 7 sexual orientation, 5 religion and views, 1 employment, 4 racial discrimination, 2 language proficiency, 2 trade union membership, and 58 lack of competence.

24. In 2017 there were 440 inquiries concerning various types of discrimination. Of these, 227 concerned gender equality, 87 disability, 22 age, 18 nationality, 7 sexual orientation, 13 religion and views, 2 employment, 1 trade union membership, 92 lack of competence, and 2 multiple types of discrimination.

25. Many complaints pertained to gender discrimination in connection with family obligations or parental status. Examples include firing an employee after finding out she was pregnant or after parental leave. There have also been complaints about gender-related harassment at the workplace and about unequal treatment of transgender people.

26. The Office of the Equal Treatment Commissioner, in cooperation with its project partners (Estonian Public Broadcasting, Tallinn University, Foundation Innoe, the Ministry of Education and Research, the Equal Treatment Commissioner of Lithuania, and Centre for Gender Equality of Iceland), carries out a cross-media project that aims to raise awareness of the nature and opportunities of equal treatment. The project period is 30 months from 2017–2019. The project is mainly funded by the European Commission.

27. After the project ends, its impact on society will be measured. The goal is to reduce stereotypes and create more informed young people who are motivated by equal treatment and will shape the future face of society.

Ensuring equality and fundamental rights in the administration of the Ministry of Defence

28. Just like the entire state, the Ministry of Defence and Defence Forces attribute importance to the protection of human rights and fundamental freedoms. All relevant state regulations and principles are applied. The military service is based on citizenship and does not set any national or racial restrictions. Admission to military service is based on citizenship, and every citizen of the Republic of Estonia is constitutionally obligated to defend their home country. The specific terms and conditions of this obligation are provided by the Military Service Act. The same general public sector principles apply in governance of the Ministry of Defence. Anyone in military service can lodge a complaint with an impartial ombudsman, the Chancellor of Justice or the court.

29. Since one-fifth of conscripts do not speak Estonian at home, those who are not proficient in the official language can take an Estonian language course during their basic soldier training. Estonian citizens of different nationalities participate equally in military service, and military service is a great opportunity for young people to integrate, including by learning the language. According to the Ministry of Defence, there have not been any complaints concerning discrimination on grounds of nationality or race.

30. Women have been in military service since the restoration of the Defence Forces. Since 1 April 2013, female Estonian citizens who are 18–27 years old with at least basic education have been able to enter conscript service at their own request and make a career on equal grounds with men. Only the general physical test requirements differ. The Defence Forces encourage the military service of women. In 2018 the proportion of women was less than 10%. The Defence Forces consistently break gender stereotypes and have resolved to increase the percentage of women in the Estonian Defence Forces more than twofold.

31. In February 2019 there were 329 women in the Defence Forces, with 300 in active service. Of the 300, 97 had an officer rank and 14 of those 97 had a senior officer rank. On 31 December 2018 there were 75 women in alternative service while on 31 December 2017 there were 45. In 2018, 27 females entered conscript service. In 2017 it was 34. By 1 January 2019 a total of 78 females have completed conscript service.

32. Through cooperation between the Defence Forces, the Defence Resources Agency, the Estonian Chamber of Disabled People, and Riigikogu member Jüri Jaanson, a pilot project will be launched in July 2019 where disabled young volunteers from age 18–28 get the chance to participate in military service for 8–11 months, depending on their specialty. Thereafter, the disabled young people who have completed conscript service will be included in the wartime reserve like all other conscripts. Every applicant will be considered personally and, if possible, the position most suitable considering the nature of their disability will be provided. This is a fundamental change for the Defence Forces and at the time of this report's submission the exact details, including the number of applicants and the extent to which the Defence Forces can accommodate them, are being finalised; currently there are 10 volunteers for whom no decision has been made yet.

33. Before deployment on international missions all servicemen included in the mission unit will go through specific training, which also covers racial discrimination. Since international missions take place in different regions, the Defence Forces pay much attention to the training of those going on missions and raise their awareness so that they are well prepared for serving in an environment with a different culture and language.

34. Freedom of religion is ensured in the Defence Forces. Conscripts can attend religious services according to their faith. Call-up selectees who cannot participate in conscript service for religious reasons are referred to alternative service. The services of a chaplain are coordinated by the Chaplain Service – a supportive institution whose main function is to serve all servicemen, members of the Defence League district and their family members regardless of their religious affiliation or lack thereof.

Estonian Integration Policy

35. In response to the recommendations in paragraph 9 of the Committee's concluding observations, the following gives an overview of integration strategies, their impacts and future plans, including the Committee's concern regarding the overemphasis on the Estonian language in the integration strategy.

36. For decades Estonia has dedicated much attention to integration policy through consecutive integration plans. These plans' implementation is constantly monitored and new plans are drawn up based on analysis of the experience gained in the execution of the previous plan. The implementation of integration plans has greatly contributed to improving cohesion in society; promoting cooperation, tolerance and mutual understanding; and encouraging intercultural dialogue regardless of the residents' nationalities and their cultural, linguistic and religious identities. Involving people with different language and cultural backgrounds in social life contributes to the linguistic and cultural diversity in society.

37. Estonia designs its model of a multicultural society through integration programmes and relevant activities. The promotion of integration and of a contemporary multicultural society, and the focus on certain aspects relevant to those goals, evolve over time and account for changes in society. There have been significant developments in integration issues after the end of the 2008–2013 programme.

38. From the start, the Estonian integration process has been founded on subjects, not ethnic groups or language, and it has been aimed at the entire society and all Estonian residents. When integration was declared a matter of national importance at the beginning of the 2000s, the main focus was on the language and political integration of marginally integrated Russian-speaking long-time residents, including issues of citizenship. Now, there are new issues that integration policy must consider; for example, since the matter of migration has emerged throughout Europe, Estonia supports new immigrants in adjusting after arrival and emphasizes the long-term integration of new immigrants. Integration is seen as diverse and multilevel development, taking into consideration the recommendations of the CERD Committee.

39. The priority of integration activities is to support the active participation of people with different language and cultural backgrounds in forming a socially cohesive society. Integration also aims to support the establishment of the common state identity, which ensures peoples' sense of connection with the state and other members of society and supports the economic growth potential and stability of the state. Estonia values multicultural society and ensures everyone's right to maintain their national identity and avoid national and cultural isolation caused by regional peculiarities or social exclusion in the case of the existing population and new immigrants. Special attention is paid to communicating with target groups and accounting for ethno-cultural characteristics. Estonian residents are guaranteed opportunities to speak other languages, develop various national cultures and assert themselves by participating in the economic, social, political and cultural life of society. They are also guaranteed opportunities to support the sense of belonging of every permanent resident in Estonian society by sharing common values and having command of the official language.

40. In 2015 EIHR carried out a survey on the integration of Estonia's Russian-speaking population. The survey showed that integration has improved considerably in the past twenty years. EIHR made recommendations to reduce language segregation in the areas of education, language, media and security.

Overview of the implementation of the 2008–2013 Integration Plan, of the current 2014–2020 Integration Plan and of plans for creating a new integration plan up to 2030

41. Two national integration programmes have been carried out in Estonia: "Integration in Estonian Society 2000–2007" and "Estonian Integration Plan for 2008–2013". A total amount of EUR 64,535,043 from the state budget was planned for the implementation of the 2008–2013 Integration Plan. The actual use of funds for carrying out the activities amounted to 70% of what was planned, i.e. EUR 45,164,654. In 2008 a goal was set to execute no less than 90% of the activities according to the originally planned activity indicator and budget. 200 different activities supporting integration were carried out in the framework of the "Estonian Integration Plan for 2008–2013".

42. The activities of the 2008–2013 Integration Plan were divided as follows: educational and cultural; social and economic; legal and political integration; and management and monitoring activities of the development plan.

43. The general objectives in the field of education and culture are to guarantee all residents of Estonia equal opportunities to acquire education within the inclusive education system and to guarantee conditions to preserve their language and culture. Educational integration focuses on students by supporting the acquisition of knowledge and skills necessary to function in Estonian society, including learning the Estonian language and how to manage in a multicultural environment.

44. The objective of cultural integration is to support national minorities in acquiring and preserving their mother tongue and culture in Estonia, to favour civil activity and

contacts between people of different citizenships and cultural backgrounds, and also to promote a common cultural and information space and introduce the cultural diversity of Estonian residents to Estonians and the Estonian culture to national minorities living in Estonia. The right of every person to their native language and culture is acknowledged. In the field of culture, support is provided to activities that favour the work of cultural societies of national minorities, the involvement of representatives of different nationalities in Estonian cultural life, and the introduction of Estonian cultural spaces. In the field of culture, priority is given to tightening contacts between Estonians and other nationalities and supporting joint activities.

45. Social and economic integration aims to ensure that all residents of Estonia have equal opportunities for economic self-assertion and social success irrespective of their nationality, language or residence.

46. Legal and political integration measures guarantee by law that all Estonian residents have equal opportunities for self-assertion in social and political life irrespective of their nationality or language. Efforts are made to increase mutual tolerance between ethnic and cultural groups, to form common state identity and to promote the naturalisation process.

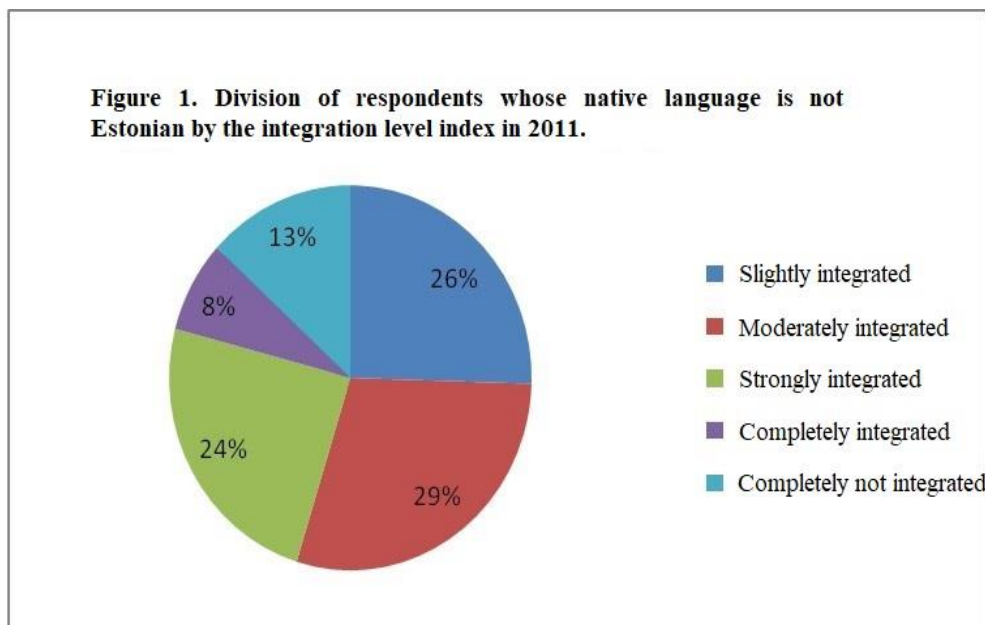
47. To implement the Integration Plan the Government of the Republic approved implementation plans for 2008–2010 and 2011–2013.

48. To achieve the general objective of the Integration Plan, the development plan set six strategic objectives (Estonian language proficiency, human interaction, naturalisation process, social attitudes, common media sources, and labour market), three general area objectives (educational and cultural, social and economic, legal and political areas) and 13 area sub-objectives.

49. The strategic objectives were achieved in the areas of cultural, legal and political integration and were partly achieved in the area of educational integration. The objectives of social and economic integration, however, were not achieved.

50. The most important management measures of the Integration Plan were ensuring the administrative arrangement upon the execution of the plan, performing the monitoring and analyses necessary for management, training those implementing the plan, and informing the parties and the public of the development plan. The goal was to counsel partners involved in integration, to achieve their capability and competence and improve the efficiency of analysis and planning of different level activities. The integration monitoring carried out in 2008 and 2011 helped reveal the qualitative and heterogeneous nature of the target group. This was used to construct five integration clusters (see figure 1) across three integration dimensions (civil identity, Estonian language proficiency and participation in social life), which required greater emphasis on considering the peculiarities of the target groups in the integration policy.

Figure 1. Division of respondents whose native language is not Estonian by the integration level index in 2011.



51. During the implementation of the 2013–2018 Integration Plan the following positive developments took place: 1) Estonian language proficiency in basic school and upper secondary school improved and the number of children speaking a language other than Estonian grew in Estonian language nursery schools; 2) more contacts between Estonians and people of other nationalities; 3) the number of persons with undetermined citizenship decreased; 4) increased trust in the state of Estonia by residents whose native tongue is other than Estonian; 5) Estonians were more willing to involve people of other nationalities in their decision-making processes and consider their opinions; 6) residents of other nationalities started reading Estonian publications more and their trust in Estonian publications grew, especially among young people; 7) young people of different nationalities who graduated from vocational schools had equal opportunities to continue their studies or take up employment; 8) the results of lower level language exams improved significantly and Estonian language proficiency in communication among the non-native speaking population improved.

52. The greatest percentage (41%) of the budget represented funds for educational and cultural integration, followed by social and economic integration (26%) and management activities of the development plan (20%). The funding of legal and political integration amounted to 13% of the budget of the Integration Plan. Regardless of some of the indicators being met partly or not met at all in some areas, the general integration situation remained stable during the period in question.

Educational and cultural integration

53. In the area of education, activities were carried out at all levels of education, including informal studies. For more information on developments in education see below under Article 5.

54. The aim of cultural integration was to create opportunities for new immigrants and Estonian residents not proficient in Estonian to learn their native language and culture and preserve and showcase their ethnic and linguistic identity. Another objective was to provide young people and adults of different nationalities living in Estonia with equal learning and self-realisation opportunities outside the formal education system. People of different nationalities were involved in Estonian cultural life and the features of Estonian culture were introduced to them. The Ministry of Education and Research helped publish a book series, “Nations in Estonia,” intended for basic and secondary school students.

55. Specific examples of cultural integration can be found under Article 7.

56. Cooperation and informal studies were used to provide youth workers with refresher training, including work practice and Estonian and Russian language courses. Support was

also provided to youth associations that contributed to the involvement of young people with different citizenships in cooperative activities.

57. The Estonian 2008–2013 Integration Plan is responsible for closer relationships between Estonians and people of other nationalities. The number of non-Estonians living in Estonia – mostly Russians – who had no contact with other nationalities was cut in half.

Social and economic integration

58. Social and economic integration objectives were not achieved or were achieved only in part. An exception was the objective relating to the number of participants in language courses, which have been due to there being more language study programmes than planned. The achievement of objectives was also hindered by the 2008–2010 economic crisis, which mostly hurt the industry and construction sectors. The crisis greatly affected Ida-Viru County, where a large part of the population consists of Russian speakers, but the post-crisis unemployment rate fell quicker among people of other nationalities.

Legal and political integration

59. This was characterised by a slow but steady naturalisation process. From 2008 to 2013 the percentage of people who were granted Estonian citizenship grew from 49% to 51%. The integration programme involved local governments participating in integration activities: state and local government officials received training and there was improvement in the availability of information and public services to non-native speakers.

60. Integration monitoring carried out in 2008 and 2011 revealed that trust in the state of Estonia among non-native Estonian speakers grew from 23% to 36%. A positive change from 64% to 70% was also seen in the opinion of Estonians regarding the need to consider the opinions of people of other nationalities and involve them more in decision-making processes.

61. There were no significant differences in the participation in civic associations and the public sphere by native and non-native Estonian speakers; perception of unequal treatment decreased. The Integration Plan objective concerning political involvement among persons with undetermined citizenship and citizens of other countries was achieved.

62. The development and cooperation of Estonian media in Russian was supported to increase the commonality between the information sources of Estonian residents speaking different languages. The planned target of 70% of the Russian-speaking population receiving their information from Estonian Public Broadcasting was not achieved. In 2013, 46.2% of people of non-Estonian nationalities listened to Russian Radio 4 and 8.9% watched channels broadcast by Estonian Public Broadcasting (source: TNS Emor, 2014).

63. Estonian Integration Monitoring 2011 showed that residents of other nationalities, especially young people, had started following Estonian media more and trusted it more than ever. Estonian television shows, newspapers and portals were followed by nearly half of people of other nationalities, and nearly one-third of those people trusted those sources.

Integration Plans since 2014

64. The integration development plan, “Integrating Estonia 2020,” serves as the basis for implementing and budgeting funds for the national integration policy during 2014–2020. The general objective is a socially cohesive Estonian society where people with different language and cultural backgrounds actively participate in social life and share democratic values.

65. The development plan is executed through implementation plans, which detail the activities required to achieve the strategic objectives. The Ministry of Culture, which is responsible for coordinating this area, reports annually to the Government of the Republic on the execution of the implementation plans. The strategic management of the Integration Plan involves collegial bodies – the steering committee and steering group of the Integration Plan, are comprised of representatives of local government representative organisations, and civic associations, the latter of which includes advisory bodies of national minorities.

66. The development plan was created after surveys, discussion seminars and involvement meetings, which thousands of people in Estonia attended. The development plan furthers integration policy by focusing on bilateral integration and development of international contacts.

67. Objectives of the 2020 development plan:

- Increasing cohesion in society;
- Improving the competitiveness of the state of Estonia;
- Ensuring security;
- Preserving Estonian language and culture;
- Preserving the cultures of national minorities;
- Promoting tolerance towards different groups of society;
- Strengthening civic identity.

68. The development plan sets six sub-objectives in the area of integration:

- Attitudes supporting the openness and integration of all of society;
- Integration of permanent residents whose native language and culture is not Estonian;
- Adjustment and integration into Estonian society of new immigrants as a growing target group;
- Acquisition by non-Estonian speaking students of competitive knowledge skills for coping in an Estonian language environment;
- Active participation of young non-Estonian speaking people in youth work and contacts with Estonian people of the same age;
- Opportunities and skills for non-Estonian speaking, working-age people to be competitive on the labour market.

69. The Ministry of Culture has already started preparing a development plan for 2021–2030 (“Integrating Estonia 2030”).

Education of Roma children

70. In paragraph 13 of its concluding observations the Committee showed interest in education opportunities for Roma children and requested more information, including statistics.

71. Estonian laws ensure that all persons staying in Estonia legally have an equal right to acquire an education. The Education Act (§ 6 (1)) states that a quality general education is based on the principles of inclusive education and is equally available to all, irrespective of their social and economic background, nationality, gender, place of residence and special educational needs. Estonia implements inclusive school principles, and there are no schools or classes in Estonia that differentiate between students based on social, ethnic or other characteristics.

72. According to the Population Register (2018), 649 persons have identified themselves as Roma in Estonia (0.05% of the population). The Roma population is scattered all over Estonia. There are no Roma settlements. The largest Roma communities in 2018 were in Valga Rural Municipality (209 Roma), in Tallinn (70 Roma) and in Tartu (68 Roma). In other local governments the number of Roma people is less than 50.

73. As with all other children living in Estonia legally, Roma children are ensured equal access to quality education and are fully included in the common Estonian education system. Roma children study according to common national curricula at schools with Estonian or Russian as the language of instruction, alongside students speaking Estonian or Russian as their mother tongue.

74. A student's mother tongue or the language used at home, as reported by the child or a parent, is entered in the Information System of Estonian Education. Thus, the mother tongue or first language is determined by a person's own choice. According to the Population Register, in 2018 there were 62 Roma children of compulsory school age (7–16 years).

75. According to the data of academic year 2017/18, 55 students of general education schools have identified themselves as speaking the Romani language at home. Of those 55 students, 50 study at a regular school on the basis of the national curriculum of basic schools, three study at a regular school on the basis of the simplified curriculum of basic schools, and two study at a school for children with special educational needs on the basis of the simplified curriculum of basic schools. At the upper secondary school level no students have identified Romani as their native language.

76. In 2014–2016 the Ministry of Education and Research, the Ministry of Justice and the Ministry of Social Affairs carried out a joint project called "Improvement of quality of study counselling aimed at new immigrant children and Roma children".

77. The objective was to improve the study counselling services aimed at teachers teaching Roma and new immigrant children and to improve their competence and support availability of such services at the local level. The project included supervision seminars for teachers, heads of schools, specialists at counselling centres and representatives of related authorities. These seminars were attended by 242 specialists. To establish a sustainable counselling system that would continue after the end of the project, refresher training was provided to 73 study aid and counselling centre specialists. As part of the project, Foundation Innove's website created a page dedicated to non-native speaking children and to the subject of study counselling for students of Roma origin (<https://www.innove.ee/oppevara-ja-metoodikad/muu-kodukelega-laps/>).

78. The project resulted in greater confidence for schools when working with Roma and new immigrant children. In 2017 the Ministry of Culture launched a 12-month, European Commission-funded project to develop a national network supporting Roma integration. The project activities were aimed at ministries, local governments and local authorities – and particularly young Roma people and Roma women. The main objectives of the project were to encourage cooperation between stakeholders supporting Roma integration, identify young Roma people interested in active participation in civil society, and support trainings to create future Roma community spokespersons, supporters of Roma children's education, and cultural interpreters who can communicate between schools/local governments and Roma families/Roma communities. The project also included a survey among teachers and support specialists working with Roma children and a seminar for sharing best practices.

79. In 2016 an Advisory Committee for Roma Integration was set up at the Ministry of Culture. Its role includes analysing Roma integration issues (including educational integration), proposing to relevant organisations solutions to address matters related to the field, and promoting Roma integration.

80. Taking into account the proportion of Roma people in the Estonian population and that the Estonian integration process is not based on ethnic groups or language, Estonia considers it appropriate to continue implementing the relevant measures of various policy sectors for Roma people, as specified in the integration plan. Such measures include educational and cultural activities, employment matters, social involvement, and media activities of different ethnic groups, but not preparation of a separate nationality-based strategy. Priority is given to cooperation with regional and local level authorities, NGOs and relevant stakeholders.

Article 3

81. There is no genocide, apartheid or racial segregation in Estonia. Estonia deems it important to combat the most serious international crimes not only nationally but internationally, and is interested in international cooperation.

82. Along with the European Union, Estonia has been and continues to be a supporter of the International Criminal Court (ICC) and supports the Rome Statute becoming a universal instrument of international law. From 2018 to 2020 Estonia will be a member of the ICC Bureau of the Assembly of States Parties (ASP). As of 2013 Estonia has financially contributed to the Victims Trust Fund annually. The ICC activities and Estonia's support are based on the principle that the most serious international crimes (genocide, aggression, crimes against humanity and war crimes) cannot go unpunished. Estonia considers it important for states to abide by the "Right to Protect" principle.

83. Genocide and crimes against humanity and international security are punishable pursuant to criminal procedure in Estonia (§§ 89 and 90 of the Penal Code), and the Penal Code incorporates the principles of the Rome Statute. The last changes to the Penal Code were made in 2014 when it was provided that a legal person may also be held criminally liable for said acts. No proceedings on the grounds of crimes against humanity or international security were initiated during the reporting period.

84. Estonian law provides that for a criminal offence against humanity and international security, the representative of state powers or the military commander who issued the order to commit the criminal offence, consented to the commission of the criminal offence or failed to prevent the commission of the criminal offence although it was in his or her power to do so or who failed to submit a report of a criminal offence while being aware of the commission of the criminal offence by his or her subordinates shall also be punished in addition to the principal offender (§ 88 (1) of the Penal Code). The provision of the Penal Code is not related to any specific state power; thus, this section applies to all representatives of state powers regardless of which state they represent.

Memorial days

85. The International Holocaust Remembrance Day on 27 January has been commemorated in Estonia since 2003. It was declared a worldwide remembrance day by UN General Assembly Resolution 60/7 of 1 November 2005, and it was first commemorated in 2006. To commemorate the international Holocaust day, the Ministry of Education and Research and the Jewish Community in Estonia traditionally organise a commemoration ceremony at the Rahumäe Jewish cemetery in Tallinn, attended by representatives from the Ministry of Education and Research and the Jewish Community. In 2018 Riigikogu hosted a Holocaust remembrance day event in cooperation with the Estonian Institute of Historical Memory and the Ministry of Education and Research, which aimed to give primarily teachers, but also the wider public, a better idea of Jewish culture and those continuing it, and to recall from the historical perspective the origin of hatred of Jews.

86. On 5 September each year the Jewish Community in Estonia together with foreign embassies honour the victims of the Holocaust by the memorial for the victims of Nazism at Kalevi-Liiva. During World War II thousands of Jews and Roma were executed at Kalevi-Liiva in Jõelähtme Rural Municipality in Harju County. The event is also attended by representatives from state and local authorities and public organisations.

87. Estonia commemorates the Europe-wide day of remembrance for victims of totalitarian regimes on 23 August. In 2009 the European Parliament adopted a declaration for declaring 23 August a Europe-wide day of remembrance for victims of Stalinism and Nazism. The same year Estonia declared 23 August a day of remembrance for victims of Stalinism and Nazism, followed by an amendment to the Public Holidays and Days of National Importance Act.

88. On 23 August 2018 a Memorial for Communism Victims of Estonia was opened in Maarjamäe in Tallinn. The opening was attended by persons repressed by the communist regime and their loved ones, but also by the President of the Republic, members of the Government of the Republic and of the Riigikogu, the diplomatic corps, church leaders and senior national officials. The memorial has two parts: a Wall of Remembrance of the Journey with name plaques and a symbolic Home Garden with location stones which mark the sites of terror and with informational text. The Memorial also includes a monument to regular Estonian officers who fell victim to communist terror.

Article 4

Activities of the Chancellor of Justice

89. The Chancellor of Justice's role includes verification of compliance of legal instruments with the Constitution and laws, and supervision over the activities of representatives of public authority. The Chancellor protects people from arbitrary actions of public authority and officials and makes sure that the actions of authorities performing public law functions do not violate people's rights or freedoms arising from the Constitution. Another function of the Chancellor is to arrange for conciliation proceedings in discrimination disputes between persons governed by private law, and to promote the principles of equality and equal treatment. Each year the Chancellor reports to the Riigikogu.

Summary of complaints to the Chancellor due to discrimination 2014–2018

<i>Discrimination grounds</i>	<i>2015/2016</i>	<i>2016/2017</i>	<i>2017/2018</i>
Nationality and ethnicity	2	1	3
Race	1	1	0
Language	4	1	2
Religion or views	2	4	2
Sexual orientation	3	2	3
Age	3	2	6
Gender	2	2	3
Disability	1	1	1

Hate crimes

90. Hate crime statistics from 2015–2017 are based on “Crime in Estonia 2015”, “Crime in Estonia 2016” and “Crime in Estonia 2017” (<https://www.kriminaalpoliitika.ee/et/statistika-ja-uuringud/kuritegevus-eestis>).

91. The victim or target of a hate crime is chosen based on a specific characteristic (e.g. race, religion, ethnic origin, nationality, sexual identity/orientation) shared by a group, or another common denominator. If someone is attacked for an actual or supposed characteristic (such as origin or identity), it constitutes a hate crime. Such crimes manifest themselves as various forms of violence or vandalism, including property damage (e.g. ransacking buildings owned by a group, damaging the victim's property by graffiti, vandalising a car, etc.).

92. In 2015 at least seven cases of physical abuse were registered, motivated by hate. In one case the motive was sexual orientation, other cases concerned racial/ethnic hatred.

93. According to the 2015 victim survey, 3% of respondents or their close family members had dealt with hate crimes. To the question, “Over the past 12 months, have you or has any of your close family members fallen victim to a crime due to your/their ethnic origin, race, skin colour, religion, disability or sexual orientation?”, 2% responded with “Yes, once” and 1% with “Yes, repeatedly”. The survey did not include persons staying in Estonia on a temporary basis. The survey revealed no significant differences based on respondent gender, age, nationality, income or social status when it comes to dealings with hate crimes.

94. In 2016 at least 15 hate crimes were registered, three of which were cases of physical abuse and 10 serious violations of public order. In 63% of the hate crimes the motive for the act was the victim's actual or supposed race, religion or origin. In 25% of the cases the motive was the victim's actual or supposed sexual orientation/identity. In one instance the hate was caused by the victim's disability. In 2016 no crimes of incitement to hatred (§ 151 of the Penal Code) were registered. Two misdemeanours were registered under § 151 of the Penal Code. 25% of all hate crimes were labelled as such by the person

conducting the proceedings. In three cases the victims were minors. Those who had fallen victim to hate crimes due to their race, religion or origin were of Nepali, Nigerian, Ukrainian, Brazilian, German and Pakistani origin. In several instances the victim – including persons of German and Dutch origin staying in Estonia – was assaulted because they could not speak Estonian or Russian. In 2016 one criminal offence of a violation of equality was registered (§ 152 (2) of the Penal Code).

95. One hate crime was registered as cruel treatment of animals (§ 264 of the Penal Code) when someone kicked a dog belonging to a person of Brazilian origin with dark skin.

96. According to the 2016 survey, 2% of respondents or their close family members had dealt with hate crimes (compared with 3% in 2015). Of these, 1% had suffered hate crimes “once” and 1% “repeatedly”. Of those who themselves or whose loved ones had fallen victim to a hate crime in 2016, the reason was disability for 24%, race or skin colour for 18%, nationality for 11%, religion for 6%, sexual orientation for 6% and other characteristics for 6%. It must be noted that new immigrants are very unlikely to participate in the survey.

97. Compared to the 2015 survey results, in 2016 there were proportionally slightly more victims of hate offences due to disability (16% v. 24%) than there were cases related to nationality (37% v. 11%) or race or skin colour (16% v. 18%).

98. In 2017 four hate crimes were registered, three of which were serious violations of public order and one of which was a threat. In all cases the motive was the victim’s actual or supposed race, religion or origin. All crimes were committed at a catering establishment, entertainment facility or another public place.

99. In 2017 no crimes of incitement to hatred were registered. 13 cases of incitement to hatred (§ 151 of the Penal Code) were registered; in five of those cases no misdemeanour proceedings were initiated. One person was fined 120 euros for an offence of incitement of hatred. A couple offences of incitement of hatred were associated with activity on Facebook.

100. In the 2017 victim survey, 1% of respondents (out of 1,011) reported falling victim to crime due to their nationality, race, skin colour, religion, disability or sexual orientation. In 2016 the same indicator was 2% (this is within the limits of the margin of error).

101. In paragraph 7 of its concluding observations the Committee invited the State party to amend its criminal legislation and prohibit organisations that promote and incite discrimination and racial hatred, making racially motivated incitement to hatred a criminal offence punishable by law.

102. In response the Government notes that Estonian legislation in the Penal Code concerning offences against equality (§§ 151–153) has not changed compared to the previous reporting period. The Government has also been criticised in open debate by representatives of Estonian civil society and LICHR for too restrictive wording of the provisions of the Penal Code, which requires immediate threat to the life, health or property of persons.

103. The proposals in the recommendations have been considered at the initiative of the Ministry of Justice and there have been discussions in society, but they have not received much support.

104. The issue raised by the Committee relates to the ratification of the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, which can be dealt with after national processes have been completed.

105. The police has found it difficult to initiate proceedings under the incitement of hatred heading as for punishment it requires danger to the life or health of a person caused by threatening to be very clearly justified. The Penal Code currently provides for punishment for only such activities that publicly incite hatred, violence or discrimination if they result in danger to the life, health or property of a person.

106. It is clear that prohibiting or restricting hate speech and organisations that incite discrimination is important, but we emphasise that Estonia highly values freedom of speech, freedom of association, and related international obligations ensured by the relevant international instruments. The restriction of freedom of speech in a democratic society is only allowed for the protection of other legal rights, and finding the balance is always a tricky task. Open debate, including of a political nature, may at times challenge the limits of free speech, but we prefer settling such disputes through civil law measures, including civil disputes in court, which may be brought by anyone whose rights have been infringed.

107. To prevent possible violations of fundamental rights and restrict the activities of organisations that promote and incite hatred, emphasis must be placed on prevention to avoid the creation of such organisations. In Estonia it is possible to apply for compulsory dissolution of an organization that constitute a legal persons in court. A legal person is dissolved by a court ruling at the request of the minister responsible for the area or any other person or agency so entitled by law if the objective or activities of the legal person are contrary to law, public order or good morals (§ 40 (1) 1) of the General Part of the Civil Code Act).

108. It is important for a person whose rights are infringed to have access to efficient legal remedies, which may also be civil law ones. Although many may see insulting Internet comments as incitement of hatred, the police can only rely on the law.

109. In paragraph 8 of its concluding observations the Committee is concerned that racial motivation does not in general constitute an aggravating circumstance in proceedings under Estonian criminal law, and recommends amendment to the law in this respect.

110. This shortcoming has also been pointed out by LICHR.

111. Just because the motive of hatred is not an aggravating circumstance, this does not mean that law enforcement agencies do not pay due attention to it. Criminal law does not explicitly provide racial motivation as an aggravating circumstance, but it does provide other base motives as aggravating circumstances. The legislator has left it up to the court to interpret the meaning of other base motive. Law enforcement agencies have assumed the obligation to apply law in this area in accordance with international obligations, and law enforcement agencies have been trained in this respect. The Ministry of Justice plans to create methodological bases for identifying, for example, hate motives by considering international experience and recommendations by international organisations.

112. According to § 58 (1) of the current Penal Code, aggravating circumstances are self-interest or other base motives. The Supreme Court has explained that said provision includes an open list that the case-law must define. The Court has found that for an aggravating circumstance, considering the motive for the commission of a criminal offence as a base motive must in every single case be subject to special condemnation. Regarding something as a base motive cannot depend solely on whether it is condemned in a general humanitarian sense. Assessment by the court as to whether or not the motive for a criminal offence was a base motive depends on the circumstances of the specific act considering the particular nature of the crime. It must further be noted that the commission of a criminal offence for a base motive requires deliberate intent pursuant to § 16 (2) of the Penal Code, which means the circumstances that constitute the necessary elements of the offence are aimed for, i.e. an aim sought is what motivates a person to act (see judgment of the Criminal Chamber of the Supreme Court No. 3-1-1-141-04, para. 10.2).

Article 5

113. The report does not address all the sub-categories of the Article separately, but sets out areas where significant developments have occurred or in which the Committee showed interest in its concluding observations.

Right to vote, e-voting

114. Compared to the previous reporting period there has been a significant change in Estonian election laws, namely that the age at which a person gets the right to vote at local

elections has been lowered. On 6 May 2015, with 62 votes in favour, the Riigikogu adopted an Act by which the age of eligibility for voting at local elections was lowered from 18 to 16 years of age. This change required amendment of the Constitution and the support of at least 61 members of the Parliament.

115. Parliamentary elections were held on 3 March 2019. Electronic voting on the Internet has grown more and more popular over the years, and it has won the complete trust of voters. The first e-voting occurred at the local elections of 2005. Voters have had the chance to cast their votes electronically on 10 occasions: at the local elections of 2005, 2009, 2013 and 2017; at the parliamentary elections of 2007, 2011, 2015 and 2019; and at the European Parliament elections of 2009 and 2014.

116. 2% of voters opted for e-voting in 2005, 5% in 2007, 16% in 2009 and 24% in 2015, but by 2019 the share of e-voters had grown to 28% of the total number of voters, or 247,232.

117. At the 2019 parliamentary elections 28 women were elected out of 101 members of the Riigikogu, which is the highest number so far.

118. In paragraph 11 of its concluding observations the Committee requested additional information concerning efforts to reduce the number of persons with undetermined citizenship.

119. Estonia has consistently taken various legal and broader integration policy steps to reduce the proportion of persons with undetermined citizenship and promote their applications for Estonian citizenship. The procedure for applying for citizenship has been simplified on a number of occasions considering, above all, the interests of the most vulnerable groups, such as minors, the elderly and disabled people. Through the years the issues of citizenship and the groups concerned have also been major points of focus in national integration plans.

120. The Committee's recommendation has been carried out, and Estonia has gone through a major development in reducing the number of persons with undetermined citizenship from 32% in 1992 to 5% in 2018. Since Estonia regained its independence, more than 160,000 people have been given Estonian citizenship or had it restored.

121. According to the Population Register, in 2018 the Estonian population was divided by citizenship as follows: 84.4% Estonians, 6.5% Russians, 3.4% citizens of other countries and 5.7% persons with undetermined citizenship. The number of persons with undetermined citizenship has decreased primarily by gaining Estonian citizenship, but there are also other factors contributing to the decrease, such as by persons gaining citizenship of other countries or dying. According to the Population Register, on 1 May 2018 there were 76,566 people either with undetermined citizenship and a valid residence permit or with a valid right of residence or residence permit whose registered place of residence was in Estonia.

122. In 2014 Estonian citizenship was acquired by 1615 people, in 2015 by 898 people, in 2016 by 1779 people (including 758 children under 15 years of age with undetermined citizenship and 206 children at the moment of birth), in 2017 by 881 people (including 169 children as of the moment of birth) and in 2018 by 760 people.

123. Students of general education schools with a language of instruction other than Estonian do not have to pass a separate language test when applying for citizenship, since the final examination of Estonian-as-a-second-language is unified with the B1 level examination. In addition to paragraph 133 of the previous report we would like to add that informational classes and consultations are also carried out in upper secondary schools for adults.

124. Pursuant to the 2015 Citizenship Act, minors under 15 years of age who were born in Estonia or who immediately after birth take up permanent residence in Estonia, together with their parents, are granted Estonian citizenship by naturalisation at the moment of their birth. Estonian citizenship by naturalisation is also granted to children of persons with undetermined citizenship who are under 15 years of age. Naturalisation was facilitated by the simplification of the procedural requirements for gaining citizenship: the 6-month

waiting period was abolished and the 5-year requirement of consecutive permanent residence in Estonia was cancelled. The amendment also simplified the Estonian language examination requirements for applicants over 65 years of age.

125. Based on the legislative amendment, the Ministry of Culture organised relevant meetings and roundtables in September and October 2015, focusing on valuing Estonian citizenship and reducing the number of persons with undetermined citizenship. As a result, the Integration Foundation drew up a 2016 action plan for introducing additional options for applying for citizenship. The action plan was carried out in tight cooperation with the Ministry of the Interior, the Ministry of Culture, the Ministry of Education and Research, Foundation Innove and the civic associations and local governments of Harju and Ida-Viru County.

126. According to the 2017 Estonian Integration Monitoring, the number of persons with undetermined citizenship and with Russian citizenship who found the citizenship examination to be too complicated had decreased compared to 2015 (57% in 2015 and 46% in 2017). The number of people unable to learn Estonian had also decreased (51% in 2015 and 39% in 2017). One of the reasons most often given was that lack of Estonian citizenship did not prevent living in Estonia (34% in 2015 and 41% in 2017).

127. Since a prerequisite for the acquisition of Estonian citizenship is proficiency in the official language, Estonia has consistently taken steps to promote learning Estonian, paying special attention to regions inhabited by people who have another native language. The integration programme offered training to prepare for naturalisation, but it also offered Estonian language and culture immersion. In addition to studying in a classroom, the Integration Foundation also offers opportunities for practising Estonian in language and culture clubs and language cafés in different regions of the country. Language studies are offered primarily to people who have enrolled in classes through the Integration Foundation's website, who are taking preparation courses for the examination assessing knowledge of the Constitution of the Republic of Estonia and the Citizenship Act, and who are applying for citizenship.

128. There are more and more options for learning Estonian for free. The Integration Foundation offers personal counselling for persons with undetermined citizenship concerning employment, education, social services, legal aid, social welfare, health care, state benefits, language studies, adjustment courses and possibilities for applying for citizenship. There is also a free helpline at 800-9999.

129. In 2018 new provisions were added to the Citizenship Act that support the attainment of the Estonian language level necessary for applying for Estonian citizenship. As of 2019 applicants for Estonian citizenship can learn Estonian free of charge, and the state also pays them compensation for unpaid study leave – known as citizen agreement. Such an agreement is available to persons who have lawfully resided in Estonia for at least five years, meet the requirements for applying for citizenship and want to apply for Estonian citizenship. The agreement enables free Estonian language study from level zero to level B1. Compensation is paid on the basis of average wages for 20 calendar days. Language studies are arranged by the Estonian Academy of Security Sciences.

130. The tradition of festive ceremonies for presenting citizenship certificates aims to show appreciation to new Estonian citizens who have passed the naturalisation process. The citizenship ceremonies are carried out by the Ministry of the Interior and the Police and Border Guard Board. For the purpose of increasing legal awareness, the Ministry of Justice expanded the range of users of the website www.juristaitab.ee among the Russian-speaking population. Free legal aid is provided in Russian.

131. Persons with undetermined citizenship are ensured social and economic rights equal to those of Estonian citizens. In general, undetermined citizenship does not limit the possibilities of people in the labour market, but Estonian citizenship is required for some public administration positions and higher positions in the labour market hierarchy. The existing integration services have been adjusted to suit beneficiaries of international protection who have arrived in Estonia in the context of resettling and relocating beneficiaries of international protection under the EU Agenda on Migration. The Ministry of the Interior, the Ministry of Social Affairs and the Ministry of Education and Research

offer adjustment programmes and primary services to beneficiaries of international protection in their areas of responsibility.

132. The Committee made recommendations in paragraph 9 of its concluding observations for addressing the issue of minorities' need for self-identification by facilitating, inter alia, the use of patronyms through appropriate administrative measures. The Government notes the Committee's recommendation and explains below the regulatory framework for patronyms applicable in Estonia and the options for using patronyms.

133. From the historical perspective, patronyms have not been used as part of personal names in Estonia and it is not an official part of a person's name. Surnames are used in Estonia. The use of names is governed by the Names Act, according to § 3 (1) of which a personal name consists of a given name and a surname. The Act provides for the principles and procedure for the assignment and application of names of natural persons (their personal names) and the bases for the uniform use of personal names of Estonian citizens and aliens residing in Estonia.

134. Regardless, no one is prevented from using a patronym if they so wish. The use of patronyms in private relationships is in no way governed or restricted by law. Persons may also use their patronyms in communication with authorities and local government agencies and when contacting them with various applications and letters that are answered pursuant to general procedure. Moreover, a person may apply to the authorities for use of their patronym in official documents as part of their name, i.e. their additional name. Lack of legal recognition of patronyms does not prevent the use of patronyms, and it does not interfere with individual rights guaranteed by the Convention.

135. The Committee is considering the first individual complaint filed against an alleged violation of the ICERD. On 2 August 2018 Mihhail Tverskoi filed complaint 64/2018, in which he complained that the authorities had refused to add his patronym to his ID card.

Economic, social and cultural rights

136. For the purpose of increasing the amount of municipal housing, including social housing, residential fund investment aid to local governments was created in 2017, used to finance the construction of new residential rental spaces and used for the reconstruction of existing municipal apartment buildings. This measure gives aid to local governments up to 50% for the construction of new housing or the renovation of existing municipal buildings. For the period 2017–2020 the state has budgeted a total of 60 million euros for the measure.

137. Arising from the Social Welfare Act, local governments must assess the overall situations of needed persons and offer persons social services and benefits that will ensure their ability to cope. One required service is the provision of dwelling, which is meant to ensure the use of a dwelling for people whose socio-economic situation would otherwise prevent them from finding a dwelling that meets their and their family's needs.

138. People may also need assistance in adapting their dwelling or in obtaining a more suitable dwelling (§ 42 of the Social Welfare Act). In order for persons with special needs to cope independently as much as possible, local governments can apply for aid under the measure "Physical adaptation of dwellings of disabled people".

139. In 2017 the project was piloted in Tallinn and a total of 45 dwellings were adapted. The objective of this measure over 2018–2023 is to support the adaptation of the homes of nearly 2,000 people with special needs to address their needs. The contribution of local governments is at least 15% and the rest is covered by the European Regional Development Fund. In 2018, 56 local county governments applied for such funding. The second application round opened in February 2019 and remains open until August. The budget of the second application round is 7 million euros.

140. In paragraph 10 of the concluding observations Estonia was requested to provide additional information concerning measures related to reducing the employment and income gap based on language proficiency.

141. During 2013–2015 there was a larger reduction unemployed persons among residents of other nationalities than among Estonians, by 10,500 and 6,000 persons,

respectively. In 2013 the unemployment rates of the two groups differed by a factor of 1.82, and by 2015 it had reduced to 1.48, exceeding the target set in “Integrating Estonia 2020”. Compared to the 2013 results, the employment rate grew faster among Estonians than among residents of other nationalities: 63% of Estonians and 60.3% of residents of other nationalities were employed in 2013; the same numbers were 66.7% and 61.8% respectively in 2015.

142. For residents of other nationalities the situation in the labour market improved in 2017: employment increased and unemployment decreased, but both the employment and unemployment gaps grew bigger relative to Estonians. 67.6% of Estonians and 61.4% of residents of other nationalities were employed in 2016; the same numbers were 69.6% and 63.0% respectively in 2017. The situation for non-Estonians continued to improve in 2018. The employment rate among 15–74-year-olds grew from 63% to 64.3% in a year, and the unemployment rate decreased from 8.8% to 7.1% at the same time. Since the employment of Estonians increased slower at the same time and the unemployment rate slightly increased, the employment and unemployment gaps between Estonians and non-Estonians shrank (employment rates differed by a factor of 1.5). According to 2018 data the unemployment rate of non-Estonians who had command of Estonian was 6.2%, but the unemployment rate of those who did not was 10.7%.

143. Non-native Estonian speakers face obstacles to take up employment by insufficient or lacking Estonian language proficiency, insufficient knowledge of labour market possibilities, separately functioning social networks, education that does not correspond to the needs of the labour market and nationality-based isolation of personnel. The labour market situation for residents of other nationalities also features a clear regional and sectoral element. LICHR finds that strict language requirements in the labour market are often disproportionate and at times discriminatory.

144. In 2018 the highest registered unemployment rate was in Ida-Viru County (8.9%), which was almost twice as high as the Estonian average. The problem in Ida-Viru County is primarily consistently high unemployment and low business activity due to the restructuring of a former industrial region. During 2015–2016 the region’s labour market was greatly affected by the economic difficulties of the local large industry, the production of oil shale. In 2016 the first additional employment services were provided within the European Globalisation Adjustment Fund (EGF) to those who had lost their jobs or were in danger of being laid off from Ida-Viru County’s oil shale companies (AS Eesti Energia, AS Nitrofert or AS Viru Keemia Grupp or their subsidiaries) during the major lay-offs. The measures were provided until the end of 2018. A total of 487 persons benefited from the EGF programme. The programme provided aid for participating in formal education, and 126 persons took advantage of it. As an additional service, aid for the creation of jobs could be applied for from May 2016 until the end of 2017. A total of 645 jobs in 17 companies were created from this aid.

145. In order to promote employment in regions where unemployment is high, the Government established regional job creation aid in 2018, which is available to employers who employ within two consecutive months at least five unemployed persons who have been registered in Ida-Viru, Põlva, Valga or Võru Counties and have not worked in the past six months. In addition, aid is paid for each additional unemployed person being employed. The monthly gross wage of a person employed must be 1.5 times the minimum wage, which meant €750 in 2018 and €810 in 2019. Aid is paid for 12 months within a period of up to 24 months. This should allow employers certain flexibility, as the aid can be used over a longer period of time. The state pays 50% of the employee’s gross wage. The maximum aid is €1000, twice the minimum wage. So if an employee’s wage is €2500, the aid is still €1000.

Labour market services

146. To help people of other nationalities enter the labour market and find jobs, the state continues providing individual labour market services. According to the Unemployment Insurance Fund, in 2014 labour market services were used by 15,785 people whose language of communication is other than Estonian, in 2015 by 15,874 people, in 2016 by 16,913 people and in 2017 by 18,121 people. In 2018, labour market services were used by

18,551 unemployed persons. The percentage of people who used labour market services among registered unemployed persons whose main language of communication was not Estonian was 37.2% in 2018 (on average per month). The most popular services were labour market training (24%), career counselling (18%) and job-seeking workshops (14%). Labour market services are funded by the foundation of labour market services and benefits.

147. The Estonian Unemployment Insurance Fund provides labour market services provided for in the Labour Market Services and Benefits Act, the Employment Programme and the European Social Fund's programmes. Various services are provided based on a person's individual needs and hindrances. The law considers insufficient or lacking Estonian language proficiency to be a hindrance (§ 10 (5) (8) of the Labour Market Services and Benefits Act). Unemployed persons are offered Estonian language courses to improve their language skills. In 2017 a programme "Work and Learn" was launched to also allow employed persons to learn Estonian. The number of participants in Estonian courses has varied from 1,120 in 2014 to 2,793 in 2017. In 2018 Estonian language training was provided to 1,506 unemployed and 1,525 employed persons. The "Work and Learn" programme also supports employers helping their employees improve their Estonian proficiency (435 persons in 2018).

148. An action plan, "Development of Language Training for Adults with Native or Home Language other than Estonian for 2015–2018 (2020)", was developed in 2014 and approved by the Minister of Education and Research decree of 30 January 2015, which is used to fund Estonian courses for people working in the public sector, compensation for language learning expenses, and acquisition of the official language by public and third sector employees and members. Additionally, aid is also given to establish a quality guarantee and supervision system for Estonian language training for adults in the area of responsibility of the Language Inspectorate and relating to the development of digital Estonian language study materials.

149. The creation of the B1 to B2 level electronic study materials "Keeletee" (<https://www.keeletee.ee>) was continued, and the functioning of the language learning environment "Keelekliik" (www.keelekliik.ee) for zero to A2 levels was ensured. In 2017 additional language learning possibilities were introduced (e.g. Speakly: www.speakly.me).

150. For a tighter connection between the labour market and learning, in 2014 the Ministry of Education and Research prepared initiatives for students who have acquired basic education in a language other than Estonian. They are offered additional Estonian language training and practical work options in an Estonian-speaking environment, and support programmes are applied in vocational schools for the transition to instruction in Estonian. Students in higher education are offered additional academic and professional Estonian training, which ensures better access to higher education in Estonian and helps manage one's studies. Such activities include language courses and clubs and other activities for increasing learning readiness.

151. Based on the 2015 Estonian Integration Monitoring results and the objectives of the Government of the Republic action programme 2015–2019, the Ministry of Culture, together with the Ministry of Social Affairs and the Integration Foundation, started developing initiatives to commend public sector organisations where the personnel is diverse and to support career opportunities for non-native Estonian speakers. They arranged informational activities and a social campaign introducing career opportunities in the public sector for non-native Estonian speakers. In 2016 there was a series of informational seminars and informational materials were prepared for employers and non-Estonian speaking residents of working age.

152. In December 2015 the Ministry of Culture and Social Affairs signed the Diversity Charter of the Estonian Human Rights Centre to support and appreciate the principles of workplace diversity and equal treatment. Signing the Charter contributes to raising awareness of organisational cultures that value equal treatment in the public sector, including in the governing of ministries and in society in a broader sense.

153. To improve the ability of people with insufficient command of Estonian to manage in the labour market, the European Social Fund's resources were used to create language

practice and training possibilities in regions with the highest demand. Supporting language learning activities is part of the Ministry of Education and Research's "Tighter Association between the Labour Market and Learning" programme for its lifelong education strategy.

154. To help young people with no special skills or work experience find a job, the Estonian Unemployment Insurance Fund has been providing a service, "My First Job", as of 1 January 2015. This service partly compensates employers through wage subsidy for the labour expenses of a young employee during their first year of employment and for professional training expenses (up to €2,500) during the first two years of employment, provided the employer has entered into an employment contract with the employee for an unspecified term or for a term of at least two years. The target group is people 17–29 years of age who have been registered as unemployed for at least four months, have no professional education and have no or short-term work experience. To prevent unemployment among young people, workshops introducing the labour market and work life are arranged in schools for students in grades 8–12.

Activities for reducing unemployment

155. From 2013 to 2014 an integration counselling model aimed at third country citizens was piloted in Tallinn and Narva at the directive of the Integration Foundation. Counselling centres provide information concerning employment, education, social services, legal aid, social welfare, health care, state benefits, language studies, adjustment courses and possibilities for applying for citizenship. A website, www.integratsiooninfo.ee, was created where information is provided in Estonian, English and Russian. The Estonian Unemployment Insurance Fund, the Police and Border Guard Board, local governments, libraries, youth work organisations and cultural associations of national minorities all work together to disseminate information on integration.

156. Attention is paid to the development of cultural services that support language learning and integration. 14 performing arts institutions and museums were subsidised so they could develop programmes in other languages through simultaneous interpretation equipment, smart devices and applications, audio guides and software necessary for their functioning. Cooperation agreements have been established with the following institutions: Estonian Open Air Museum Foundation, Pärnu Museum Foundation, University of Tartu, Rakvere Theatre House Foundation, Vanemuine Theatre Foundation, Russian Theatre Foundation, O. Luts' Parish School Museum in Palamuse, Valga Museum, Estonian Theatre and Music Museum, Vaba Lava Foundation (Open Space), Endla Theatre Foundation, Theatre NO99 Foundation, Tallinn Technology and Science Centre Foundation, and Tartu City Museum. Activities for increasing the capability of providing information in other languages were funded with the resources of the European Social Fund's project, "Activities Supporting Integration in Estonian Society".

157. The Integration Foundation offers free Estonian courses for levels A2–B2 and courses on knowledge of the Estonian Constitution and the Citizenship Act. In 2016 Estonian language and culture clubs were set up.

Health care and emergency medical care (health sector)

158. No significant changes have occurred regarding availability of healthcare services since 2013. All persons who stay in Estonia are provided with emergency health care irrespective of health insurance, nationality, citizenship, etc.

159. According to LICHR there is a need to more thoroughly deal with language barriers in the healthcare system, particularly among Russian-speaking children and the elderly.

Social security

160. Since 1 January 2016 the General Part of the Social Code Act has applied in Estonia. It ensures social protection and governs its principles and organisation.

161. Estonian permanent residents and aliens living in Estonia on a fixed-term residence permit or by right of residence are eligible for social benefits pursuant to law. Payment of social security benefits does not depend on citizenship, nationality or race.

162. Discrimination on the grounds of nationality (ethnic origin), race or colour is prohibited when accessing social welfare, health care and social insurance services, including social benefits.

Family benefits

163. Family benefit schemes are universal; this means all Estonian citizens living in Estonia, aliens living in Estonia on the basis of the residence permit of a long-time resident or permanent right of residence, and aliens living in Estonia on the basis of a fixed-term residence permit or fixed-term right of residence are eligible for family benefits. The principles concerning grants and payments of state family benefits (except for maintenance allowance) have remained the same as in the previous report.

164. Starting 1 January 2017 the payment period of maintenance allowance during court proceedings was extended from 90 days to 150 days, and the daily rate of maintenance allowance is now €100 per child per month. Consequently, a maximum of €500 may now be paid instead of the former maximum of €288.

Work ability reform

165. On 1 June 2016 Estonia initiated reforms to create a new system for supporting work ability. The reforms aimed to change attitudes toward people with reduced work ability and help them find and keep jobs. As of 1 July 2016 the Estonian Unemployment Insurance Fund assesses work ability and pays work ability allowance. According to the old system (pension for incapacity for work) persons were assessed regarding their level of permanent incapacity for work, which was expressed by percentages (10%, 20% ... 100%). If a person had permanently lost at least 40% of their capacity for work, they were entitled to a pension for incapacity for work.

166. Starting from 1 July 2016 the definitions used are “partial” and “no work ability”, and no percentage is defined. The new assessment results are expressed in one of the following three statuses: complete, partial or no work ability. In the case of the last two, the person assessed has the right to a work ability allowance. The new system for supporting work ability assesses what a person can do, irrespective of diagnosis, and, together with the Unemployment Insurance Fund’s case manager, uses this information to determine appropriate work for the person. Partial work ability requires activity; no activity requirements are set for persons with no work ability.

167. The following persons between the age of 16 and pensionable age are entitled to a work ability allowance:

- Estonian citizens residing in Estonia;
- Aliens residing in Estonia on the basis of a residence permit or right of residence;
- Persons enjoying international protection staying in Estonia or asylum seekers staying in Estonia who have the right to take employment in Estonia under the Act on Granting International Protection to Aliens.

Disability allowances

168. The terms and conditions of grants and payments of disabled child allowances and disability allowances for persons of retirement age have remained the same as described in previous reports.

169. Some changes have been made to the terms and conditions of grants and payments of the disability allowance for persons of working age.

170. Rehabilitation and work allowances are no longer paid as of 1 July 2016. The Unemployment Insurance Fund pays disabled persons a travel-to-work allowance, offers them aid necessary for working and provides other work support services. The travel-to-work allowance is up to €300 per month; the work allowance was up to €255.70 for 3 calendar years.

171. As of 1 July 2016 the disability allowance for persons of working age depends only on the degree of severity and type of disability and no longer depends on additional expenses arising from their disability.

Social services and benefits

172. The responsibility for providing and organising welfare services is divided between different levels of public authority in Estonia. Local governments are in charge of community services, services that support elderly and disabled people coping independently at home, and 24-hour general care to the elderly. Local governments also arrange payment of the subsistence benefit and other benefits financed from the local government budget.

173. Technical devices, rehabilitation services and special welfare services for people with special mental needs are organised by the state. The organisation of social security assistance is governed by the Social Welfare Act. In 2016 special welfare services were used by 6,500 persons and medical device services were provided to 49,933 people.

174. Estonian citizens living in Estonia, aliens living in Estonia on the basis of the residence permit of a long-time resident or permanent right of residence, and aliens living in Estonia on the basis of a fixed-term residence permit or fixed-term right of residence are eligible for social services and social benefits. There is an exception according to which every person in Estonia has access to emergency assistance by law.

Social rehabilitation service

175. Social rehabilitation services are offered to all those with special needs and to those of all ages who are disabled or have no work ability. As of 1 January 2016 there are two kinds of rehabilitation: occupational and social.

176. Rehabilitation services can include help from a social worker, psychologist, occupational therapist, creative arts therapist, physiotherapist, special education teacher, speech therapist, peer counsellor and others. 16,000–17,000 people have received help in recent years. The services are free of charge.

Education

177. General principles concerning education have not changed since the last reporting period.

178. OECD's Education at a Glance (2018) points out that children in Estonia have very fair opportunities for acquiring primary and basic education compared to other countries, and that the family's social or economic standing or parental educational attainment does not affect their children's participation in early childhood education.

179. To help new immigrant children acquire an education, the University of Tartu carried out a project, AMIF2016-12 (the Asylum, Migration and Integration Fund's project) "Supporting New Immigrants in Adjusting at School". The general aim of the project was to support new immigrants in adjusting to the Estonian educational system through purposeful and coordinated activity by the school community. The project relied on school values: tolerance, friendliness and cooperation. It was aimed at teams composed of members of the management and support system, teachers at different education levels, representatives of parents and education officials from local governments. The teams developed a schooling concept, corresponding study materials, feedback and monitoring materials. There were also training sessions, "Uniting Class – Uniting School" (24 hours), for four groups (25–28 people in a group), attended by a total of 100–112 people.

180. Children's special educational needs are identified and the necessary measures are recommended on the same bases; any distinctions based on native language, nationality or other similar criteria are prohibited by law. The identification of special educational needs and necessary support measures, including study at a basic school on the basis of simplified curriculum or designation to a school for children with special educational needs, may be initiated by a parent or educational establishment upon the consent of a parent.

181. In 2017 the Minister of Education and Research approved a bullying-free education concept that focuses on cooperation between different partners to create a safe school environment. To implement the concept, the members of this movement agreed upon the roles that will help achieve at least one bullying prevention programme in all nursery schools, 90% of general education schools and 30% of vocational educational institutions by 2020.

182. With the help of the European Social Fund, the Ministry of Education and Research carries out a programme, “Promotion of Adult Education and Development of Learning Possibilities”, and organises free training courses. The courses take place at vocational educational institutions and institutions of professional higher education where vocational training is offered. Funding is also given to projects to improve adult access to education (e.g. preparation courses, e-courses, hiring of school support, provision of babysitting services). Furthermore, prior education and work experience is taken into account upon admission to an educational institution, upon completion of a curriculum, and upon completion of vocational studies.

Pre-school education

183. Estonia deems it important to ensure equal access to pre-school education for all children, thereby building a foundation for each child’s further development. Parents must cover part of their child’s pre-school education expenses. This amount is determined by the local government of the child care institution, but it remains under 20% of the minimum wage established by the Government of the Republic. The attendance fee paid by parents is determined by a family’s economic capability.

184. Local governments are obligated to provide all children 1.5–7 years of age (including children with special needs) in their administrative areas with the opportunity to attend child care institutions if their parents wish.

185. Language requirements in the Preschool Child Care Institutions Act (§ 8) have not changed compared to the previous reporting period.

186. If learning and teaching is conducted in Estonian, children whose language at home is not Estonian will acquire Estonian either through:

- Integrated activities that may be accompanied by support study in Estonian; or
- The application of complete language immersion.

187. Societal demand for pre-school education in Estonian has grown: in 2008, 59% of people whose native language was “Russian” or “Other” favoured an option in which all children attend an Estonian language nursery school where children of other nationalities have assistant educators proficient in their native languages. In 2012 that number was 65%. In 2008, 19% of children with another native language studied in Estonian language pre-school institutions. By 2013 that number had increased to 26%. From 2005–2014 the number of participants in the language immersion programme doubled. In 2008 the language immersion programme included 23 nursery schools. In 2013–2014, 45 nursery schools joined the programme.

188. Estonia has 628 nursery schools: 516 Estonian, 106 Russian and 6 English language-based. 4.9% of nursery school children participate in the language immersion programme; 78.2% of children are in groups with Estonian as the language of instruction and 17% with Russian (data from academic year 2017/18 in the Estonian Education Information System).

Table: Children in pre-school child care institutions by language of instruction in academic year 2017/18 (source: database Haridussilm)

<i>Language of instruction</i>	<i>Number of students</i>
Estonian	52 345
Estonian (language immersion)	3 214
English	89

<i>Language of instruction</i>	<i>Number of students</i>
Russian	11 247
Total	895

189. To develop an action plan for teaching Estonian as a second language in nursery schools, the relevant study materials, refresher trainings and hindrances in teaching Estonian as a second language were mapped in 2017. The main deficiencies were in the availability of nursery school refresher trainings and study materials.

190. Tallinn University and the University of Vaasa worked together to develop an international module for making language immersion more efficient at universities. During 2016–2018 a British Council programme was implemented to support learning Estonian as a second language in Ida-Viru County’s nursery schools and to contribute to networking. Foundation Innove was involved in planning refresher trainings in 2017–2018 for teachers in language immersion groups, groups with another language of instruction and groups for teaching Estonian as a second language.

191. As of 2009 state funds are allocated to local governments for Estonian language training in nursery schools. In 2018 the total state allocation was €319,000. In 2019–2022 additional job positions for Estonian teachers will be created in nursery schools to provide better language training (the +1 Estonian teacher model). The goal is for each Russian-speaking group to have an Estonian teacher, and the 2019 state budget includes 1 million euros for this measure.

Basic education

192. The legislation governing basic education has not changed compared to the previous reporting period.

Table: Full-time students in academic year 2017/18 (source: database Haridussilm)

<i>Language of instruction</i>	<i>Number of students</i>
Estonian	95 876
Estonian (language immersion)	7 099
English	520
Finnish	66
Russian	22 188
Total	749

193. Likewise for primary education, one can see increased interest in the language immersion programme, and the number of students in said programme has more than doubled in a decade. In 2008 the programme included 3,295 students, in 2013–2014 it included 4,907 students, and in 2017–2018 that number increased to 7,099. The purpose of the language immersion programme is to ensure that students make good progress in all subjects according to the national curriculum and are functionally proficient in Estonian, Russian and at least one foreign language. What has made the programme a success is extensive training provided to teachers and heads of schools on the methods of teaching in another language, change management and development of the school environment.

194. General education schools in Estonia have slightly over 400 students who are new immigrants. On average, up to 50 foreign students enrol in Estonian schools in an academic year. Foundation Innove and universities offer teachers refresher training and counselling so they can support their students’ development. During the first three academic years students are provided intense Estonian language training to help them integrate in Estonia, all while upholding their native languages. Activities are carried out for organising

language and cultural studies based on the individual needs of new immigrants. Different studies on this subject have been conducted¹.

Vocational education

195. In academic year 2017/18 there were 33 vocational educational institutions in Estonia, of which 26 were state, three municipal and four privately owned. Vocational education can also be acquired in six state institutions of professional higher education. The language of instruction in one vocational educational institution is Russian (3%); in 14 both Estonian and Russian (36%); in one Estonian, Russian and English; and in one Estonian, English and Latvian. There are 22 institutions with only Estonian as the language of instruction (56%).

Table: Share of students by the language of instruction in vocational education in academic year 2017/18 (source: database Haridussilm)

<i>Language of instruction</i>	<i>Number of students</i>
Estonian	19 102
English	6
Latvian	
Russian	5 035
Total	143

196. Attention must still be paid to the quality of Estonian language training in vocational schools with Russian as the language of instruction. Integration Plan 2018 set a goal according to which persons who acquire vocational education in Estonia shall be proficient in Estonian according to their education level and qualification requirements, and shall be competitive in the Estonian labour market. Gradual transition to Estonian-language instruction was initiated in vocational education in academic year 2014/15. Pursuant to § 57 (1) of the Vocational Educational Institutions Act, which took effect in 2013, at least 60% of studies based on vocational secondary education curricula shall be conducted in Estonian by no later than 1 September 2020. This goal is based on the 2011 general education reform, where the same goal was achieved. This provision does not govern private schools. This provision governing the mandatory language of instruction only concerns vocational secondary education. The language of instruction of other curricula shall be decided by the manager of the school.

197. In 2013 all the national curricula of vocational secondary education were revised. Modifications included the social subjects' module (e.g. learning outcomes and assessment criteria concerning cultural diversity, human values and democracy and sustainable development).

198. Sub-activities of activity 8.8, "Additional Language Training in Vocational and Higher Education", of the 2014–2020 project, "Development of Education Corresponding to Labour Market Needs", help students who are acquiring a vocational or higher education learn academic and professional Estonian and foreign languages, and provide counselling to the heads and staff of vocational educational institutions in coping with a multilingual and multicultural study environment. Non-native Estonian speaking students, including those studying in Russian-language study groups, are provided additional Estonian training based on their needs. The needs are mapped based on Estonian examination results in basic and secondary schools and language requirements provided by professional standards. Language training is organised as practical work in an Estonian-language environment,

¹ Non-Estonian speaking children in Estonian schools, Tallinn University, Toomela, a. et al, 2012 <http://dspace.ut.ee/handle/10062/40681> Academic and social coping of new immigrant students in Estonian general education schools, MindPark 2013. http://dspace.ut.ee/bitstream/handle/10062/41933/Uuringuaruanne_MindPark.pdf?sequence=1

such as through additional classes, courses or extracurricular activities (student exchange, cultural programmes, study trips, etc.), or combined study.

Higher education

199. In Estonia it is possible to acquire higher education in Estonian, Russian or English in 20 educational institutions. The language of instruction is mostly Estonian; in academic year 2016/17, 86% of first and second level students studied in Estonian, 12% in English and 2% in Russian.

Table: Share of first and second level students by languages of instruction in academic years 2012/13–2017/18 (source: database Haridussilm)

<i>Language of instruction</i>	<i>2012/13</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>	<i>2017/18</i>
Estonian	92%	92%	90%	89%	87%	86%
English	4%	6%	7%	9%	11%	12%
Russian	4%	2%	2%	2%	2%	2%

200. Owing to the 2013 higher education reform, full-time students acquiring a higher education based on Estonian-language curricula have the right to study in public universities and state institutions of professional higher education free of charge as of the academic year 2013/14. Full-time students are those who complete, on a cumulative basis, 75–100% of their curriculum. Institutions of higher education have the right to require students to pay for their educational expenses in part to cover credit points not gained if they get fewer than 30 credit points each semester. Universities are also permitted to offer tuition-free studies for, for example, English-language curricula.

201. Starting from academic year 2013/14 the state began helping students from less privileged families cover their additional expenses related to acquiring a higher education. A need-based study allowance has been established by the Study Allowances and Study Loans Act. The need-based study allowance is given to students who study full-time and have cumulatively completed at least 75% of their curriculum's study load. When applying for the study allowance in the first semester, one only needs to meet the full-time study requirement. A family's monthly income per family member is also taken into account; the maximum limit was €429 in 2017.

Hobby education and Sunday schools

202. Nearly 40 Sunday schools have been registered in Estonia, teaching children of different nationalities the culture, language and traditions of their country of origin, and introducing their country's culture to Estonian residents. There are Russian, Belarusian, Ukrainian, Armenian, Korean, Uzbek, Turkish, Azerbaijani, Georgian, Tatar, Kabardian, Lezghin and other Sunday schools. The state provides basic funding for Sunday schools and teacher training in Estonia and in respective countries of origin, and helps them get to know Estonian culture. In academic year 2014/15, the Integration Foundation supported the work of 23 Sunday schools; in 2015/2016 it supported 29 Sunday schools. In academic year 2017/18, the total funding of 30 different Sunday schools amounted to €135,713. The Ministry of Education and Research organises teaching seminars and awareness-raising events for members of the Estonian Association of National Minorities' Sunday School Teachers.

203. In 2015 an additional young people's hobby support system was developed, intended for additional support from the state to encourage young people aged 7–19 to take up hobbies and provide them with versatile, regular, guided and creative hobby education. In 2017 the Youth Work Act, the Private Schools Act and the Hobby Schools Act were amended to allocate funding from the state budget in addition to local governments' contributions to hobby education aimed at young people. Additional funds allocated to rural municipalities and cities are based on elements such as the number of young people, the number of young disabled people, the number of young people aged 7–19 living in families who have difficulties in coping, the financial capacity of the relevant local government, and

the regional availability of hobby education. Local governments are supported to improve the availability and versatility of the hobby education of children and young people, and to increase participation by those from socio-economically weaker population groups.

Human rights education

204. In 2017 the European Regional Development Fund helped conduct a survey, “Human Rights and Basic Values of Human Rights in Estonian Schools and Education Policy”².

205. Estonia was part of the European Union’s Civic and Citizenship Education Study, and a report on Estonia was completed in 2016³. The report focused on Estonian students’ knowledge of society, core values and institutions of democracy, the role of citizens and their involvement in society, social relationships and welfare and European issues.

206. On 31 October 2018 the Integration Foundation opened a new website where one can find necessary information about learning Estonian and living in Estonia. The site also has a counselling portal, which is helpful for adjusting to local life for permanent residents of different ethnic origins and people who have recently arrived in Estonia. The website also gives recommendations concerning learning and practising Estonian and applying for citizenship or a residence permit. There is information in Estonian, Russian and English about finding job opportunities, starting one’s own business, finding a spot in school or nursery school, finding a doctor or a place to live, and other day-to-day issues. The development and operation of the website is funded with the resources of the European Social Fund’s project, “Activities Supporting Integration in Estonian Society”.

Article 6

Legal remedies

207. Cases of discrimination whereby certain groups are excluded arise in Estonia from prejudices, stereotypes, and society’s below-average awareness of the principle of equal treatment. Legal specialists’ inconsistent knowledge of the Equal Treatment Act and its interpretive possibilities may cause problems in providing legal aid and making decisions. LICHR also brought attention to limited knowledge about the Equal Treatment Act among the population.

208. LICHR believes that the Equal Treatment Act does not prohibit discrimination based on language and citizenship, which reduces the effectiveness of the law. According to LICHR, § 9 (1) of the Act is contrary to international standards because it allows direct discrimination based on race or ethnic origin.

209. These problems are addressed in the “Welfare Development Plan 2016–2023”, approved by the Government of the Republic in 2016. To minimise negative attitudes, increase tolerance and improve the protection of rights, the development plan intends to help the public, specific target groups and stakeholders (including employers and employees) by raising awareness of the different situations and needs of different population groups and encouraging the consideration of such differences.

210. Another aim is to prepare people to avail themselves of the possibilities offered to protect their rights. Improvement in the quality of legal aid is sought through training aimed primarily at lawyers and other legal specialists. Legal protection is also improved by amending relevant laws.

211. In 2016 the Act amending state legal aid was adopted, according to which state legal aid can be requested in Estonian, English and most other common languages for persons

² https://www.hm.ee/sites/default/files/uuringud/io_lopparuanne.pdf.

³ Toots, A. (edit.)(2017). Young People’s Civic Culture in a Changing World. Results of Estonia in the IEA Internationale Civic and Citizenship Education Study (ICCS 2016). Tallinn, Tartu: Tallinn University, Ministry of Education and Research.

who are citizens of or live in a different EU member state. LICHR has acknowledged this amendment.

Equality in court proceedings

212. In 2017 and 2018 the Chancellor of Justice received two inquiries concerning alleged discrimination in court proceedings. One person felt the court had imprisoned them because of their nationality and social status rather than for committing a crime. The case materials revealed that the court had justified the imprisonment using the facts of the crime and not based on nationality or social status.

213. Another person complained of a loved one being discriminated against in court proceedings due to their Roma origin. The prosecutor allegedly badly mistreated this person in the courtroom and the judge failed to intervene. The court's information system revealed that the accused had filed a petition to remove the prosecutor due to prosecutor's alleged prejudiced attitude toward Roma people. The court dismissed the complaint because the accusations did not give reason to conclude that the prosecutor had performed their duties based on subjective motives or prejudices. The case materials did not imply any discrimination against the accused by the court.

214. In neither cases was suspicion of discrimination confirmed nor was there reason to initiate disciplinary proceedings against the judge.

215. In 2018 the Supreme Court received a complaint seeking disciplinary proceedings against a judge because the judge and a prosecutor had used the expression "gypsies" in court session. The accused found this word insulting and discriminatory toward people of Roma origin. The Chief Justice of the Supreme Court asked for the opinion of the Institute of the Estonian Language. The Institute found that the connotations of the word "gypsy" have changed in Estonian: the word used to be pejorative but had become neutral over time. Input from international Roma organisations suggests the word "Roma" has been used more and more in Estonia instead of "gypsy", starting from the 1990s. The case materials showed that the court used both "gypsy" and "Roma", frequently at the same time when saying, "Of gypsy nationality, which means Roma".

216. Article 15 of the Constitution provides that everyone whose rights and freedoms have been violated has the right of recourse to the courts. Judicial protection is also ensured in racial discrimination cases where a person feels that his or her rights have been violated. If a violation is public and someone publishes under his or her own name any material that offends the honour and dignity of another person, the victim may have recourse to the court. Considering the possibilities provided by IT today, increasingly more issues arise in connection with the ease and anonymity of insulting someone online – including racially. The next paragraph is an example of efficient judicial protection against anonymous actions harming a person's honour and dignity.

217. The court awarded damages to a well-known actress who filed an action against anonymous online commentators who had insulted her and whose comments included incorrect and inappropriate value judgements about her. (Supreme Court judgment of 6 June 2018, case No. 2-16-14655). The judgment showed that persons who post anonymous insults online are not protected against judicial proceedings, their identities can be established and they can be required to pay damages. People who offend others' honour and dignity online must consider that victims are subject to judicial protection even from anonymous posts, and the offenders are at risk of facing pecuniary claims or having their identities disclosed. Victims may also demand, for instance, that offenders apologise and/or retract their words under their real names.

Prison system

218. Estonia continues to reorganise the prison system. Tartu Prison was opened in 2002, Viru Prison in 2008 and Tallinn Prison in 2018. The Prisons Department of the Ministry of Justice was transferred to Ida-Viru County in 2017. The state has paid much attention to its vast presence in Ida-Viru County; a number of new jobs have been created within the prison system and people from other parts of the country have moved there and taken up

employment. The Prison Service has assumed the task of developing the entire region and strengthening the connection between the state and the locals through its presence.

219. The number of convicted persons in Estonian prisons on 1 January 2018 by citizenship was 1403 Estonian citizens, 559 persons with undetermined citizenship, 141 Russian citizens and 31 citizens of other countries.

220. In paragraphs 12 and 15 of its concluding observations, the Committee was concerned about the legal protection available to prisoners.

221. Prisoners have the option to file with the authorities complaints concerning various aspects of their imprisonment: conditions of detention, inadequate medical care, not being allowed to smoke, actions of prison officials, limited access to the Internet, etc.

222. As of 1 October 2017 smoking is completely prohibited on prison territory for prisoners, staff and all other persons. So far prisoners complaints to lift the smoking prohibition have been unsuccessful on all levels, including in court.

223. The number of complaints filed by prisoners in administrative court represented, in the years 2014–2018 respectively, 43.8%, 36%, 30.6%, 33.9% and 26.8% of all complaints, which makes it clear that prisoners are well aware of the legal remedies available to them and are quite capable of availing themselves of such remedies. The fact that prisoners are well aware of their rights and know how to file complaints is clear from several complaints having reached the Supreme Court and even the European Court of Human Rights.

224. Article 1¹ (5) of the Imprisonment Act provides that prisoners have the right to file complaints with an administrative court against administrative acts issued or measures taken by a prison provided that the prisoner has previously filed a challenge to the Prison Service or the Ministry of Justice and such challenge has been rejected, satisfied in part, denied or not adjudicated during the term. Consequently, the law requires mandatory pre-trial challenge proceedings in administrative court to challenge administrative acts issued or measures taken by a prison. A complaint is also allowed if the prison or the Ministry of Justice unlawfully rejects a challenge (Administrative Chamber of the Supreme Court order of 8 October 2012 in matter No. 3-3-1-30-12, para. 18).

225. Several prisoners who have challenged the compliance of their conditions of detention with the law and international standards have had success both nationally and in the European Court of Human Rights, and they have been awarded pecuniary compensation; for example, the recent ECHR judgments of 29 February 2019 (Nikitin v. Estonia (application no. 23226/16), Villems v. Estonia (application no. 43059/16), Jeret v. Estonia (application no. 59152/16), Kaziks v. Estonia (application no. 63211/16), Tarasovski v. Estonia (application no. 75362/16), Karp v. Estonia (application no. 57738/16) and Savva v. Estonia (application no. 60178/16)). The complaints concerned conditions of detention in Tallinn Prison, which is now closed.

226. The following amendments to the Imprisonment Act demonstrate prisoners' awareness of their rights and how relying on judicial protection has led to legislative initiatives in the Parliament.

227. In 2018 the Parliament conducted proceedings on an Act on the Amendment of the Imprisonment Act to give prisoners access to the Internet, but in connection with the parliamentary elections on 3 March 2019 the draft legislation was dropped from the proceedings and the new Government will decide whether to submit the draft again. The draft provides that prisoners can use specially customised computers, under the supervision of the Prison Service, to access the websites of the Riigikogu and the Chancellor of Justice. But there will be no access to the sections of those websites that enable electronic communication. According to currently applicable law, prisoners are not allowed to access the Internet. However, under the supervision of the Prison Service, prisoners have access to official databases of legislation and the register of court judgments. This amendment arises from a decision of the European Court of Human Rights in the case of Kalda v. Estonia (judgments of 19 January 2016, application no. 17429/101), whereby a violation of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms was established because a prisoner had not been allowed access to the websites of the

Riigikogu, the Chancellor of Justice and the Tallinn Information Department of the Council of Europe (the latter no longer exists).

228. In paragraph 12 of its concluding observations, the Committee was concerned about possible discrimination against prisoners who did not have command of Estonian. According to the Prison Service of the Ministry of Justice, the officials who come into actual direct contact with prisoners are proficient in Russian to the extent necessary to communicate with prisoners not speaking Estonian. The Prison Service has offered assurances that no prisoner has been punished for not speaking the official language. Prisoners can only be punished for specific violations, for which a legal basis is required.

229. The rights of prisoners who do not have command of Estonian are protected through an interpreter in administrative proceedings (challenges and applications for compensation for damage), administrative court proceedings and criminal proceedings.

230. Pursuant to the Minister of Justice regulation No. 72 on the Internal Prison Rules of 30 November 2000, challenges in a foreign language submitted to the Ministry of Justice against administrative acts issued or measures taken by the director of the prison, challenges with any annexes in a foreign language submitted to the director of the prison, and applications for compensation for damage with any annexes in a foreign language submitted to the Ministry of Justice or the prison are sent by the prison before acceptance to a translator with whom a contract has been established. According to the same regulation, if a prisoner has no funds in his or her personal prison account, the prison also pays for translation services. Therefore, in a situation where a prisoner has started defending his or her rights by challenging an act or action or applying for compensation for damages, the prisoner has access to translation services paid for by the prison, if necessary.

231. Furthermore, it is possible to learn Estonian in prisons and get paid for it. Under § 34 (4) of the Imprisonment Act, prisoners who are not proficient in Estonian shall, at their request, be provided with an opportunity to study Estonian. Subsection (5) of the same section provides that the acquisition of education shall be organised during working hours, meaning that students are released from the obligation to work during such studies. Depending on the form of study, studies are funded from the state budget or by the Prison Service, which means that acquiring an education is free for prisoners. From 2014–2018 the percentage of prisoners learning Estonian for remuneration out of the total number of prisoners was 28%, 26%, 23%, 23% and 18%, respectively, approximately one-half of whom have successfully completed the course each year.

Article 7

232. In the fall of 2015 Estonian Public Broadcasting launched a Russian-language television channel, ETV+. There are also private Russian-language channels in Estonia. The most popular Russian-language radio channels are Russian Radio and Radio 4 a public channel.

233. The regional Russian-language press exists almost everywhere in Estonia where there are people with Russian as their native language; many local governments publish local news in local newspapers in Estonian and in Russian.

234. According to Statistics Estonia, in 2016, 17% of books, 157 periodical issues, 42 magazines and 36 newspapers were issued in minority languages, including one national daily newspaper in Russian. There are national online media portals in Russian: rus.err.ee, delfi.ru, dv.ee, veneportaal.ee, rus.postimees.ee, mke.ee, vecherka.ee.

235. Two Russian-language journals of literature and culture (Vyshgorod and Plug) publish the work of Russian and Estonian-Russian authors, and about 20 Russian-language commercial magazines are published in Estonia. The Ministry of Culture, the Cultural Endowment of Estonia and the Council of Gambling Tax support the publishing of Russian-language culture magazines and the translation of the Estonian children's magazine "Täheke" ("Starlet") into Russian.

236. The cultural activities of national minorities are supported by the Ministry of Culture, the Integration Foundation, the Ministry of Education and Research, the Folk Culture Centre, the Cultural Endowment of Estonia, the Council of Gambling Tax, the National Foundation of Civil Society, and local governments. In 2017 there were about 300 cultural associations of national minorities and 21 umbrella organisations.

237. Cultural associations of national minorities can apply to the Integration Foundation for basic financing through umbrella organisations. An umbrella organisation joins at least five cultural associations of national minorities and carries out activities that aim to ensure the sustainable operation and systematic development of organisations representing national minority cultures. The Ministry of Culture also finances a support programme (coordinated by the Integration Foundation as of 2016) for national minorities that aims to preserve and develop the culture and language of national minorities and support integration. The Ministry of Culture allocates budgetary support each year to cultural autonomies.

238. Estonia values the preservation of the authentic cultural traditions of national minorities through various regional cultural programmes. To support and share the historic culture of Russian Old Believers, a Peipsiveere cultural programme has been initiated that aims to ensure the survival of the coastal villages alongside Lake Peipus, which is the primary cultural space of the Russian Old Believers. The programme enables the organisation of festivals, trainings that introduce traditions, cultural summer camps for children, and a special programme introducing the local cultural heritage within the school curriculum.

239. The objective of the Setomaa cultural programme is to maintain the cultural and linguistic originality of Setomaa, including the local way of life, traditions, customs and skills. It also seeks to strengthen the Seto language and heritage, expand the uses of the Seto language and enhance the community in the cultural environment. The programme supports achievement of the objectives of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions.

240. The programme, “Traditional Cultural Environment of Islands”, is intended to honour and revive the way of life, traditions and customs, skills and linguistic features attributed to Estonian islands and the Coastal Swedish areas.

241. Several national minorities and ethnic groups have established museums introducing their national cultures: there are Russian Museums in Tallinn and Kohtla-Järve, and Coastal Swedish, Chuvash and Jewish Museums in Tallinn. There is also a Russian Centre of Culture and a Ukrainian Centre of Culture.

242. Attention is given to involving people of other nationalities in Estonian cultural life and introducing features of Estonian culture to them. Priority is given to tightening contacts between Estonians and other nationalities and supporting joint activities. In 2016 state funds were allocated to 13 theatres and museums to purchase technical equipment for offering their services (performances, exhibitions, etc.) in Russian and English, and to increase the participation of marginally integrated people and new immigrants in Estonian cultural life.

243. State funds were also allocated to non-profit organisation Fenno-Ugria as a centre of excellence in promoting the culture and education of Finno-Ugric nations in Estonia. The Ministry of Culture regularly subsidises national minorities’ professional and hobby theatres, concert organisations and agencies, museums, publishing houses, literary events, and festivals. The 8th World Congress of the Finno-Ugric Peoples will take place in Tartu in 2020.

244. In 2017 and 2018 the Ministry of Culture launched a new cooperation platform involving field work for officials in Ida-Viru County. The purpose is to come up with ideas for national development strategies together with different departments, local governments and partner organisations. During a week of field work in 2017 (7–11 August), 30 meetings were held in five cities in Ida-Viru County. In August 2018 meetings and seminars were held in eight local governments. The two-week programme involved three ministers of the Government of the Republic, nearly 200 officials from 15 state authorities, and 500 leaders

from Ida-Viru County's local governments. The programme sought ideas and solutions for developing Ida-Viru County. Field work gave state authorities a great opportunity to meet with several cooperative partners from Ida-Viru County, keep up-to-date with the latest developments and arrange roundtables and seminars. During the field work, state officials had the chance to work together in a pop-up office in Narva College of the University of Tartu. There was also a final conference to present and assess ideas proposed in the course of field work.

245. The seminars generated various solutions that will be considered in national and local development plans, and a separate network and dialogue platform will be created for state officials in an effort to contribute to the development of the County at the local level (more information is available on the website of the Ministry of Culture: <https://www.kul.ee/et/valitood>).

246. In 2018 the President of the Estonia Republic together with the Office of the President worked for a couple of weeks in Narva, she met with local promoters, visited companies and municipalities, schools and civic associations and state institutions. There were also several work meetings and ceremonies held in Narva, which are usually held in Tallinn. The aim of this was to contribute to a stronger integration of Estonia and Ida-Viru County and to break the stereotypes in the region.

247. To increase the involvement of civic associations of Ida-Viru County in shaping policies and decision-making processes, the Ministry of Culture will relocate several authorities there: Integration Foundation, Estonian Language House and Narva cultural services centre Vaba Lava, and will support various cultural events that will bring people from other parts of Estonia to Ida-Viru County and that will help develop enterprise in the region.

Estonian Language Houses

248. A large proportion of non-native Estonian speakers who are Estonian residents have passive command of Estonian. The 2015 Estonian Integration Monitoring programme pointed out that 48% of Estonian residents who are not Estonians had passive language skills and 15% had no command of Estonian at all. In 2018 Tallinn University and the Estonian Centre for Applied Research CentAR conducted an applied research study, "Estonian Language Training of Adults with Native Language other than Estonian in Integration and Employment Policy: Quality, Effect and Organisation", which showed that about one-half (43–54%) of adult non-native Estonian speakers have good Estonian language skills. In 2018 less than 10% of people aged 15–74 had no Estonian language skills.⁴

249. The Integration Foundation is in charge of organising free language courses, language cafés and language clubs for adults. In 2016 the Government came up with the idea of establishing an Estonian Language House in Narva, which was part of a long-term activity plan to improve Estonian language skills among the residents of Narva and Ida-Viru County. In 2018 the Government of the Republic allocated two million euros from the state budget to Estonian Language Houses in Tallinn and Narva; an Estonian Language House opened in these cities at the end of 2018 and in the first half of 2019 respectively. The aim of these Language Houses is to ensure counselling services to introduce options for learning Estonian, test language levels, develop relevant online study materials, and ensure the mobility of language courses and their compliance with the interests of the labour market. The Language Houses also provide methodological assistance and information for Estonian teachers dealing with adults. There are plans to involve volunteers and representatives of civil society interested in integration-related cooperation, and to promote social contacts and networks between native and non-native Estonian speakers.

250. In 2018, in cooperation with the University of Tartu, a training programme was developed to train people who became Estonian teachers and leaders of activities that support language training in the Estonian Language Houses. In Tallinn and Narva, Estonian

⁴ <https://www.sm.ee/et/uudised/uuring-noudlus-kvaliteetse-tasuta-eesti-keele-oppe-jarele-taiskasvanute-hulgas-suur>.

Language Houses offer Estonian courses from A1 to C1 levels. Additionally, they consult people studying the language independently, and they offer practical language skills through language cafés and Estonian language and culture clubs.

Narva investments and cultural events

251. The bankruptcy of the Krenholm Manufacturing Company in 2010 came as a shock for the residents of Narva because the company was an essential part of Narva's identity and an important employer in the region. The Krenholm Quarter, however, has major potential to become a centre of attraction. State investments and different public cultural events attempt to improve the city's living environment and make it attractive to younger people. From 2015–2018 a number of investments were made and new inclusive cultural projects were initiated in Ida-Viru County, including Narva. In 2015, working together with Narva Gate OÜ, the Estonian Academy of Arts Foundation started building a residential complex in the historic Krenholm Quarter. Narva Art Residency is a multifunctional residence/creative centre, cultural centre and educational institution, and a place where Estonian Academy of Arts students can complete their practical training. Narva Art Residency plays an important role in diversifying the region's cultural life and making it more international.

252. At the end of 2018 and beginning of 2019 a contemporary and open performing arts centre, Vaba Lava, was opened in Narva in the former Soviet military industrial compound, Baltijets. Furthermore, in 2018 Narva gained an Estonian Language House and the Integration Foundation creative incubator Objekt, along with other creative jobs arising from it. Narva is also the home of a modern studio of the television channel ETV+. The Vaba Lava theatre complex, cafeteria, gallery, multimedia incubator and Estonian Language House have given life to the old military industrial compound. An Estonian Academy of Security Sciences campus with a modern swimming pool and a study building with contemporary architecture are being designed. Since 1999 Narva College of the University of Tartu has been located in Narva, offering an education in the fields of pedagogy, youth work and local government organisation, enterprise and project management.

253. In January 2018 Narva declared itself a candidate for the European Capital of Culture 2024. Due to this initiative there have been many festivals and events in the region introducing Narva as a capital of culture. The planned process will create a good framework for more elaborate national and international involvement work. During the application period the city's long-term cultural development plan will be updated, and a thorough involvement strategy and an international communication plan will be developed. In 2017 a music and city culture festival, Station Narva, took place for the first time. In August 2018 in the Krenholm Manufacturing Company's industrial compound a summer production by Tartu Uus Teater was performed for 23,300 spectators. In July 2018 there was an international music festival, "Baltic Sun". In September 2018 and November 2018 Narva Opera Days and Narva IDeeJazz took place respectively.

254. Various cultural events held in Narva and Ida-Viru County have encouraged interest in the region and in what is going on there, even among people from other regions. This interest has triggered growth in domestic tourism and communication between people.
