

Legal Information Centre for Human Rights



Russian Schools of Estonia

Compendium of Materials

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Legal Information Centre for Human Rights

RUSSIAN SCHOOLS OF ESTONIA. Compendium of Materials

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Dear Reader!

In Estonia, the Russian language is considered to be a foreign language. Consequently problems arise related to derogation of rights of Russian-speakers in the public sphere and, in particular regarding the availability of education in Russian. The currently effective state programme of development of education provides for transition of Russian upper secondary schools to the instruction, at the lesser of 60% in the state (Estonian) language. This transition started in September 2007, overlooking as it did the outstanding practical problems (training of teachers, textbooks, etc), the negative public mood in majority of the ethnic non-Estonian population, and the ominous forecasts of experts.

The political situation in Estonia is clearly not conducive to undertakings aimed at supporting and promoting education in Russian. Effective as of 1 September 2010, the new Basic School and Upper Secondary School Act did not supersede strong politicisation in the question of preservation of education in Russian. Teachers of Russian schools are subject to constant psychological pressure on part of school administration and Language Inspectorate, harrowed by pestilent fear to lose one's job.

By reference to the above, in 2009-2010 the Legal Information Centre for Human Rights (LICHHR) was engaged in realising the project “Creation of conditions for preserving of education in Russian in Estonia, through implementation and application of European anti-discriminatory principles”.¹ The project was aimed at analysing the situation in the sphere of Russian school education and providing legal aid to teachers at Russian educational establishments, as well as law-related training of separate individuals, groups and public figures, making decisions in the sphere of education.

Within the framework of the project, the following intermediate goals were set:

1. By way of disseminating information and law-related training, to improve the possibilities of civil society to counteract flagrant abuse of human rights and discrimination in the sphere of Russian education in Estonia;
2. To contribute to embedding international anti-discriminatory mechanisms into Estonian law (incl. the sphere of education);
3. To provide for protection against discrimination and unequal treatment in the sphere of Russian education on individual level, in anticipation and in the interest of creation of the requisite law enforcement practice.

The basic directions in the framework of the project were:

- Survey of the situation in the sphere of non-discrimination and equal treatment – monitoring and analysis of legislative and judicial practice, carrying out of sociological research;
- Supply of legal aid;
- Contribution to enhanced level of law-related awareness in the community (carrying out training events on law and releasing publications in mass media);
- Contribution to the social dialogue in issues of observing human rights and non-discriminatory treatment through publications in mass media and organisation of seminars.

¹ Realisation of the project was envisaged for the period 16 June 2009-30 December 2010, however for reasons outside the control of the executive agency, the term of completion of the project was put back to March 2011.

Within the framework of the project there were contemplated and performed the following types of activities:

1. carrying out presentations of the project;
2. providing legal aid to the community;
3. monitoring of legislation and law-enforcement practice;
4. carrying out sociological surveys on state of the Russian-language education in Estonia, with the follow-up round-table discussion of their results;
5. carrying out events on law-related training;
6. publication in mass media and on website of the Centre of communications and articles, pertinent to the project;
7. preparing and publication of the collection you are currently holding in your hand;
8. preparing and carrying out of the summing-up seminar.

The Legal Information Centre for Human Rights is expressing its deep gratitude to the donor of the project – the Russkiy Mir Foundation. The organisation is also thankful to the Tallinn City Government for complementary financial support of the sociological survey.

The greatest difficulty encountered when realising the project was how to sweep aside the apprehensions and misgivings which the pedagogues from Russian schools experience before Language Inspectorate. Underlying those apprehensions is the inadequate level of legal culture and consequently passiveness and unpreparedness to brace oneself for and withstand the pressure, emanating from power authorities and mass media in Estonian, Language Inspectorate, not too infrequently also from unlawful acts of administration of schools. Therefore we visualised as our primary task, bringing home to the teachers the imperative need for them not to stay aside of the socially essential problems.

Inordinately high interest, far larger than we would reasonably expect, was accorded by different people somehow related to education, to our first event – presentation of the project, which we held within framework of the roundtable “Principles of equal treatment and education in the Russian language in Estonia”. Presentation was held on 7 July 2009, during summer vacations, however the alertness of participants and level of openness of discussion were beyond our expectations.

Further on LICHR gave a number of informative talks at events held for employees in the sphere of education and for parents. Altogether the events of the Centre on “liquidation of illiteracy in law” were attended by over 300 residents not only from the capital of Estonia but also from other towns of Estonia (Narva, Loksa, Rakvere, Tartu), where our collaborators travelled for meeting with teachers and parents. Such method of work apparently appealed to participants, and the Centre has been receiving invitations to attend school-meetings of parents and to hold special information classes for members of school trade-unions.

To enhance the level of law-related knowledge important for protection of the right to receive education in the native language, the Legal Information Centre for Human Rights held a think-tank seminar “Russian school in Estonia: right to education and application of the princi-

ple of equal treatment” on 26-27 August 2010. Invited to participate at the seminar were not only teachers and parents from Estonia but also specialists from Russia and Latvia, enabling comparing the situation in Estonia and Latvia, and also discussing international standards of provision for education in minority native language. Within framework of the discussion, our audience was most of all worried about the authorities vested in the Language Inspectorate, the possibilities for protection of the right of children to receive education in their native language, how to unite teachers and parents for deciding crucial problems of school.

Besides that the Legal Information Centre for Human Rights helped those directly referring to us in quest of a solution to concrete problems. Our jurists gave consultations free-of-charge to all interested parties over hot-line telephone, by on-line consultations or at meetings in office. From mid-2009 to end-2010 we were approached for advice by about 300 teachers and parents. On the basis of their applications, there were drawn inquiries and appeals to governmental institutions, to town and rural boards/commissions on education, to administrations of schools; there were filed complaints to courts and commissions on solution of labour disputes.

During the progress of the project, the experts and partners of LICHR carried out monitoring of the legislation and law-enforcement practice, some results of which are incorporated in Chapter I of this collection. When preparing the publication on monitoring, used were the works and papers by following specialists: *Evgeniya Pavlenko, Aleksei Semjonov, Vadim Poleshchuk, Jelena Karzhetskaja, Elena Ezhova, Julia Kovalenko-Djagileva, Mstislav Rusakov, Viktoria Neborjakina, Sergei Seredenko, and others.*

At the time of meetings of representatives of the Legal Information Centre for Human Rights with teachers and parents, as well as at the time of special events of training, seminars and conferences, organised by us and other organisations, there was held a group survey-questionnaire. Chapter II of this Collection is devoted to the results obtained, which are to be defined as opinions of the most active teachers and those of activists from among members of boards of guardians and student self-governments. The first discussion of results took place on 7 December 2010 at a special round-table with active participation of professional sociologists.

We do not doubt the success of this project. However we do not entertain illusions that as a result of the activities under this project only, the Russian education in Estonia will be safeguarded. Our aim is rather creating conditions for preservation of the Russian language and rich Russian culture for generations of Russian children born outside the borders of Russia, – lacking the viable education in the native language, this aim will be effectively out of reach.

Staff of the Legal Information Centre for Human Rights

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**PART 1. Topical problems
of Russians schools in Estonia**

**1.1. Discrimination and principles of equal treatment in the system
of education**

Right to education is one of the basic and fundamental human rights, laid down in international legal acts and guaranteed constitutionally.

Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) stipulates that the States Parties to the Covenant recognise the right of everyone to education. Clause 1 Article 13 sets forth the goals and tasks, to achieve whereof the education shall be directed: the full development of the human personality and the sense of its dignity, the respect for human rights and fundamental freedoms. Moreover, “education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups”. The combating of discrimination, stipulated in Clause 2 Article 2 of the Covenant, is subject to neither progressive realization nor the availability of resources; it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds.²

Article 2 Protocol 1 of the European Convention for Protection of Human Rights and Fundamental Freedoms, wherein the right to education has also been included, specifies that “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religions and philosophical convictions”. As observed by jurist Elena Ezhova, this Article clearly and exactly enunciates the idea, firstly on universality of the right to education (no one can be denied the right thereto); secondly on important role and function of the state in the area of education; and thirdly on obligation of the state to respect the religious and philosophical convictions of the parents.

According to “General Comment No. 13: The right to education” of UN Committee on Economic, Social and Cultural Rights,³ education is both a human right in itself and an indispensable means of realizing other human rights. Inherent to education in all its forms and on all its levels must be the following interspersed and fundamental aspects:

- “a) *Availability*. Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party..
- b) *Accessibility*. Educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:
 - i) Non-discrimination – education must be accessible to all, especially the most

² E/C. 12/1999/10, 8 December 1999, Committee on Economic, Social and Cultural Rights, Implementation of the international covenant on economic, social and cultural rights, General Comment no. 13, para 31, available at <http://www.fao.org/righttofood/kc/downloads/vl/docs/AH353.pdf> (20.12.2010).

³ Ibid, para 6.

vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds ...

ii) Physical accessibility – education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e. g. a neighbourhood school) or via modern technology (e. g. access to a “distance learning” programme);

iii) Economic accessibility – education has to be affordable to all...

c) *Acceptability* – the form and substance of education, including curricula and teaching methods, have to be acceptable (e. g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents...”

When considering the appropriate application of these “interrelated and essential features” the best interests of the student shall be a primary consideration⁴.

It thence transpires that absence in education of any of its inherent features will suggest and testify to a restriction on access to education.

Already Mr. Max van der Stoep, when he was High Commissioner of OSCE on National Minorities said “It is clear that education is an extremely important element for the preservation and the deepening of the identity of persons belonging to a national minority”.⁵ In what follows we will highlight some documents, being generally recognised as international standards on what pertains to receiving of the education in language of minorities:

- Framework Convention for the Protection of National Minorities, 1995;
- Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990;
- The Hague Recommendations Regarding the Education Rights of National Minorities, 1996;
- UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992.

To a various degree those documents proclaim the right of representatives of the minorities to uphold their originality through mediation of their native language.

Article 14 of Framework Convention for the Protection of National Minorities enunciates: “In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, that persons belonging to those minorities have adequate opportunities for receiving instruction in this language”. The obligation, contained in Article 14 of the Framework Convention, is also declared in Article 4 of the UN Declaration: “States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue”. Article 34 of Document of the Copenhagen Meeting guarantees that “[t]he participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue”.

⁴ Ibid, para 7.

⁵ The Hague Recommendations Regarding the Education Rights of National Minorities and Explanatory Note. October 1996. p. 2, http://www.osce.org/documents/hcnm/1996/10/2700_en.pdf (20.12.2010).

Subject to para. 1 of the Hague Recommendations, “The right of persons belonging to national minorities to maintain their identity can only be fully realised if they acquire a proper knowledge of their mother tongue during the educational process”. This right is carried out, in the first place, through education: “in primary school, the curriculum should ideally be taught in the minority language” (para. 12). Whereas the recommendations do not dismiss the need for integration of the society (para. 13): “In secondary school, a substantial part of the curriculum should be taught through the medium of the minority language... Throughout this period, the number of subjects taught in the State language, should gradually be increased. Research findings suggest that the more gradual the increase, the better for the child”.

However basing on recommendations and surveys in the area of education, it is necessary to take into consideration the scope, within which the state language is taught as a subject during all years of instruction, and the optimum use of both languages. “Submersion-type approaches whereby the curriculum is taught exclusively through the medium of the State language and minority children are entirely integrated into classes with children of the majority are not in line with international standards. Likewise, this applies to segregated schools in which the entire curriculum is taught exclusively through the medium of the minority mother tongue, throughout the entire educational process and where the majority language is not taught at all or only to a minimal extent.”⁶

Majority of the aforementioned international documents are moderated with provisions like e. g. “wherever feasible”, or “if there is sufficient need”, i. e. they provide to the state a possibility to derogate the chances of obtaining secondary education in the language of a national minority. However the shortage of funds cannot, by itself serve to that end as plausible grounds.

Because one of the characteristics of availability of education is non-discrimination, it is necessary to elucidate the meaning of that term as used in international law and in Estonian legislation.

As pointed out by jurist Evgeniya Pavlenko, prohibition of discrimination as the base principle of international law is set down in many documents⁷, for instance:

- Charter of the United Nations, 1945
- Universal Declaration of Human Rights, 1948
- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- International Convention on the Elimination of All Forms of Racial Discrimination, 1965
- Convention on the Elimination of All Forms of Discrimination Against Women, 1979
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981
- UN Convention against Discrimination in Education, 1960
- European Convention for Protection of Human Rights and Fundamental Freedoms, 1950
- and many others.

⁶ Ibid. p. 9.

⁷ Evgeniya Pavlenko. “The principle of equal treatment in the system of education”. Paper at Think-Tank Seminar “Russian school in Estonia: right to education and application of the principle of equal treatment”. 26-27 August 2010, Tallinn.

International Convention on the Elimination of All Forms of Racial Discrimination (Art. 1 (1)) specifies that

discrimination shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

UN Convention against Discrimination in Education (Art. 1), which Estonia has not ratified as yet, specifies discrimination as

any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

- (a) Of depriving any person or group of persons of access to education of any type or at any level;
- (b) Of limiting any person or group of persons to education of an inferior standard;
- (c) Subject to the provisions of Article 2 of this Convention⁸, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
- (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

Article 14 of European Convention for Protection of Human Rights and Fundamental Freedoms specifies that

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

In pursuance of the practice of European Court of Human Rights, the treatment is considered discriminating, if

- There is difference in treatment between victim and other persons, being in a comparable situation,
- It does not have objective and reasonable grounds (i. e. does not pursue a legitimate aim),
- The purpose being available, lacking is proportionality between that purpose and devices used to achieve it.

It is specifically such approach to discrimination that was laid down in one of the landmark cases, notably the Belgian linguistic case (1968)⁹, when the Court acknowledged violation of Article 2, Protocol 1 together with Article 14 of the ECHR (prohibition of discrimination). In that case, in several regions of Belgium with predominantly Flemish population the French-speaking

8 I. e. creation or preservation of separate systems of education or educational institutions (observing certain conditions) for students of different gender, on the grounds of religion or language, or for providing additional opportunities of education to a certain group.

9 Judgment of the European Court of Human Rights, 23 July 1968. The case concerned certain aspects of the right of use of languages in the educational system of Belgium (Belgian linguistic case).

residents were deprived of the opportunity to obtain education in French (while in neighbouring regions with compact French-speaking population there were also schools with Flemish (Dutch) as language of instruction. The Court referred in particular to place of residence as the element, underlying the discriminatory differentiation, because the linguistic minority in one region was provided conditions of access to education in their language, differing from those in the other region.

In the case *Cyprus v. Turkey*¹⁰ (2001) the European Court of Human Rights found, too the violation of the right to education. The Court held that liquidation by government of the Turkish part of the island of the system of secondary education in Greek contravenes the European Convention of Human Rights.

In 2000, a directive was adopted in the EU, prohibiting discrimination by race and ethnic origin/affiliation in practically all areas of public life (the so-called Race Directive). Another directive adopted in the same year prohibited discrimination on labour market for religion or belief, age, disability and sexual orientation of the person.¹¹

The Estonian court practice on cases for discriminating was analysed by jurist Vadim Poleshchuk.¹²

Prohibition of discrimination in Estonian legislation is contained, in the first place in Article 12 of Constitution of the Republic of Estonia, establishing the equality of everyone before the law, and stipulating that no one shall be discriminated against on the basis of ethnicity, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or “on other grounds”. Universally accepted is the viewpoint that Constitution prohibits discrimination on any grounds, including those not listed in Article 12. This is of essence in view of the fact that Constitution has direct application in Estonia.

As regards the equality before law the Chamber of Constitutional Review of the Supreme Court confirmed, that the said principle concerns all spheres of life. The Court also pointed out unambiguously, that the equality before law is a fundamental human right.¹³

In the proceeding in Supreme Court there are often cases, where arguments of the parties are connected to Article 12 of Constitution, however the Court has not ever specially considered, on merits the cases on ethnic, racial or religious discrimination. Nevertheless the Court has elaborated several important principles, concerning “unequal treatment”. As a whole, Article 12 of Constitution is to be constructed in the way that “the equals are to be treated as the equals, but those unequal – in the way not equal”. Prohibition of unequal treatment is violated when such treatment has “arbitrary character”, i. e. there is no reasonable cause for that.¹⁴ The issue of unequal treatment can be considered when the existing groups are subject to comparison, i. e. in the context of their dif-

10 Judgment of the Grand Chamber of European Court of Human Rights, 10 May 2001, case *Cyprus v. Turkey*, no. 25781/94.

11 Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

12 Вадим Полещук. “Эстонское антидискриминационное законодательство” // Гражданское общество. Борьба с нетерпимостью и дискриминацией. Материалы семинаров, Таллин, 2008.

13 Decision of Chamber on Constitutional Review of the Supreme Court of 6 March 2002 in the case № 3-4-1-1-02, section 13, published in RT, III 2002, 8, 74.

14 Decision of Chamber on Constitutional Review of the Supreme Court of 3 April 2002 in the case № 3-4-1-2-02, п. 17, published in RT, III 2002, 11, 108.

ferentiation, they are in comparable situations.¹⁵ Whereas in one of the decisions the Supreme Court showed pointedly, that for justification of unequal treatment the authorities cannot refer to difficulties of administrative or technical character.¹⁶ Furthermore prohibition of discrimination is not absolute and it must be considered conjointly with Art. 11 of Constitution: “Rights and freedoms may be restricted only in accordance with the Constitution. Such restrictions must be necessary in a democratic society and shall not distort the nature of the rights and freedoms restricted”.

Definitions of direct and indirect discrimination, persecution contained in Equal Treatment Act, enforced on 1 January 2009, and also the norms, concerning victimisation, i. e. protection of persons having suffered discrimination, who for instance filed a suit on employer (Art. 3), are practically indiscernible from appropriate provisions of the Directives of 2000. The detailed anti-discriminatory norms in the law have been set down not only for the employees of a private sphere but also for public officials. What regards racial and ethnic discrimination, the law translates not only to the sphere of labour employment, but also to sphere of education, social protection and social security, health care, social benefits, supply of goods and services (Art. 2).

Equal Treatment Act does not consider as discrimination the establishment of so-called genuine and determining occupational requirements, connected with specificities or context of professional activity (given the legitimacy of the goal and proportionality of the very demand) (Art. 10). It is even allowed to take certain measures for preventing or compensating of the losses, connected with inequality of a certain group (“positive action”) (Art. 6).

In view of the above international standards of universality of access to education and prohibition of discrimination in that sphere, within the frame of the project especial attention was paid to measures on protection of the right to education in the native (Russian) language; notification of the population about international principles, mechanisms and opportunities in that sphere; lobbying of adopting by Estonia of necessary measures on changing the situation and providing for observance of human rights and protection against discrimination and unequal treatment.

1.2. Equal access to education

In 2009/2010 academic year the students of diurnal general education schools in Estonia, depending on language of instruction, distributed as follows: 78% studied in Estonian, 19% – in Russian and 2.5% – in groups of language immersion (instruction initially fully and later predominantly in Estonian). An insignificant part studied in English or Finnish.¹⁷ In 2007/2008 academic year for 6000 students of Estonian schools, Estonian was not the native language.¹⁸

In September 2007, Estonia launched transition to instruction on the level of upper secondary school (10-12 forms) predominantly in Estonian (Reform 2007). Reform was carried out by reference to respective provisions of the former Basic School and Upper Secondary School Act. After adopting

the law in 1993, transition of “other language” upper secondary schools to Estonian was planned for academic year 2000/2001. In 1997 Parliament amended the law to put back the transition to academic year 2007-2008. Decision that transition to Estonian will affect 60% of instruction was executed in 2000 as an amendment to Basic School and Upper Secondary School Act. In 2007, against the background of all-too-evident unpreparedness to transition and to key down the emotions running high in the society there was adopted a decision that minority school reform would be gradual and that in the first place, transferred to Estonian would be subjects like the Estonian language and literature, civics, history, geography and music. As remarked by jurist Vadim Poleshtshuk, completion of transition was to be effected in 2011: it was then that all schools would be obliged to fulfil the 60% requirement.¹⁹

The new Basic School and Upper Secondary School Act, in force as of 1 September 2010, did not bring anything radically new to what concerns the reform of Russian school. Curiously, the sitting Minister of Education and Research Tõnis Lukas of the right-wing nationalist party Union of Fatherland – Res Publica attempts to force the reform by different ways. The same pertains to certain local self-governments.

Besides that, Estonia witnesses, in consequence of demographical problems, the steady decline in the number of students and as a result also that of schools. However the rate of shrinkage in the number of schools with Russian as the language of instruction is clearly higher. In academic year 1995/1996 there were in Estonia 600 Estonian, 116 Russian and 26 Estonian-Russian schools, however in academic year 2009/2010 as few as 465 Estonian, 61 Russian, 28 Estonian-Russian, two English, one Estonian-English and two Estonian-Finnish schools.²⁰ Hence in 14 years the number of Estonian schools shrunk by 23%, of Russian – as much as by 47%. Russian schools often fall under various schemes of “optimisation of schools networks”.

On 17 December 2009, the council of the town of Loksa adopted a decision on transforming the single Russian Upper Secondary School of Loksa and the 1st Secondary School of Loksa into the Upper Secondary School of Loksa. The term assigned for carrying out all work was very short – by 1 September 2010. On 18 February, the same council adopted the decision to merge the Russian Upper Secondary School of Loksa and the 1st Secondary School of Loksa into Upper Secondary School of Loksa. The seemingly different nature of those decisions notwithstanding, the crux of the matter of both of them amounted to closing down the Russian Upper Secondary School of Loksa.

On 17 February 2010 the council of Rakvere adopted the decision on amalgamation of Upper Secondary School of Rakvere and the sole Russian Upper Secondary School of Rakvere, in consequence whereof it is notably the Russian Upper Secondary School of Rakvere which is closed.

Both above decisions were adopted without involving in discussion of parents, school students, staff of schools, boards of guardians of schools. Referred to by both self-governments as the cause, prompting those decisions is the complicated economic situation. In neither case were the decisions of the councils substantiated and they were put into effect through violating the legislation.

The said decisions were appealed against in court.

¹⁹ Cf. State academic curriculum for basic school and upper secondary school, Art. 28-2 in version of 3 December 2007 (amendment published in RT, I 2007, № 61, art. 392).

²⁰ Data of Estonian educational information system EHIS, available on website of Ministry of Education and Research, at <http://www.hm.ee> (20.12.2010).

¹⁵ Decision of General Assembly of the Supreme Court of 27 January 2005 in the case № 3-4-1-2-05, p. 40, published in RT, III 2005, 24, 248.

¹⁶ Decision of Chamber on Constitutional Review of the Supreme Court of 21 January 2004 in the case № 3-4-1-7-03, section 39, published in RT, III 2004, 5, 45.

¹⁷ Data of Estonian educational information system EHIS, available on website of Ministry of Education and Research, at <http://www.hm.ee> (20.12.2010).

¹⁸ Data from Estonian educational information system EHIS. Letter of Ministry of Education and Research of 6 August 2008 № 1.1-11/9740.

Article 37 of Constitution guarantees to everyone the right to education: everyone has the right to receive instruction in Estonian; in order to make education accessible, the state and local governments shall maintain the requisite number of educational institutions; parents shall have the final decision in the choice of education for their children. The ambiguous expression “the requisite number of educational institutions” may also imply availability of a single merged school with two languages of instruction, conditional on the number of population inhabiting the territory of the given administrative unit.

Obtaining the basic and secondary education in Estonia is regulated by Basic School and Upper Secondary School Act (Art. 9 (2)), under which the school student is subject to comprehensive mandatory instruction until obtaining the basic education or reaching the age of 17 (basic education is nine-year instruction), however Article 17 (2) imposes on state and local self-governments the obligation to provide to all those desirous the opportunity to obtain secondary education.

Basic School and Upper Secondary School Act (Art. 49) effective up to 1 September 2010 stipulated that schools can be closed down for one among the four reasons:

- 1) The need for education in the town or parish increased or decreased;
- 2) The opportunities to finance increased or decreased;
- 3) Reorganisation in the system of education;
- 4) Other cases, arising from law or regional policy

As revealed in the analysis by jurist Jelena Karzhetskaja, subject to Article 49 of the same law, local self-government should have notified the parents, school students, and staff of the schools about the closing down by tendering a 6-month notice, before the beginning of the academic year. Thus the law automatically made the parents and school students the addressees of the decision, entitled to appeal against the decision to liquidate the schools. However in the litigation with the town government of Loksa the defendant challenged the right of parents to file a complaint on decision to close down the schools, motivating it by alleging that the parents had no right to insist on preservation of a given school, that the decision was not directed at them and consequently they could not be the subject of that decision. The courts of the first and second instances agreed with the arguments of the defendant, challenging by their decisions the existing judicial practice. Hence in 2007, in the court case on closing the Tartu Pushkin Upper Secondary School the court confirmed the right of parents to refer to court for the purpose of refuting the decision of local self-governments to close down the schools.²¹

Of interest, too is the treatment by courts of Article 37 of Constitution of Estonia, according to which the parents shall have the final decision in the choice of education for their children. In view of the international recommendations, the final decision in the choice of education also implies the decision in the choice of language of instruction.²² However the courts of Estonia construct the right of choice as only the right of parent to choose the school from among those

²¹ Decision of Tartu Administrative Court of 15 May 2007 in the case № 3-06-2331.

²² E/CN. 4/2004/45. Katarina Tomasevski. Economic Social and Cultural Rights. The rights to education. Report submitted by special rapporteur K. Tomasevski, 2004, [http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2004.45.En\(20.12.2010\)](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2004.45.En(20.12.2010)). Special rapporteur of UNO on right to education Katarina Tomasevski, basing on Article 13 (1) of International Covenant on Economic, Social and Cultural Rights, as well as on Article 28 (1) of Convention on the Rights of the Child was convinced, that the language of instruction is directly related to acceptability of teaching process. This implies taking into consideration of opinion of the parents

existing in the region, thus depriving the parents of the right to defend the destiny of the school, which they had sometime chosen. It is to be pointed out that in the above decision on the case of closing the Tartu Pushkin Upper Secondary School the court specified that if the decision on closing the school is acknowledged as unlawful, in evidence is still an unlawful derogation of the constitutional right of the parents.

Decisions of both town councils were handed down with material violations:

- The process of discussion of the issue was not attended by all interested parties. Because the representative body of the parents at school is the board of guardians, the town government must enquire the opinion, at least of the boards of guardians of both schools. Involvement of all interested parties would have substantially affected the decision adopted, which the self-governments did not want.
- Decisions were unmotivated, drawn with mistakes and with reference to incorrect provisions of law, used as the basis for decision adopted. The decisions (acts) refer, as substantiation to documents unavailable to the wide circle of individuals, which contravenes the Administrative Procedure Act. The decisions lack the description of factual state of matters, the statistical data and the results of surveys. By reference to the scanty data pointed out in the decisions, it is impossible to assess, which factors and circumstances the town government took into consideration when passing it.

The existing judicial practice allowed drawing a positive prognosis of the possible decision of court. Upon opinion of many jurists, the court should have quashed the verdict of both town councils for the reason of violation by them of the obligation of motivation. However actually, in the case of closing the schools at Loksa, the Tallinn Administrative Court and the Tallinn District Court opted for another path, dismissing the existing court practice. Instead of that the court itself assumed the role of executive body and its decision specified the basis for decision taken, considering its work satisfactory and the motivations presented as supported by evidence.

In the case of closing the Russian upper secondary school in Rakvere, the case however followed a different scenario. The complaint is still in procedure by Tartu Administrative Court and the parties hold negotiations on achieving the compromise.

1.3. Russian teachers in labour market

Part 1 Article 6 of International Covenant on Economic, Social and Cultural Rights and Part 1 p. 1 of European Social Charter set forth the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts. Additionally sub-clause c of Part II of Article 7 of the same Covenant specifies equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.

Official demands on proficiency in Estonian applicable to teachers of Russian schools substantially derogate their right to work and their opportunity in an occupation freely entered upon, as well as their promotion in service basing on tenure and qualification. Whereas subject to Article 4 of

as regards the language, in which the child must obtain education. Choice of language must be equated with the opportunity to choose the direction of instruction in religion.

the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Race Directive) “a difference of treatment which is based on a characteristic related to racial or ethnic origin shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate”.

Russian schools are regularly visited by Language Inspectorate, for the purpose of verifying the level of proficiency of state language by teachers. The control takes place in the all-pervasive atmosphere of nervousness. The teachers are invited to interview independent on whether or not they possess necessary certificates and credentials on knowledge of Estonian. Calls to interview are executed by orders of headmasters, the failure to comply therewith being fraught with impending reprimand. If the officer of Inspectorate deems knowledge of Estonian by teacher inadequate, a written precept will be delivered to pass the required examination. In that case the employer also actually does not recognise the available certificate, demanding fulfilment of precept.

According to data of control by Language Inspectorate, the prevalent majority of teachers in Russian schools do not have mastery of Estonian on a required level. In various years the percentage of transgressors apprehended has been different. For instance according to data published on website of the Inspectorate (www.keeleinsp.ee) in 2007 the language requirements were not met by 97% of controlled pedagogues, in 2008-85%, in 2009-72%.

The similar check-ups take place only in Russian schools. The teachers in Estonian schools must not, with regularity prove their professional suitability, by reference only to knowledge of the state language.

For teachers in Russian schools, who do not teach in Estonian, the proficiency in that language is not a qualifying demand or part thereof (cf. below in detail). Consequently, the language by itself must not be the basis for derogation of rights. As to the proportionality of the demands the very statistics of the work of the Language Inspectorate casts suspicion on observance of that criterion with respect to successfully working teachers.

Language Act sets down the requirements to proficiency in Estonian, as well as use of Estonian and foreign languages (Art. 2-1). The sphere of regulation of the Act also includes exercise of state surveillance over fulfilment of the requirements of the Act and liability for their violation. State surveillance for fulfilment of the requirements is carried out by Language Inspectorate (Art. 6-1).

Inspectorate is entitled to embark on checks both upon its own initiative basing on its plan and basing on petitions and complaints received. The facts of violation are registered with control acts. Act is drawn and signed in duplicate. The first copy is retained by the Inspectorate officer, the second delivered to the party checked. Subject to Part 2 Article 6-2 of the Language Act, the language officer has the right to check:

- 1) compliance of official use of language with norms of the Estonian literary language;
- 2) fulfilment of requirements, set down for language of procedure with matters of the state institutions and local self-governments when holding meetings, drawing and considering documents and communication with individuals;

- 3) setting forth requirements to proficiency in language by public officials, employees and sole entrepreneurs;
- 4) use of foreign languages in business communication and when conveying information;
- 5) command of Estonian by public officials, employees and sole entrepreneurs, and to send public officials or employees, not proficient in language on a level, meeting the requirements, to the level examination.

Officers of the Language Inspectorate shall have the right (Part 3 Art. 6-2):

- 1) to control, without obstacles mounted, the fulfilment of requirements of Language Act and other legal acts, setting down requirements to proficiency in language and use of language;
- 2) to obtain the information needed for surveillance, to study the documents or their copies, needed for surveillance and to obtain their copies or extracts therefrom;
- 3) to submit to head of the institution, organising the level examinations, the proposal for acknowledging as invalid the certificate of public official, employee or sole entrepreneur on level of command of the language, in case he or she does not pass the examination within a prescribed term;
- 4) to submit to employer a proposal to terminate the contract of employment with the employee or submit to the person, entitled to appoint a public official in office, a proposal to relieve the public official from office, if the employee or public official does not have the command of Estonian on required level;
- 5) to submit to state and municipal institutions, departmental state or municipal institution, commercial partnerships, not-for-profit associations, foundations and their officials or employees the injunctions on termination of violation of the requirements of this Act and legal acts adopted on its basis and for prevention of further violations.

When assessing the work of Language Inspectorate on mass checks of schools, catching the eye is the fact that Inspectorate always makes an accent on the right of check on knowledge of the state language by employees and officials as conditions of fulfilling the Language Act. True, according to regulation of Government of the Republic, the guarantor of observance of the requirements is the employer. Therefore Language Inspectorate must, as its first priority to check on diligence of the employer, i. e. documentation. Check on employees, however must be ideally carried out only provided there are suspicions on violation of Language Act, expressed in absence of required documents, availability of an injunction of the Inspectorate, complaints on employee, or upon initiative of employer.

In practice, after “paper check” there are usually carried out individual interviews with pedagogues. They are organised by administration of schools on the basis of notice from Language Inspectorate, while invitations to interview are executed as a letter from employer with schedule of appearances at interview. Invited to interview are not only the pedagogues, lacking the documents, testifying to the needed level of command in Estonian, but also employees, holding certificates of earlier format. There are no exclusions made, even to employees of superannuation age.

Language Act does not prescribe any penalties for not putting up an appearance at interview with the language inspector, therefore the employee has the right to take a decision, whether or not he or she will go to the meeting, provided the teacher’s documents are in due order and no com-

plaint has been lodged on him or her. The refusal to turn up may just cause bickering with management of the school. The obligation to appear without fail will develop in case with respect to a person or organisation a procedure has been brought for offence, and he or she is invited to give explanations concerning the offence by a writ, where the cause of call has been specified. In such cases the inspector will call the person to the office of Inspectorate, because the interview must be recorded. Procedure on complaints is then regulated by a different law. The list of possible offences and sanctions applied is specified in Chapter 5-1 of Language Act. Penalty will be levied on the culprit and only for the offence, violation of the Language Act, but not for non-appearance to interview.

The currently applicable Employment Contracts Act regulates the limits of legality of employer's orders (Art. 17). The orders must concern only the essence of work of the employee, and interference on part of Language Inspectorate with respect to relation of employer with the employee are here out of place. For that matter, in the conflict situation the head may still play an important role: subject to legislation, the necessity and sufficiency of command of the state language by the employee is determined by employer. He or she can well petition for his or her employee, if the requirements concerning the language turn out too elevated.

Teacher of an elementary school was laid off. One of the reasons, why employer selected for laying off specifically that teacher was absence on her of a document, proving the command of Estonian on level B2. Employer refused to take into account availability on the pedagogue of the letter-certificate on command of Estonian to category D, obtained according to results of the appropriate examinations until 1999.

This laying-off was refuted as unlawful.

Language Act stipulates the requirement to proficiency in Estonian on a certain level. The document, testifying to due command of language is the certificate delivered by Examination Centre. Up to 1999, in currency was the letter-system of determining the level of command (A, B, C, D, E, and F). Thereafter it was replaced by a level system – beginning, average, higher. Since 2008, a new letter-system was introduced (A2, B1, B2, and C1). Before introduction of every new system of determining of the level of command of Estonian there were long-winding disputes about validity of earlier certificates. In 2008 the lawmaker refused to equate letter-certificates of the first generation with those presently valid, and therefore the Act lacks the article, specifying their compliance with one another.

In practice, the employer takes the change of the system of certificates as a call to demand from employees the document of the new form. Employers often present to teachers of Russian schools the demand to present the new certificates on command of the state language on level B2, not accepting the letter-certificates the employees hold, obtained on results of respective examinations up to 1999. Teachers are made to pass again the examinations on knowledge of Estonian. Non-acceptance of the said certificates is also a cause for dismissal for not knowing the language, and also a negative factor when identifying the employee subject to being laid off.

Upon opinion of jurist Jelena Karzhetskaja, such acts of employer are unlawful under Article 28-4 of Language Act. She points out that certificates, issued up to 1 July 1999 shall be taken into account as documents, testifying fulfilment by employees of requirements to knowl-

edge of language (if upon employer's opinion those people know Estonian in the scope sufficient for working). If the employer is unsure whether the person has command of the language on a sufficient level, he or she can refer to the Inspectorate for the respective assessment.

As indicated above, Language Act (Art. 5-2) allows the language official to send the teacher of Russian school to the level examination, if he or she doubts whether his or her language knowledge is in conformity with the category he or she holds.

Curiously in Latvia, up to recently one inspector of the State Language Centre could, essentially arrange the repeat examinations to holders of valid certificates in knowledge of the state language. In the judgement of the European Court of Human Rights in the case Podkolzina v. Latvia the Court acknowledged such practice as violation of European Convention of Human Rights²³. The Court noted that in the above case, the decision of one inspector annulled the decision of the whole commission, having issued to the holder the certificate on knowledge of the state language, which brought about the impossibility for her to participate at municipal elections (para. 36). In the wake of the above judgement by the ECHR, respective changes occurred in Latvian legislation, and since then the additional examination can no longer be given (not only in the context of elections, but also within the frame of check on professional language requirements).

The situation in this country is somehow reminiscent of the Latvian one. Certificate on knowledge of language is issued on the basis of fully competent examination. Decision is adopted by examination commission, composed by specialists. Whereas the official of the Language Inspectorate reduces to nought the result of many hours long examination and can send the person for a repeat examination, thereby eroding the credibility of examination; the government-issued certificate is rendered fictional. Besides that, a nerve-racking situation is created to be sustained by holders of those certificates.

UN Committee on the Elimination of all Forms of Racial Discrimination in its conclusive notes to Estonia of 27 August 2010 urged Estonia to adopt a non-punitive approach to the promotion of the official language and revisit the role of the Language Inspectorate and the implementation of the 2008 regulation on requirements for Estonian language proficiency (para. 13).²⁴

By reference to appeals of teachers, in 2010 the practice was revealed, when school headmasters make with employees, employed on the basis of termless contracts, new contracts for a term. Employer explained such acts by reference to checks of Language Inspectorate. It was explained to the employees that the persons, working on basis of term contracts, are not subject to checks by Inspectorate. Upon expiration of term of such contract, the employee was dismissed, regardless of the commitment of employer to prolong the term of the contract.

Jurist Jelena Karzhetskaja subjected to analysis the acts of the employer, basing on two Employment Contracts Acts. (Since 1 July 2009, effective in Estonia is the new Employment Contracts Act). The law effective up to 1 July 2009 provided an exhaustive list of cases, when employer could conclude the term of employment contract. In pursuance of Article 27 (2) the term of employment contract is entered into:

²³ Judgement of European Court of Human Rights, 9 April 2002, case Podkolzina v. Latvia, № 46726/99.
²⁴ CERD/C/EST/CO/8-9, available at: http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-EST-CO-8_9.doc (20.12.2010).

- 1) For completion of a specific task;
- 2) For replacement of an employee who is temporarily absent;
- 3) For a temporary increase in work volume;
- 4) For performance of seasonal work;
- 5) If the employment contract prescribes special benefits (training at the expense of the employer, waiver by the employer of termination of the employment contract due to a lay-off of the employee etc.);
- 6) In the cases prescribed by law or by regulations of the Government or the Republic.

When concluding the term of employment contract, employer is obliged to specify in the contract the term of validity of contract and the basis for its concluding. Because the attempt to evade check by Language Inspectorate is not one among the above bases, listed in law for making the term of employment contract, the provisions about temporality of such contracts are null and void.

New Employment Contracts Act, enforced after 1 July 2009, no longer contains the exhaustive list of bases for making the temporary contract. However it unequivocally specifies (Art. 9) that the temporary contract of employment can be concluded for the term of up to five years, provided it is justified under plausible causes, arising of temporary character of work, in the first place by temporary increase of volume of work or fulfilment of seasonal work. Because the work of a pedagogue cannot be temporary by nature (unless in evidence is the work at school, pending closure), such acts of headmasters of schools are considered unlawful even when taking into account the requirements of the new Employment Contracts Act. Hence the contracts are for an unspecified term as from the moment of drawing.

To conclude, it should be pointed out that the Basic School and Upper Secondary School Act effective as from 1 September 2010 provides to headmasters the opportunity to make temporary contract of employment with pedagogues. Article 75 (6) specifies that in case when holding competition for filling a vacancy, there is no teacher found meeting the qualification requirements, headmaster may conclude temporary contract of employment for a term up to one year with the person, having at least the secondary education. In that case the headmaster organises during the year a new open competition. An important point in that case is the obligatory holding of the competition and the fact that at variance with general belief, the knowledge of Estonian is not the qualification demand to the pedagogue. Regulation of Minister of Education (№65 of 26 August 2002), approving the qualification requirements to pedagogues, refers only to the level of obligatory education and availability of the required hours of studies.

1.4. Boards of guardians as instrument for protection of Russian schools in Estonia

There has been a lot of controversy and discussion lately about the education being an open environment, which must involve all parties to the process of education – pedagogues, parents, school students, the interested public organisations. With every party to that process, the degree of involvement or form of participation, are different. We are however

interested in the role of parents in that process, the possibilities of parents to affect the fate of education in every concrete school, the fate of the very school. If the analysis of legislation shows that involvement of parents in the process and their possibilities to adopt the decisions are high, it is through parents that the mechanism of protection of Russian education in Estonia could work.

Subject to Article 37 of Constitution, parents shall have the final decision in the choice of education for their children. Article 73 of Basic School and Upper Secondary School Act contemplates setting up in schools of board of guardians as mechanism of involvement of parents in the decision-making process, concerning the life of schools. Part 1 of said Article names as task of the board of guardians the common activity with students of school, pedagogues of school, administrators of school, parents of the students, school-leavers and organisations, providing support to schools, directed at instruction and upbringing, planning, surveillance, and also improvement of conditions of instruction and upbringing.

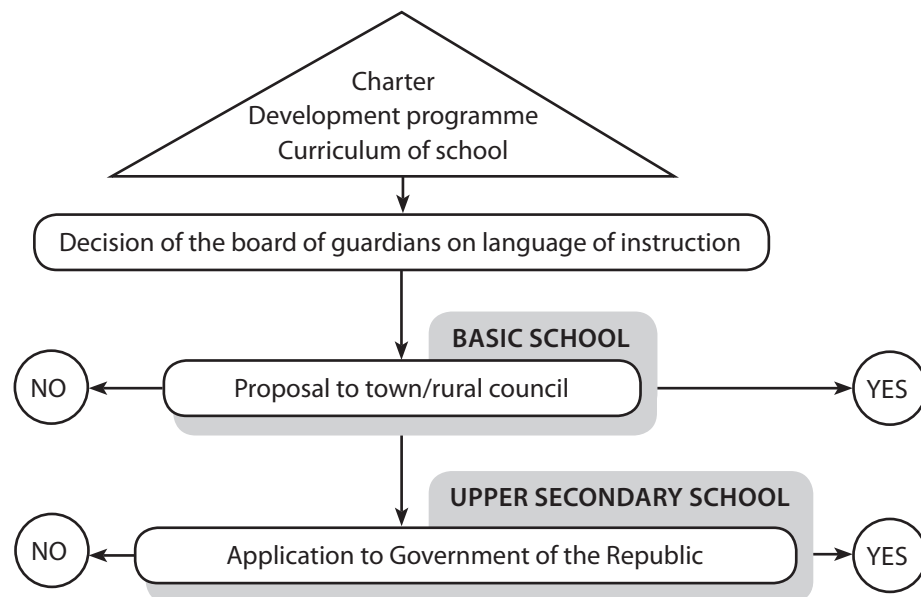
In the situation when the Ministry of Education and Research is providing all-round support to forcing the pace of school reform and transition to Estonian as language of instruction in upper secondary school, it is important for the boards of guardians to have the possibility to affect the decision of the issue of language of instruction. An important argument of transmitters of reform of the Russian school is reference to the necessity of ubiquitous expansion of use of Estonian in the frame of process of instruction. However the Advisory Committee on the Framework Convention for the Protection of National Minorities in its second opinion on Estonia (para. 132) pointed out that “it is important to ensure that increase in the volume of state language instruction in the secondary education is pursued in a manner that does not harm the quality of education in schools attended by persons belonging to national minorities and thereby limit their possibilities to access higher education.”²⁵

The language of instruction is determined after formula 60/40. The language, in which 60% instruction is conducted, is by default the language of instruction at the given school. An important fact to the point is that Basic School and Upper Secondary School Act (Art. 15) directly refers to the schools with Russian as the language of instruction. If there is no language at school, in which 60% of instruction is conducted, two languages, in which the major part of instruction is held, are considered to be languages of instruction.

Curiously it is to that pattern of instruction that Tallinn Department of Education is trying to attract all Russian schools of the city, offering “just in case” to introduce into charters of schools, as languages of instruction two languages – Russian and Estonian. The named model can be viewed as “lifebelt” in the situation of extreme politicisation of the question of preservation of the Russian-language education. However numbly following such recommendation, without any attempts to stand up for preservation specifically the Russian language of instruction, provides an opportunity to allege that waiver of Russian as the sole language of instruction was chosen by the very schools, not resulting from reforms introduced by coercion.

²⁵ ACFC/INF/OP/II (2005) 001, http://www.coe.int/t/dghl/monitoring/minorities/3_fcnmdocs/PDF_2nd_OP_Estonia_en.pdf (20.12.2010).

Scheme 1. The procedure of approval of the language of instruction at schools



Upon opinion of jurist Jelena Karzhetskaja the efforts on preservation of the model of Russian upper secondary school must begin with work at approval of new charters at schools, because the charter must contain stipulation on language/languages of instruction. Under Basic School and Upper Secondary School Act the charters must be brought into compliance with new provisions of law before end 2010, and board of guardians has the right to pronounce its opinion on draft charter. This is the first attack line, where parents must explicitly stand up for their position, earnestly express their desire to preserve the Russian school. It is of note that under the new law, the opinion of the board of guardians has solely the advisory nature. Headmaster himself will decide the question in what formulation the charter will be dispatched for approval to the administrator of schools. In that point the law should be amended, notably by giving more powers and the decisive right to boards of guardians.

The following document, putting in place the language of instruction at schools is the development programme. Article 67 of Basic School and Upper Secondary School Act stipulates that the development programme of schools must contain reference to measures, which the schools must undertake, in order to provide to students the opportunity to receive upper secondary education in Estonian. However there is nothing to prevent schools to specify in the development programme, that the language of instruction will be Russian.

The development programme is drawn conjointly with the board of guardians, and approved by administrator of schools. The board of guardians can only utter its opinion on programme. When drawing the said document the parents must be adamant and stand up for their opinion and desire, while the board of guardians must, if needs be take all possible measures (collection of signatures, applications, questionnaires etc.), in order to bring home to management of the school the fact that there are numerous parents endeavouring to preserve Russian as the language of instruc-

tion. In development programme, specified as language of instruction at school, and particularly in upper secondary school, must be also the Russian language. It is only then that the board of guardians can submit an application to town or rural council, who in their turn can appeal to Government of the Republic for approval of Russian as the language of instruction in upper secondary school.

Another important document is the school curriculum, determining how and in what language instruction will be conducted at school. Under Article 17 Basic School and Upper Secondary School Act the curriculum is approved by school headmaster, granting to board of guardians the opportunity to voice its opinion before approval. However subject to Article 15 (5) for use at school of integrated programmes, including language immersion or teaching in other languages, consent of board of guardians is needed. Hence, establishing in the basic school only one language of instruction – Russian – the board of guardians has an opportunity to affect input of other language instructions. Introducing different subjects with teaching in Estonian or methods of immersion are solely a method of achievement of transition to Estonian as language of instruction in upper secondary school. Hence, withholding such consent, board of guardians has the opportunity to affect also the corresponding provisions of programmes of development. The identified interrelation of provisions of various school documents provides to boards of guardians the possibility for somewhat affecting the administration of schools aimed at preserving the Russian school.

The following stage in determining the language of instruction in programmes of school is submitting the respective application to town/rural council, which in its turn approves the language of instruction in basic school however with respect to upper secondary school it will submit the respective application to Government of the Republic.

Hence, the Basic School and Upper Secondary School Act although vests board of guardians with powers to decide the issue of language of instruction in basic school and upper secondary school, reserving the decisive word to municipality in case of basic school and for Government in case of upper secondary school. The board of guardians in the given situations plays solely the role of mediator, whose offer can be regarded as positive and as negative.

It is to be noted in this connection that Basic School and Upper Secondary School Act does not establish any criteria and procedure of considering such applications-proposals. Moreover, neither does it impose an obligation to consider them. This artificially created loophole brings about a situation, when adopting decisions is largely affected by human factor and a subjective assessment of an official, rather by seeking a balance between honouring the interests of a group of persons and motivated, legitimate measures on part of the state.

Hence regardless of the right fixed in law to determine the language of instruction at schools, the board of guardians is only vested with the competence to initiate the process of consideration of that question, however it cannot in any whatsoever way influence the final decision.

The aforementioned analysis showed that regardless of the allegedly wide powers of the board of guardians, it seems to be problematic to effect them in practice. The board can stand up as initiator of many processes, but it does not have real levers to affect the final result. The lawmaker is consciously attempting to derogate the meaningfulness and involvement of parents in the process of adopting decisions for a concrete school, which in its turn debases the meaningfulness of decisions passed by the board of guardians. Absent the changes of the established routine and laws, the board can be hardly regarded as an active mechanism of protection of Russian education in Estonia.

Upon opinion of jurist Jelena Karzhetskaja, changes are needed in the status of boards of guardians, which would empower the advices and would therefore increase the role of parents (among others for adopting decisions on the fate of Russian school):

- boards of guardians must be vested with larger powers and imposed liability for decisions adopted;
- boards of guardians must take part and have the voting right when choosing management of school, announcing competition for filling the vacancies, terminating employment contracts with staff of schools;
- boards of guardians must have the right of choice of directions of instruction of school;
- board of guardians must approve the charter and curriculum;
- board of guardians must supervise the drawing of the programmes of development of school, adopt the completed document and see to it that the programme is fulfilled;
- board of guardians must take part in drawing the budget of school and organise its fulfilment;
- board of guardians must influence motivation of employees of school;
- board of guardians must be entitled to call the school meeting;
- board of guardians composed of parents cannot include relatives of employees of school;
- board of guardians must be vested with the right to refer to court to appeal against decisions of administrative bodies, concerning the school. Whereas it is necessary to address the grey areas in legislation.

Part 2. Study report “Socially Active Teachers and Parents on Russian Education Reform in Estonia”

DESCRIPTION OF THE PROBLEM

Education in one’s native (first) language is one of the key minority rights. It is considered to be a vital condition to preserving the ethnic identity (self-awareness). This right also implies the availability of a high-quality education to all young people of minority origin, whatever talents for foreign languages they have. Therefore, education in a minority’s language is an important part of the fight against discrimination in education and hence the marginalisation of minorities, their conversion into a kind of ethnic *underclass*. Thus it is no wonder that the attempts to limit the availability of Russian-language education provoke active reactions in the Baltic countries.

Unfortunately the whole series of actions of Estonia’s ruling coalition cannot but affect the quality of Russian-language education. These include arbitrary and ill-founded requirements of the knowledge of state/official (Estonian) language for the teachers and professors of Russian schools and higher educational institutions, bureaucratic games with licensing private schools, the decision that 60% of studies in Russian upper secondary schools should be taught in Estonian (the decision was made without any public discussion of scientific arguments or economic calculations), etc.

We may reasonably assume that the authorities did not bother to prepare the vast majority of those involved in the academic process for this reform, which is confirmed by the number of “ready” schools, and by the preparation level of students, schoolmasters, teachers and parents.

The stability of the academic process is not improved by the activity of the Language Inspectorate, which is fond of regularly checking the knowledge of Estonian language by teachers in State, municipal and private Russian schools and nursery schools. Meanwhile it turned out that the linguistic requirements set for the teachers were dubious. It is evident that as most of the teachers examined by the Inspectorate in 2007-2009 did not meet the requirements, something wrong was with the requirements as such: these are evidently arbitrary and do not correspond to social reality. Nevertheless inspectors continue their inspections, demanding that teachers again and again attend Estonian language classes and repeatedly take language qualification exams, and threaten to impose fines, leaving Russian schools’ management and teachers under permanent stress.

TASKS AND GOALS

Main goals of the study:

- to clear up the attitude of those involved in the academic process to the problems of Russian schools in Estonia;
- to determine the priorities of the problems: which issues to solve first;
- to formulate the proposed solutions;
- to find the issues whose participants in the process (teachers, parents and students) have similar opinions and where and why their opinions differ.

METHODS

This project consists of the following *basic study blocks*:

1. Russian education in general: problems, priorities and expectations
 - find the hottest (as the respondents see it) problems of Russian education in Estonia;
 - priorities of the educational policy;
 - people’s expectations of political parties;
 - the role of boards of guardians (parents), their relations with school and local administrations and influences on the pedagogical/educational process.
2. Reform 2007: awareness and evaluations
 - degree of awareness of Russian school reform in Estonia;
 - public opinion about Reform 2007.
3. Language Inspectorate and Russian schools
 - direct contact with the Language Inspectorate;
 - attitude to the Language Inspectorate’s activities.
4. Legal and social protection of Russian education
 - awareness of the legal tools and capabilities of said legal aid;
 - social tools and opportunities;
 - attitude to the role of the Russian Federation in aiding and supporting Russian education in Estonia: awareness and expectations.

We developed specific indicators for each block. Using these indicators and measurable variables we compiled the questionnaires with the specially designed questions. In total we used 29 indicators and about 300 variables (including social and demographic indices).

We carried out the survey in spring – autumn 2010 in dense Russian-speaking regions: Tallinn, other towns of Harju County and towns in the Ida-Viru region in north-western Estonia. Our main tool was the *group questionnaire*. We handed out 350 questionnaires, and received back 212. The SAAR POLL, a very experienced applied sociology operator, helped us to process the data.

In order to interpret the results correctly one should keep in mind that we distributed the questionnaires at meetings of the Legal Information Centre for Human Rights (LICHR) with parents and teachers, as well as at special classes, seminars and conferences organised by the LICHR and partner institutions. Therefore, we did not plan or use representative random sample, because the LICHR did not have the resources required to carry out that type of studies. Hence the obtained results can be deemed as *opinions of the most active teachers and parents – members of boards of guardians and members of student government* (regretfully, there were so few of the latter). In fact, these are the results of the extended *focus group* that included the most prepared and interested participants of the academic process. Therefore, the results of the studies are as important as the data of an ordinary representative survey.

Respondent’s profile			
		TOTAL	
		Number	%
Gender	Male	39	18.4%
	Female	173	81.6%
Position in the academic process	Teacher	118	55.7%
	Parent	79	37.3%
	Student	15	7.1%
Age	15-19	14	6.6%
	20-34	30	14.2%
	35-44	69	32.5%
	45-54	53	25.0%
	55+	42	19.8%
	No answer	4	1.9%
Place of questionnaire	Tallinn	117	55.2%
	Harju County	56	26.4%
	Ida-Viru County	39	18.4%
TOTAL		212	100.0%

ADMINISTRATIVE GROUP

- Aleksei Semjonov
- Jelena Karzhetskaja
- Vadim Poleshchuk
- Larisa Semjonova

2.1. Russian education in general: problems, priorities and expectations

Participants in the survey clearly defined *two* basic problems of Russian education: general uncertainty of the future of Russian education and what is considered harassment by the Language Inspectorate. The participants were to choose and prioritise three main problems.

Table 1. What do you think the most acute problems of Russian education in Estonia are?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Uncertainty of the future of Russian education	156	73.6%	88	74.6%	58	73.4%	10	66.7%
Harassment by the Language Inspectorate	111	52.4%	65	55.1%	42	53.2%	4	26.7%
Unsatisfactory training programs	71	33.5%	35	29.7%	35	44.3%	1	6.7%
Low wages of teachers	52	24.5%	42	35.6%	9	11.4%	1	6.7%
Insufficient financing	47	22.2%	23	19.5%	21	26.6%	3	20.0%
Low activity of parents and boards of guardians	44	20.8%	19	16.1%	24	30.4%	1	6.7%
Low interest of students in education	36	17.0%	24	20.3%	7	8.9%	5	33.3%
Hard to say, I don't know	21	9.9%	10	8.5%	8	10.1%	3	20.0%
Insufficient learning aids, obsolete equipment	17	8.0%	10	8.5%	4	5.1%	3	20.0%
Small share (inflow) of young teachers	17	8.0%	8	6.8%	5	6.3%	4	26.7%
Shortage of students in classes	12	5.7%	4	3.4%	4	5.1%	4	26.7%
Other problems	6	2.8%	2	1.7%	4	5.1%		
TOTAL	212	100.0%	118	100.0%	79	100.0%	15	100.0%

The study shows that most of the respondents were alarmed about the future of Russian education. This issue bothered people of all groups – parents, teachers and students; male and female; people of all ages. And most of the respondents granted this problem the highest priority. Relations with the Language Inspectorate were the second most important problem – about a half of the respondents gave it priority two.

As for third place, the teachers put their “low salary”, and the parents – unsatisfactory training programs. Incidentally, about one-third of teachers agree with parents. Parents, in turn, showed self-criticism and said that the boards of guardians were not active enough. One unexpected result was that the respondents did not think the low inflow of young teachers was a serious problem (mentioned by 8% only), though journalists often raise the issue. The same is valid in respect of the small number of students in classes.

The respondents were to define the priorities of Russian education from most important to least important. For example, respondents deemed the following issues to be “most important”:

Table 2. The highest priorities concerning the educational policy for Russian schools

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Preserve the Russian identity	89	42.0%	46	39.0%	39	49.4%	4	26.7%
Secure skills and knowledge required in future	58	27.4%	35	29.7%	19	24.1%	4	26.7%
Ensure stability and public order	31	14.6%	21	17.8%	8	10.1%	2	13.3%
Hard to say, I don't know	19	9.0%	8	6.8%	8	10.1%	3	20.0%
Integration of Estonian society	7	3.3%	5	4.2%	1	1.3%	1	6.7%
Acquire good command of Estonian	6	2.8%	3	2.5%	2	2.5%	1	6.7%
Students forming an Estonian mind-set	2	0.9%			2	2.5%		
TOTAL	212	100.0%	118	100.0%	79	100.0%	15	100.0%

*sum of % may be more than 100% because several answers were allowed

The respondents deem that to “preserve the Russian identity” is the highest *priority* of the education. 42% granted first priority to this issue and 29% more granted it second priority. This factor is somewhat more important for the parents than for the teachers (49.4 vs. 39.0%). The traditional goal of school education – “secure skills and knowledge required in future” – got second place and “acquire good command of Estonian” was third. Almost the same number of male respondents granted third place to “ensure stability and public order”. The respondents did not think that “students forming an Estonian mind-set” (teach the notions and values of Estonian community) or “integration of Estonian society” were of any priority. See details of the second and third priorities in the Appendix, tables 1 and 2.

Maybe the results reflect to some extent the peculiarity of our extended focus group. In a representative randomised sampling the traditional goals of education might get first priority. However, it is evident that many respondents prefer not to reduce the school’s role to simple education but tend to highlight its social and cultural function.

People’s *expectations* of political parties. These are the full texts of the questions:

“Which of the political parties in Estonia do you think, to the greatest extent, are ready to:

- participate in a dialogue with representatives of Russian education?
- help the schools and participants of the educational process to solve their real and urgent problems?
- evaluate the consequences of the reforms and make corrections to rectify mistakes?”

Below is a comprehensible summary of the results.

Table 3. People's expectations of political parties (%)

	PARTIES					
	Centre Party	Social Democratic Party	People's Union	Reform Party	Fatherland – Res Publica	Greens
Ready for dialogue	75.6	17.0	12.3	4.7	12.8	15.6
Ready to help	64.1	11.8	12.2	6.1	4.2	4.3
Ready to correct the reform	55.6	11.8	9.9	5.6	4.2	6.2

It is evident that the Centre Party has no competitors: most of the respondents believe that this party is ready to cooperate with the Russian participants of the academic process. Though the optimism notably falls when asked about concrete actions, expectations are still several times higher than about other political forces. Some people prefer the Social Democratic Party and a bit less – the People's Union. But the answers to the direct question about trust in political parties are unanimous: the respondents either trust the Centrists or do not trust anybody.

Table 4. Which of the parties do you trust most?

		TOTAL	
		No.	%
Which of the parties do you trust most?	Centre Party	107	50.5%
	Reform Party	1	0.5%
	Social Democratic Party	4	1.9%
	Do not trust any	58	27.4%
	Don't know	42	19.8%
NO. OF RESPONDENTS		212	100.0%

Breaking down the answers by groups, we would see that women and teachers (and most of the teachers are women) are notably inclined to trust the Centre Party (over 50%) while others prefer the answer “I do not trust any (party)”. In all groups the share of people who have not decided yet but at the same time do not believe anybody is about 1/5. That is quite a lot. Other parties were not mentioned at all.

2.2. Reform 2007: awareness and evaluations

This study did not include the problems of the Estonian educational reform in its integrity – separation of secondary and upper secondary school, decreasing number of upper secondary schools, etc. We discussed only the Russian upper secondary school reform – the transition of 60% of educational work into Estonian language, which began in 2007. The survey participants definitely reject the decision. Only two people say it has solid grounds and 26 or 12.3% say it is

reasonable to some extent. 58% of all respondents and 60% of teachers think that the reform has no grounds and about one quarter more say that there might be some rationale behind the reform. It is difficult to imagine a successful reform with such an attitude of the most active people from among those who have to carry it out.

Table 5. Do you think that the decision to reform Russian secondary schools in Estonia and teach 60% of the curriculum in Estonian is well-grounded?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Yes, completely	2	0.9%	1	0.8%			1	6.7%
Yes, to certain extent	26	12.3%	12	10.2%	7	8.9%	7	46.7%
No, not enough	56	26.4%	33	28.0%	20	25.3%	3	20.0%
No, absolutely not	123	58.0%	71	60.2%	48	60.8%	4	26.7%
Hard to say, I don't know	5	2.4%	1	0.8%	4	5.1%		
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%

The respondents were even more pessimistic about the aim of the reform from the point of view of those who carry it out, i. e. Estonian authorities. More than 80% (in several groups) are sure that this is the first step towards closing Russian-language education. It is significant that only one person evaded the answer and only four people believed that the reform was economically reasonable. This is significant because many Estonian politicians more than once said that Russian education is a luxury for “small Estonia”.

Table 6. What do you think the main aim of the reform for the Estonian authorities is?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
No answer	1	0.5%	1	0.8%				
Improve opportunities through good command of Estonian	19	9.0%	12	10.2%	5	6.3%	2	13.3%
Create an “Estonian mind-set” for Russian youth	20	9.4%	8	6.8%	7	8.9%	5	33.3%
Economic necessity	4	1.9%	2	1.7%	1	1.3%	1	6.7%
First step to closing Russian-language education	168	79.2%	95	80.5%	66	83.5%	7	46.7%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%

We asked the respondents about the possible *positive* consequences of the reform. As expected, 62% of the respondents said that improved knowledge of Estonian would be the main positive result. But a significant part of the respondents are not still sure that the aim will be achieved.

Table 7. Which of the following opinions about the possible positive results of the reform do you agree with?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Russian youth will have better command of Estonian	131	61.8%	81	68.6%	41	51.9%	9	60.0%
Youth will have equal opportunities to continue education	63	29.7%	36	30.5%	20	25.3%	7	46.7%
Russian youth will be more involved in social life	59	27.8%	32	27.1%	18	22.8%	9	60.0%
Russians will be more integrated in Estonian society	58	27.4%	35	29.7%	13	16.5%	10	66.7%
Russian students will get higher marks in state exams	58	27.4%	32	27.1%	19	24.1%	7	46.7%
None	44	20.8%	17	14.4%	26	32.9%	1	6.7%
Russian youth will have equal opportunities on the labour market	30	14.2%	18	15.3%	7	8.9%	5	33.3%
TOTAL	212	100.0%	118	100.0%	79	100.0%	15	100.0%

**sum of % may be more than 100% because several answers were allowed*

Other variants of the possible positive results were mentioned by 20-30% of the respondents. With one exception: only 30 people (14.2%) believe that the official aim – to increase the competitiveness of ethnic Russian youth on the labour market – will be achieved. Activists of the parental boards of guardians are even less optimistic (only 9%) and the study showed that the older respondents are, the more sceptical they are about the matter. Maybe they rely on real-life examples and incidents.

But many more respondents mentioned the possible *negative* results of the reform:

Table 8. Which of the following opinions about the possible negative results of the reform do you agree with?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Additional psychological pressure	207	97.6%	116	98.3%	78	98.7%	13	86.7%
Large share of students will not cope with the disciplines in Estonian	196	92.5%	107	90.7%	74	93.7%	15	100.0%
The academic process will be affected by uneven knowledge of Estonian	195	92.0%	107	90.7%	75	94.9%	13	86.7%
More students will quit schools	177	83.5%	97	82.2%	69	87.3%	11	73.3%
Students will have worse command of Russian and connections with Russian culture will weaken	162	76.4%	93	78.8%	59	74.7%	10	66.7%
Russian youth will start losing its ethnic identity	156	73.6%	90	76.3%	56	70.9%	10	66.7%
Russian students will get worse marks on state exams	152	71.7%	80	67.8%	64	81.0%	8	53.3%
Young people will have communication problems with their parents	73	34.4%	41	34.7%	31	39.2%	1	6.7%
TOTAL	212	100.0%	118	100.0%	79	100.0%	15	100.0%

**sum of % may be more than 100% because several answers were allowed*

The respondents were almost unanimous about the first three answers: psychological pressure on students will increase, some of them will not cope with academic disciplines taught in Estonian (a fear shared by *all* students), and the quality of education will decrease. Other negative forecasts were not that unanimous but still supported by many – 70% of the respondents and more. There are some insignificant differences among groups. E. g. parents (especially men) were more afraid of low State (final) exam marks, while teachers fear it less. More women than men (85.5 v. 74.4%, respectively) think that more students will simply quit school. But these are all details – in general the respondents agree that the reform as it is will cause a lot of serious problems. The least “dangerous” was the possibility of the “conflict of generations” – only one-third of the respondents considered it important. But according to the study the “most competent,” if we can say so, people (age 45-54) were the most troubled ones.

The results showed that the attitude of the active teachers and general population to the reform was well expected.

Table 9. What is your attitude to the reform as a whole?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
I support it in general	13	6.1%	9	7.6%	2	2.5%	2	13.3%
I do not support it in general	75	35.4%	51	43.2%	20	25.3%	4	26.7%
I do not support it at all	85	40.1%	41	34.7%	42	53.2%	2	13.3%
Hard to say	39	18.4%	17	14.4%	15	19.0%	7	46.7%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%

Several aspects here are worth detailed examination. First, the share of those absolutely against the reform is several times larger than the share of those few “pros”. Second, the teachers are less peremptory than the parents and evidently not only because they were “afraid” of expressing their opinion. Then, there are a lot of those who were not able to define their attitude. But if we remember the survey settings, the respondents were the people who specially came to discuss the issue. Therefore, it was logical to suggest that the respondents clearly express their opinion.

Table 10. The public opinions about the reform are very different. Which of the following attitudes do you share?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
No answer	1	0.5%	1	0.8%				
The reform is necessary, its aims and methods are correct	1	0.5%					1	6.7%
The reform is necessary but it should be smoother and more gradual	29	13.7%	16	13.6%	7	8.9%	6	40.0%
The reform is possible but there are no human or material resources now	50	23.6%	28	23.7%	19	24.1%	3	20.0%
The reform is not necessary: it is methodologically groundless, and the results are not considered	62	29.2%	37	31.4%	22	27.8%	3	20.0%
The reform is absolutely not necessary	69	32.5%	36	30.5%	31	39.2%	2	13.3%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%

Only one respondent (a student) supported the reform as it is now. Those who deem the reform necessary either think that it should be “smooth and gradual” or that “there are no human or material resources now”. And in total there are only 37.3% of moderate pessimists. Most respondents (61.7%) are sure that the reform is not required: they either think “it is not necessary at all” or demand clear methodological support and analysis of the results. It is interesting that there is not much difference between the groups, though the parents rather insist that the reform is not necessary and the teachers prefer to require methodological support. The authorities did not make enough efforts to provide such support. According to the answers only up to one-seventh of the respondents actually participated in the classes or received methodological materials. And not more than 2.5% found these classes “interesting and informative” (see Appendix, tables 3-5).

Nevertheless the reform has been legally approved and now the issue is how fast it will be applied. We should say that the respondents show surprisingly constructive positions, however sceptical they are.

Table 11. After some time 60% of the curriculum (educational work) of Russian upper secondary schools will be in Estonian. Do you think that the Estonian share of the curriculum (60%) should be...

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
No answer	1	0.5%	1	0.8%				
Increased even more	2	0.9%			1	1.3%	1	6.7%
Significantly decreased	35	16.5%	22	18.6%	12	15.2%	1	6.7%
Let every school decide individually	123	58.0%	68	57.6%	43	54.4%	12	80.0%
No share is required	51	24.1%	27	22.9%	23	29.1%	1	6.7%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%

Actually the majority of the respondents show a flexible approach to the reform, i. e. granting an individual school the rights to define the speed and the intermediate aims of the process. They presume that the authorities will cooperate with and help the schools. Unfortunately the respondents rather negatively evaluate the current level of the cooperation. The respondents are mostly dissatisfied with the proposed 60/40 shares of the languages (93.4%) and the time conditions of the reform (95.3%). The respondents have a better opinion on how the authorities consider the regional peculiarities, as well as the teachers’ opinions and experience, help schools and provide information about the reform. The share of dissatisfied people here is 80-85%. Against this background the opinion about the choice of obligatory disciplines to be taught in Estonian is rather unexpected: 26.4% of the respondents approved it, while more than 70.8% were negative about it (Appendix, table 6).

Knowing all this the question about the success of the reform was rhetorical for the respondents.

2.3. Language Inspectorate and Russian schools

The Russian-language mass media in Estonia wrote a lot about the pressure that the Language Inspectorate imposed on Russian schools' teachers. Our study proved that this is really a problem: most of the respondents-teachers had personal experience with this institution.

Table 12. Have you had personal experience with the Language Inspectorate?

	Position in the academic process – Teacher	
	No.	%
No answer	3	2.5%
Yes, they contacted me to check my command of Estonian	72	61.0%
Personally not, but I have colleagues who have	36	30.5%
No, I know about it from the mass media only	7	5.9%
NO. OF RESPONDENTS	118	100.0%

** only teachers answered this question*

A natural question was to what extent the Language Inspectorate's attention to this group (the Russian teachers) was really necessary. In particular, to what extent they used Estonian in their routine work.

Table 13. How often do you have to use Estonian in your routine work?

	Position in the academic process – Teacher	
	No.	%
No answer	2	1.7%
Regularly, almost every day	16	13.6%
From time to time	58	49.2%
Practically never	42	35.6%
NO. OF RESPONDENTS	118	100.0%

** only teachers answered this question*

In fact it turned out that only a small number of teachers used Estonian. Meanwhile the question is not only how often the language is used but also to what extent the respondents should know the language. And here we would also like to know what the key participants of the academic process think.

Table 14. To what extent do you think the requirements of the language command, set for your occupation, meet real life conditions?

	Position in the academic process – Teacher	
	No.	%
No answer	2	1.7%
In general meet	19	16.1%
Rather meet	10	8.5%
Rather not meet (are too high)	59	50.0%
Absolutely do not meet (farfetched)	28	23.7%
NO. OF RESPONDENTS	118	100.0%

** only teachers answered this question*

Almost 74% of the teachers think that the official requirements of Estonian command are either too high or farfetched. We do not dare to comment on these results.

In principle the stress caused by the demand to fulfil inadequate requirements can be softened by professional and benevolent behaviour from the inspectors. Unfortunately the Language Inspectorate cannot boast about such attitude.

Table 15. What is your impression of the Language Inspectorate officials' behaviour?

	Position in the academic process – Teacher	
	No.	%
Dry and nagging	48	40.7%
Attentive and benevolent	36	30.5%
Do not know, I have not met them	33	28.0%
Aggressive and ill-disposed	5	4.2%
TOTAL**	118	100.0%

**sum of % may be more than 100% because several answers were allowed*

*** only teachers answered this question*

Nevertheless the inspectors were attentive and benevolent in 36 cases out of 89. And the raids lately are significantly less often. However, the described situation does not cause a positive evaluation of the Inspectorate's activity by the teachers, or other people involved in the academic process. The following results confirm it.

Table 16. What is your personal opinion about the inspections of the Russian schools by the Language Inspectorate?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
The inspections are meaningless and only create unnecessary stress	125	59.0%	79	66.9%	39	49.4%	7	46.7%
The raids and inspections undermine the existence of Russian education	65	30.7%	32	27.1%	29	36.7%	4	26.7%
The inspections are hard to understand but we have to bear it, as a law is a law	29	13.7%	14	11.9%	13	16.5%	2	13.3%
The inspections are important and necessary	3	1.4%			1	1.3%	2	13.3%
No answer	2	0.9%	2	1.7%				
TOTAL	212	100.0%	118	100.0%	79	100.0%	15	100.0%

*sum of % may be more than 100% because several answers were allowed

2.4. Legal and social protection of Russian education

In general the respondents did not know much about the laws that directly regulate the issues of Russian education.

Table 17. Do you know Estonian legal tools in the sphere of education?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Child Protection Act								
No answer	4	1.9%	3	2.5%	1	1.3%		
Yes, I have read the document	44	20.8%	29	24.6%	13	16.5%	2	13.3%
I have a general idea but did not read it thoroughly	83	39.2%	52	44.1%	24	30.4%	7	46.7%
Only by hearsay	81	38.2%	34	28.8%	41	51.9%	6	40.0%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%
Language Act								
No answer	2	0.9%	1	0.8%	1	1.3%		
Yes, I have read the document	74	34.9%	45	38.1%	25	31.6%	4	26.7%

I have a general idea but did not read it thoroughly	89	42.0%	53	44.9%	31	39.2%	5	33.3%
Only by hearsay	47	22.2%	19	16.1%	22	27.8%	6	40.0%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%
Basic School and Upper Secondary School Act								
No answer	3	1.4%	1	0.8%	2	2.5%		
Yes, I have read the document	91	42.9%	68	57.6%	16	20.3%	7	46.7%
I have a general idea but did not read it thoroughly	82	38.7%	39	33.1%	39	49.4%	4	26.7%
Only by hearsay	36	17.0%	10	8.5%	22	27.8%	4	26.7%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%

The Basis School and Upper Secondary School Act is a kind of exception, as two-fifths of the respondents and almost three-fifths of the teachers have read it. The teachers knew more than the parents about the three laws. It is no doubt though that the average level of information might have been higher, as the respondents were the most active participants of the academic process.

We also asked the respondents where they would seek solutions to the problems or legal aid. In fact this was the question of what institutions or official bodies the respondents trusted.

Table 18. If you have a question or need help to solve a problem related to the school reform or the Language Inspectorate's activity whom will you contact first?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Will not contact anybody – no use	64	30.2%	45	38.1%	15	19.0%	4	26.7%
Human rights NGO	63	29.7%	32	27.1%	30	38.0%	1	6.7%
Lawyer	39	18.4%	19	16.1%	18	22.8%	2	13.3%
Friends and colleagues	17	8.0%	10	8.5%	5	6.3%	2	13.3%
Official bodies (Ministry or Department of Education)	12	5.7%	4	3.4%	5	6.3%	3	20.0%
Teacher's Association	10	4.7%	5	4.2%	4	5.1%	1	6.7%
No answer	4	1.9%	2	1.7%			2	13.3%
Trade Union	4	1.9%	4	3.4%				
Chancellor of Justice	2	.9%			2	2.5%		
TOTAL	212	100.0%	118	100.0%	79	100.0%	15	100.0%

About one-third of the respondents and more than one-third of the teachers were complete pessimists: they do not believe anybody and will not seek help. About the same number of people trust human rights NGOs and parents trust them more. Almost one-fifth will rely on the help of lawyers. It seems as if official institutions and official professional associations have even less trust than “friends and colleagues”.

Answering the question of what resources shall be used for the purposes of the school reform, with whom to have a dialogue, and what social bodies to involve, the respondents granted priority to the parents’ boards of guardians (85%). Local authorities were of secondary importance for the purposes of dialogue and cooperation (76%), followed by the trade unions and student governments (64-65%) (see Appendix, table 7. Unfortunately these tools, according to the respondents, are not too efficient in real life: 36% mentioned the boards of guardians and the remaining variants got 23-24% (Appendix, table 8). The evaluation of the board of guardians was not unanimous either.

Table 19. Are you satisfied with the role of the board of guardians in school life?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Rather yes	52	24.5%	31	26.3%	19	24.1%	2	13.3%
Rather no	82	38.7%	45	38.1%	33	41.8%	4	26.7%
Hard to say, I don't know	78	36.8%	42	35.6%	27	34.2%	9	60.0%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%

It is worth mentioning that the evaluations of the parents and the teachers are almost the same, which means they are quite reliable. But negative evaluations prevail. On the other hand we see that many respondents did not answer: either they cannot define their attitude or simply cannot say anything about the board of guardians in their schools. The peculiarity of the sampling is that we cannot explain it by absence of information.

The respondents think that organisations from Russia must help to preserve and develop Russian education in Estonia. 90% of the respondents agree with it. Below we see the respondents’ preference of the specific organisations and bodies that should help.

Table 20. What organisations and institutions of the Russian Federation shall be involved in the preservation and development of Russian education in Estonia?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Program for supporting compatriots abroad	171	90.0%	97	89.8%	62	88.6%	12	100.0%
Russian institutions of higher education and centres for academic methodology	163	85.8%	98	90.7%	56	80.0%	9	75.0%
Russkiy Mir Foundation	114	60.0%	66	61.1%	40	57.1%	8	66.7%
Civil Associations in Russia (Teachers Association, Trade Union of Education, etc.)	112	58.9%	66	61.1%	40	57.1%	6	50.0%
Governmental bodies of the Russian Federation	97	51.1%	51	47.2%	40	57.1%	6	50.0%
Government of Moscow (St. Petersburg, border regions)	79	41.6%	47	43.5%	27	38.6%	5	41.7%
TOTAL**	190	100.0%	108	100.0%	70	100.0%	12	100.0%

*sum of % may be more than 100% because several answers were allowed

** only those answered who gave a positive answer to the question if organisations from Russia should participate in keeping Russian education in Estonia

Of course the formal division is somehow conventional. Both the Russkiy Mir Foundation and the program for supporting compatriots abroad involve universities, centres for academic methodology and public organisations in their projects. The same is true about the governmental organisations and city governments of Moscow and St. Petersburg. The most important information received from these results is that the respondents expect and welcome aid and cooperation with the Russian organisations.

At the same time not all respondents know about the actual aid supplied to Russian schools. “Russian institutions of higher education and centres for academic methodology” were the most mentioned (48.1%). Many people knew about the program for supporting compatriots abroad (38.2%). The activities of the Russkiy Mir Foundation were mentioned by 29.7% (and even fewer teachers, 23.7%), which is slightly less than awareness about the governments of Moscow, St. Petersburg, or border areas (32.5%). Other organisations are known even less and the share of the respondents who answered “don’t know” was from 50 to 80% in all groups (Appendix, table 9).

2.5. Conclusions

Most of the respondents express serious concern about the future of Russian education as a consequence of the reform underway.

Therefore, the respondents deem that preserving the Russian ethnic identity is the highest priority of education. And the traditional goal of school education – to acquire knowledge and skills – turned out to be the second priority.

Most of the respondents believe that the Centre Party is ready to cooperate with the Russian participants of the academic process. And this is actually the only party that they trust.

Most of the respondents believe that Russian education reform has no methodological basis, that its aims are vague, that the stages and the evaluation criteria were defined arbitrarily, and that the required resources were not calculated. We can add that as far as we know, no monitoring of the reform's *quality* is even planned.

Most of the respondents agree that as a result of the reform the students will better command Estonian. But only one-fifth of the respondents believe that Russian youth will have equal opportunities with ethnic Estonians on the labour market.

Russian education activists support a flexible approach to the reform where the main player would be an *individual school*, which would define the speed and the intermediate goals of the process.

The respondents-teachers confirm that they rarely need Estonian in their routine work and few of them use it. Additionally, most of the teachers believe that the official requirements of Estonian command are either too high or even farfetched. Therefore, the checks of the Language Inspectorate only create unnecessary stress and some even think that such examinations undermine the very existence of Russian education.

The respondents showed a rather mean level of knowledge about the laws that are the basis of the reform, though the teachers knew more than others. In case of any problem the respondents would seek solutions from non-governmental human rights organisations. It appears that they do not always trust official institutions or professional associations.

The respondents expressed their will to cooperate with other actors in order to solve the problems of Russian education. Most respondents granted priority to the parents' boards of guardians. But in fact the available tools are not used efficiently.

The respondents think that organisations from Russia must help to preserve and develop Russian education in Estonia. But not all respondents know about the actual support that Russia-based organisations render to Russian educations in Estonia.

APPENDIX

TABLE 1. The priorities concerning the educational policy for Russian educations? Secondary importance

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Secure skills and knowledge required in future	59	31.1%	28	25.7%	27	39.1%	4	33.3%
Preserve the Russian identity	55	28.9%	33	30.3%	20	29.0%	2	16.7%
Acquire good command of Estonian	39	20.5%	21	19.3%	12	17.4%	6	50.0%
Ensure stability and public order	24	12.6%	17	15.6%	7	10.1%		
Integration of Estonian society	7	3.7%	7	6.4%				
Form an Estonian mind-set of the students	6	3.2%	3	2.8%	3	4.3%		
TOTAL	190	100.0%	109	100.0%	69	100.0%	12	100.0%

*sum of % may be more than 100% because several answers were allowed

TABLE 2. The priorities concerning the educational policy for Russian educations? Third most important

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Acquire good command of Estonian	60	32.1%	31	28.4%	26	39.4%	3	25.0%
Ensure stability and public order	43	23.0%	25	22.9%	16	24.2%	2	16.7%
Secure skills and knowledge required in future	38	20.3%	23	21.1%	14	21.2%	1	8.3%
Preserve the Russian identity	26	13.9%	17	15.6%	6	9.1%	3	25.0%
Form an Estonian mind-set of the students	11	5.9%	7	6.4%	2	3.0%	2	16.7%
Integration of Estonian society	9	4.8%	6	5.5%	2	3.0%	1	8.3%
TOTAL	187	100.0%	109	100.0%	66	100.0%	12	100.0%

*sum of % may be more than 100% because several answers were allowed

TABLE 3. Did you participate in the events of the Ministry of Education and Research (meetings, seminars, or round tables) aimed at supporting and promoting the reform?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
Yes, it was interesting and informative	5	2.4%	3	2.5%			2	13.3%
Yes, but with little practical output	29	13.7%	21	17.8%	6	7.6%	2	13.3%
No, but I know about such events	99	46.7%	62	52.5%	28	35.4%	9	60.0%
No, never heard about it	79	37.3%	32	27.1%	45	57.0%	2	13.3%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%

TABLE 4. Did you participate in the events of the City Department for Education (meetings, seminars, or round tables) aimed at supporting the reform?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
No answer	4	1.9%	2	1.7%	2	2.5%		
Yes, it was interesting and informative	2	.9%	1	.8%			1	6.7%
Yes, but with little practical output	20	9.4%	14	11.9%	5	6.3%	1	6.7%
No, but I know about such events	91	42.9%	58	49.2%	25	31.6%	8	53.3%
No, never heard about it	95	44.8%	43	36.4%	47	59.5%	5	33.3%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%

TABLE 5. Have you seen any scientific or methodological materials supporting and explaining the reform?

	TOTAL		Position in the academic process					
	No.	%	Teacher		Parent		Student	
			No.	%	No.	%	No.	%
No answer	2	0.9%	2	1.7%				
Yes, I have studied such materials	19	9.0%	11	9.3%	6	7.6%	2	13.3%
I know about such materials but have not seen them	71	33.5%	45	38.1%	20	25.3%	6	40.0%
Do not know anything about such materials	120	56.6%	60	50.8%	53	67.1%	7	46.7%
NO. OF RESPONDENTS	212	100.0%	118	100.0%	79	100.0%	15	100.0%

TABLE 6. What decisions or actions of the authorities in respect of Russian education reform do you approve of/consider sufficient and what decisions or actions do you disapprove of/consider insufficient?

		TOTAL		Position in the academic process					
		No.	%	Teacher		Parent		Student	
				No.	%	No.	%	No.	%
Decision to teach 60% of curriculum in Estonian	No answer	1	0.5%	1	0.8%				
	I disapprove	198	93.4%	112	94.9%	75	94.9%	11	73.3%
	I support	13	6.1%	5	4.2%	4	5.1%	4	26.7%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Choice of the obligatory disciplines to be taught in Estonian	No answer	6	2.8%	4	3.4%	2	2.5%		
	I disapprove	150	70.8%	83	70.3%	60	75.9%	7	46.7%
	I support	56	26.4%	31	26.3%	17	21.5%	8	53.3%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Terms and pace of the reform	No answer	7	3.3%	4	3.4%	2	2.5%	1	6.7%
	I disapprove	202	95.3%	113	95.8%	77	97.5%	12	80.0%
	I support	3	1.4%	1	0.8%			2	13.3%
Consideration of the regional peculiarities while planning and carrying out the reform	No answer	7	3.3%	4	3.4%	2	2.5%	1	6.7%
	Insufficient	181	85.4%	104	88.1%	70	88.6%	7	46.7%
	Sufficient	24	11.3%	10	8.5%	7	8.9%	7	46.7%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Consideration of the teachers' and student groups' opinions and experience	No answer	7	3.3%	4	3.4%	3	3.8%		
	Insufficient	176	83.0%	107	90.7%	63	79.7%	6	40.0%
	Sufficient	29	13.7%	7	5.9%	13	16.5%	9	60.0%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Consideration of the parents' and students' opinions	No answer	5	2.4%	3	2.5%	2	2.5%		
	Insufficient	180	84.9%	108	91.5%	65	82.3%	7	46.7%
	Sufficient	27	12.7%	7	5.9%	12	15.2%	8	53.3%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Role and assistance of the Ministry of Education and Research in the reform realisation	No answer	12	5.7%	5	4.2%	7	8.9%		
	Insufficient	176	83.0%	104	88.1%	62	78.5%	10	66.7%
	Sufficient	24	11.3%	9	7.6%	10	12.7%	5	33.3%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Role and assistance of the City Department for Education in the reform realisation	No answer	15	7.1%	7	5.9%	8	10.1%		
	Insufficient	167	78.8%	99	83.9%	60	75.9%	8	53.3%
	Sufficient	30	14.2%	12	10.2%	11	13.9%	7	46.7%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Providing the public with full information about the expected results of the reform	No answer	12	5.7%	5	4.2%	7	8.9%		
	Insufficient	178	84.0%	105	89.0%	63	79.7%	10	66.7%
	Sufficient	22	10.4%	8	6.8%	9	11.4%	5	33.3%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%

TABLE 7. What social mechanisms and opportunities should be used to carry out the school reform?

		TOTAL		Position in the academic process					
		No.	%	Teacher		Parent		Student	
				No.	%	No.	%	No.	%
Civil associations and trade unions	Yes	139	65.6%	83	70.3%	47	59.5%	9	60.0%
	No	10	4.7%	2	1.7%	7	8.9%	1	6.7%
	Don't know	63	29.7%	33	28.0%	25	31.6%	5	33.3%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Dialogue and cooperation with local authorities	Yes	162	76.4%	101	85.6%	51	64.6%	10	66.7%
	No	16	7.5%	5	4.2%	10	12.7%	1	6.7%
	Don't know	34	16.0%	12	10.2%	18	22.8%	4	26.7%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Student governments	Yes	136	64.2%	72	61.0%	50	63.3%	14	93.3%
	No	25	11.8%	17	14.4%	7	8.9%	1	6.7%
	Don't know	51	24.1%	29	24.6%	22	27.8%		
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Parents' boards of guardians	Yes	180	84.9%	103	87.3%	67	84.8%	10	66.7%
	No	3	1.4%	2	1.7%			1	6.7%
	Don't know	29	13.7%	13	11.0%	12	15.2%	4	26.7%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%

TABLE 8. What social mechanisms and opportunities really work (are used) to carry out the reform in your school?

		TOTAL		Position in the academic process					
		No.	%	Teacher		Parent		Student	
				No.	%	No.	%	No.	%
Civil associations and trade unions	Yes	50	23.6%	27	22.9%	20	25.3%	3	20.0%
	No	67	31.6%	42	35.6%	21	26.6%	4	26.7%
	Don't know	95	44.8%	49	41.5%	38	48.1%	8	53.3%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Dialogue and cooperation with local authorities	Yes	51	24.1%	30	25.4%	14	17.7%	7	46.7%
	No	58	27.4%	30	25.4%	26	32.9%	2	13.3%
	Don't know	103	48.6%	58	49.2%	39	49.4%	6	40.0%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Student governments	Yes	52	24.5%	23	19.5%	20	25.3%	9	60.0%
	No	73	34.4%	44	37.3%	25	31.6%	4	26.7%
	Don't know	87	41.0%	51	43.2%	34	43.0%	2	13.3%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Parents' boards of guardians	Yes	76	35.8%	34	28.8%	34	43.0%	8	53.3%
	No	47	22.2%	33	28.0%	11	13.9%	3	20.0%
	Don't know	89	42.0%	51	43.2%	34	43.0%	4	26.7%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%

TABLE 9. What organisations and institutions of the Russian Federation do you know that actually support the preservation and development of Russian education in Estonia?

		TOTAL		Position in the academic process					
		No.	%	Teacher		Parent		Student	
				No.	%	No.	%	No.	%
Russian institutions of higher education and centres for academic methodology	Yes	102	48.1%	68	57.6%	30	38.0%	4	26.7%
	No	10	4.7%	7	5.9%	1	1.3%	2	13.3%
	Don't know	100	47.2%	43	36.4%	48	60.8%	9	60.0%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Civil associations in Russia (Teachers Association, Trade Union of Education, etc.)	Yes	17	8.0%	12	10.2%	4	5.1%	1	6.7%
	No	30	14.2%	18	15.3%	9	11.4%	3	20.0%
	Don't know	165	77.8%	88	74.6%	66	83.5%	11	73.3%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Russkiy Mir Foundation	Yes	63	29.7%	28	23.7%	29	36.7%	6	40.0%
	No	10	4.7%	3	2.5%	4	5.1%	3	20.0%
	Don't know	139	65.6%	87	73.7%	46	58.2%	6	40.0%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Program for supporting compatriots abroad	Yes	81	38.2%	55	46.6%	22	27.8%	4	26.7%
	No	12	5.7%	6	5.1%	4	5.1%	2	13.3%
	Don't know	119	56.1%	57	48.3%	53	67.1%	9	60.0%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Government of Moscow (St. Petersburg, border regions)	Yes	69	32.5%	50	42.4%	16	20.3%	3	20.0%
	No	15	7.1%	7	5.9%	5	6.3%	3	20.0%
	Don't know	128	60.4%	61	51.7%	58	73.4%	9	60.0%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%
Governmental bodies of the Russian Federation	Yes	31	14.6%	20	16.9%	7	8.9%	4	26.7%
	No	21	9.9%	11	9.3%	8	10.1%	2	13.3%
	Don't know	160	75.5%	87	73.7%	64	81.0%	9	60.0%
NO. OF RESPONDENTS		212	100.0%	118	100.0%	79	100.0%	15	100.0%

Kokkuvõte

“VENE KOOL EESTIS. MATERJALIDE KOGUMIK”

Inimõiguste Teabekeskus tegeles aastatel 2009-2010 projekti realiseerimisega “Tingimuste loomine venekeelse hariduse säilimiseks Eestis, läbi Euroopa diskrimineerimisvastaste põhimõtete juurutamise ja rakendamise”. Projekti eesmärgiks oli olukorra analüüs venekeelse koolihariduse sfääris ja õigusabi võimaldamine venekeelsete õppeasutuste õpetajatele, samuti hariduse vallas otsuseid vastuvõtivate üksikindiviidide, gruppide ja ühiskondlike tegelaste õiguslik koolitus. Peale selle anti projekti käigus panus ühiskondlikku dialoogi inimõiguste järgimise ja diskriminatsioonivaba kohtlemise probleemides (eriti hariduse alal), publikatsioonide abil massiteabevahendites ja seminaride organiseerimisega. Projekti finantseeris fond “Russkiy Mir” Tallinna linnavalitsuse osavõtul.

Kogu projekti käigus sooritasid Teabekeskuse töötajad ja eksperdid seadusandluse ja seaduse täitmise tagamise praktika monitooringut, mille mõned tulemused läksid käesoleva kogumiku ptk 1. Inimõiguste Teabekeskuse esindajate kokusaamistel õpetajate ja lapsevanematega, samuti erikoolituste, seminaride ja konverentside käigus, mille organiseeris keskus ja muud organisatsioonid, viidi läbi ankeetküsitlus. Käesoleva kogumiku ptk II on pühendatud saadud tulemustele, mida võib määratleda kui arvamust, mis tuleb kõige aktiivsemalt õpetajatelt ja aktivistidelt koolide halduskogudes ja õpilaste omavalitsustes.

1. peatükk

EESTI VENE KOOLI AKTUAALSED PROBLEEMID

Diskrimineerimine ja võrdse kohtlemise põhimõte haridussüsteemis

Õigus haridusele on üks rahvusvahelistes õigusaktides ette nähtud ning põhiseaduslikult tagatud inimese põhiõigusi. Üldtunnustatud standarditeks tunnistatud dokumendid kindlustavad vähemuste õigust oma identiteedi säilitamisele emakeele kaudu. Enamik selliseid dokumente sisaldab klausleid selle kohta, et riikidele jäetakse võimalus teatud piiranguteks keskhariduse saamiseks vähemusrahvuste keeltes.

Mittediskrimineerimise baaspõhimõte on leidnud kinnituse mitmes dokumendis. Ka oli 2000. a. võetud vastu EL-i direktiiv, mis keelustab diskrimineerimise rassi ja etnilise päritolu/kuuluvuse tunnuste alusel pea kõikides avaliku elu sfäärides (nn rassidirektiiv). Diskrimineerimise keeld Eesti seadusandluses rajaneb esmajärjekorras EV Põhiseaduse § 12, mis kehtestab kõikide inimeste võrdsuse seaduse ees ning keelab diskrimineerimise rahvusliku, rassilise kuuluvuse, nahavärvi, soo, keele, päritolu, usu, poliitiliste ja muude veendumuste, samuti varandusliku ja sotsiaalse seisundi ning muude asjaolude tõttu. Mis puutub seadusest tulenevasse võrdsusesse, siis kinnitas ka Riigikohus, et antud põhimõte laieneb kõikidele elusfääridele.

2009. aasta 1. jaanuaril jõustunud võrdse kohtlemise seaduses määratletud otsese ja kaudse diskrimineerimise, ahistamise jm definitsioonid praktiliselt ei erine 2000. a. direktiivi vastavatest sätetest. Üksikasjalikud diskrimineerimisvastased normid on seaduses kehtestatud mitte ainult erasektori töötajate, vaid ka ametnike suhtes. Rassilise ja etnilise diskrimineerimise osas laieneb seadus mitte ainult tööhõive valdkonnale, vaid ka nt haridussfäärile.

Võrdne juurdepääs haridusele

Eesti hariduse infosüsteemi (EHIS) andmete järgi õppis iga viies Eesti päevaste üldhariduslike koolide õpilane vene keeles. 2007. a. septembris algas Eestis üleminek gümnaasiumitasele (10.–12. klass) peamiselt eestikeelsele õppele. Ülemineku lõpetamine on ette nähtud 2011. a. Käesoleva aasta 1. septembrist kehtiv uus põhikooli- ja gümnaasiumiseadus pole toonud midagi põhimõtteliselt uut venekeelse kooli reformimise küsimusse. Praegune haridus- ja teadusminister püüab erinevate vahenditega ilmselgelt reformi forsseerida. Sama võib öelda mõningate kohalike omavalitsuste kohta.

Pealegi demograafiliste probleemide tõttu õpilaste ning sellest tulenevalt ka üldhariduslike koolide arv Eestis pidevalt väheneb, kuid venekeelsete koolide arvu kahanemise tempo on palju kiirem. EHIS andmetel vähenes aastail 1995-2009 eestikeelsete koolide arv 23%, venekeelsete arv aga 47%. Venekeelsed koolid langevad sageli ka nn koolivõrgu optimeerimise erinevate skeemide ohvriks. Selle näideteks on Loksal ja Rakveres tekkinud olukord. Juristide hinnangul rikuvad mõlema linnavalitsuse otsused venekeelne gümnaasium sulgeda/ühendada tõsiselt õigusnorme. Esiteks polnud küsimuse arutamisse kaasatud kõik asjaosalised. Teiseks olid otsused motiveerimata, koostatud vigadega ning osutasid valedele seadusesätetele.

Vene õpetajad tööturul

Venekeelsete koolide õpetajate suhtes rakendatavad eesti keele valdamise ametlikud nõuded piiravad nende õigusi tööks ja töö vabaks valikuks ning ametialaseks edutamiseks tööstaaži ja kvalifikatsiooni alusel. Venekeelseid koole külastab korrapäraselt Keeleinspeksioon, kontrollimaks õpetajate eesti keele valdamise taset. Kontrollimised toimuvad närvilises õhkkonnas. Õpetajaid kutatakse vestlustele sõltumata sellest, kas neil on vastava taseme keeletunnistus või mitte.

Vene koolide õpetajatele, kes ei anna tunde eesti keeles, ei ole selle keele valdamine kvalifikatsiooninõudeks või selle osaks. Sellest tulenevalt ei saa eesti keele valdamise tase olla iseenesest õiguste piiramise aluseks. Keeleinspeksiooni tegevuse statistika (õpetajate rõhuv enamik kontrolli ei läbi) seab edukalt töötavate õpetajate suhtes proportsionaalsuse kriteeriumi täitmise kahtluse alla.

Keeleinspeksioon on kutsunud esmajärjekorras kontrollima tööandja distsipliini, sh dokumentatsiooni. Tegelikuses viiakse peale paberikontrolli pedagoogidega läbi individuaalvestlused. Neid korraldab kooli juhtkond Keeleinspeksiooni teatise alusel. Vestlusele ilmumise kohustus tekib vaieldamatult vaid juhul, kui isiku või organisatsiooni kohta on algatatud väärteomenetlus ning isik kutsutakse selle kohta seletusi andma, kutsel peab olema märgitud kutsumise põhjus. Seadusest tulenevalt määrab tööandja töötaja riigikeele valdamise tarvilikust ja piisavust. Konfliktolukorras ta võib ka esitada taotlusi, kui töötajale esindatavad keelenõuded osutuvad liiga kõrgeks.

Eesti keele valdamist tõendavaks dokumendiks on keeletunnistus. 2008. a. keeldus seadusandja võrdustama kuni 1999. aastani väljastatud täheliste kategooriate sertifikaate kehtestatud uute tasemetega, mistõttu seaduses puudub nende üksteisele vastavust määrav säte. Kuid neid arvestatakse töötaja keelenõuete täitmist tõendava dokumendina, kui nad tööandja arvates valdavad eesti keelt tööks vajalikus mahus. Tegelikuses tajub tööandja sertifikaatide vahetamise süsteemi kui vajadust nõuda töötajailt uut tüüpi dokumenti. Kuid seadusest see sugugi ei tulene. Seadusele ei vasta ka praktika, kui alaliselt töötavate õpetajatega sõlmitakse eesti keele valdamise kohta tõendite puudumise ettekäandel uusi tähtajalisi lepinguid.

Hoolekogud kui Eestis venekeelse kooli kaitsevahend

Vastavalt Põhiseaduse § 37 on hariduse iseloomu valikul on otsustav sõna lapsevanematel. Põhikooli- ja gümnaasiumiseaduse § 73 näeb ette koolides hoolekogude kui lastevanemate kooli puudutavate küsimuste lahendamisse kaasamise mehhanismi loomise.

Õppekeele kinnitamise dokumendiks koolis on arengukava. Mitte miski ei keela koolil märkida arengukavas õppekeeleks vene keelt. Arengukava koostatakse koostöös hoolekoguga ning kinnitatakse koolipidaja poolt. Hoolekogul on õigus kooli arengukava kohta arvamust avaldada ning ta võib ilmutada selles osas ka järjekindluse. Kooli arengukavaga võib kinnitada ka gümnaasiumiastme õppekeeleks vene keele.

Oluliseks dokumendiks on ka kooli õppekava, mis määrab, millises keeles ja kuidas õpetamine toimub. Õppekava kinnitab kooli direktor, võimaldades enne kinnitamist hoolekogul oma arvamust avaldada. Hoolekogu nõusolekut eeldab ka koolis eriprogrammide, nagu keelekümbel või teistes keeltes õpetamine, rakendamine. Seega on hoolekogul võimalik lisaks vene keele kui ainukese põhikoolis õpetamise keele otsustamisele võimalik mõjutada ka teiste keelte kasutamist.

Järgnevas põhikoolis ja gümnaasiumis õppekeele määramise etapiks on vastava ettepaneku esitamine linna/vallavolikogule, kes omakorda kehtestab õppekeele põhikoolis ning esitab taotluse vabariigi valitsusele gümnaasiumi kohta.

Põhikooli- ja gümnaasiumiseadus annab hoolekogule küll võimaluse põhikooli ja gümnaasiumi õppekeele küsimuse otsustamises osaleda, kuid jätab viimase sõna õiguse põhikooli osas kohalikele omavalitsusele, gümnaasiumi osas aga Vabariigi Valitsusele. Hoolekogu esineb seega vaid taotlejana, kelle ettepanekule võib järgneda nii positiivne kui ka negatiivne vastus. Hoolekogude mandaati tuleks muuta nii, et hoolekogu saaks endale vajaliku mõjujõu ning suurendaks sellega lastevanemate osa kooli saatuse küsimuste otsustamisel, õppekeele küsimus kaasa arvatud.

2. peatükk

UURINGU "ÜHISKONDLIKULT AKTIIVSED ÕPETAJAD JA LASTEVANEMAD VENEKEELSE HARIDUSE REFORMIST EESTIS" TULEMUSTEST

EESMÄRGID JA ÜLESANDED

Uuringu põhieesmärgid:

- selgitada välja haridusprotsessis osalejate suhtumine Eesti venekeelse kooli probleemidesse;
- määrata kindlaks probleemide pingerida (millised vajavad lahendamist esmajärjekorras);
- määratleda probleemide võimalikud lahendusteed;
- teha kindlaks, mis küsimustes on protsessist osalejatel (õpetajad; lastevanemad, õpilased) sarnased arvamused, mis küsimustes esinevad erinevused ning millega on nad seotud.

METOODIKA

Projekt nägi ette järgnevaid *põhilisi uurimisplukke*:

1. Venekeelne haridus tervikuna: probleemid, eelistused, ootused

- respondentide arvates pakilisemate venekeelse hariduse probleemide kindlaksmääramine;
- eelistused hariduspoliitikas;
- elanike ootused erakondade tegevuse suhtes;
- kooli hoolekogude osa ning nende suhted haldusjuhtimise süsteemiga (nii koolisisesele kui ka munitsipaaltasandil) ja mõju õppe-kasvatusliku protsessile.

2. Reform 2007: informeeritus ja hinnangud

- informeeritus Eesti venekeelse kooli reformist;
- avalik arvamus reformist 2007.
- Keeleinspeksioon ja venekeelne kool
- otsekontaktid keeleinspeksiooniga;
- suhtumine keeleinspeksiooni tegevusse.

3. Venekeelse hariduse õiguslikud ja sotsiaalkaitse küsimused

- õiguslikest mehhanismidest ning õigusabi võimalustest informeeritus;
- sotsiaalsed mehhanismid ja võimalused;
- suhtumine Vene Föderatsiooni rolli Eestis venekeelse hariduse toetamisel ja abistamisel: informeeritus ja ootused.

Iga ploki kohta olid töötatud välja vastavad tunnused (indikaatorid). Kokku oli kasutusel 29 tunnust-indikaatorit ning ligi 300 muutajat (sotsiaal-demograafilised näitajad kaasa arvatud).

Küsitlus viidi läbi 2010. a. kevadest sügiseni vene lingvistilise vähemuse kompakte asumise kohtades: Tallinn ja teised Harju maakonna linnad, samuti Ida-Virumaa linnad. Põhiliseks uurimise teostamise vormiks sai *grupiviisiline ankeetküsitlus*. Kokku oli jagatud 350 ankeeti, tagastatud 212. Andmete töötlus toimus operaatorfirma Saar Poll abiga.

Tulemuste korrektseks interpreteerimiseks tuleb silmas pidada, et küsitlus (ankeetide levitamine) toimus Inimõiguste Teabekeskuse esindajate kohtumistel õpetajate ja lastevanematega ning keskuse ja teiste organisatsioonide korraldatud eritreeningute, seminaride ja konverentside ajal. Seetõttu esindusliku juhuvalimit ei planeeritud ega kasutatud. Saadud tulemusi saab seetõttu hinnata kui *kõige aktiivsemate õpetajate ja lastevanemate, hoolekogude ning õpilasmavalitsuste liikmete* (viimaseid oli kahjuks küsitatud vähe) *arvamust*. Reaalselt on see enim ettevalmistatud ja huvitatud haridusprotsessi osalejate küsitluse tulemus. Just see annab võimaluse pidada uuringu tulemusi sama tähtsateks, kui tavalise representatiivse küsitluse puhul.

JÄRELDUSED JA KOKKUVÕTE

- Enamik respondente (74%) tunneb tõsist muret venekeelse kooli tuleviku pärast teostatava koolireformi tingimustes.
- Sellest aspektist peetakse põhiliseks hariduse prioriteediks rahvusliku identiteedi säilitamist. Traditsiooniline hariduse eesmärk – teadmiste ja oskuste omandamine – osutus teisel kohal olevaks.

- Küsitletute rõhuv enamus usub Keskerakonna valmidusse koostööks venekeelses haridusprotsessis osalejatega. See on praktiliselt ainus erakond, keda nad usaldavad.
- Enamik respondente arvab, et venekeelse kooli reform on metoodiliselt ette valmistamata, selle eesmärgid on ähmased, etapid ja nende tulemuslikkuse hindamise kriteeriumid suvaliselt määratud ning puudub vajalike ressursside arvestus. Sellele võib lisada, et teadaolevalt ei ole kavandatud ka reformi *kvaliteedi* monitooringut.
- Enamik ankeedi küsimustele vastanutest (62%) on nõus sellega, et reformi tulemusena paraneb koolilastel eesti keele oskus. Vaid viiendik respondente arvab aga, et vene noortel tekivad eestlastega võrdsed võimalused konkurentsiks tööturul.
- Venekeelse hariduse aktivistid toetavad paindlikku lähenemist reformi teostamisele, reformi keskmes peab olema *konkreetne kool*, mis peaks ise määrama protsessi tempo ja vaheeesmärgid (58%).
- Küsitletud tunnistavad, et kasutavad oma igapäevases töös eesti keelt suhteliselt harva ja üldse kasutab seda vaid õpetajate vähemus. Pealegi pedagoogide enamik (74%) arvab, et ametlikud eesti keele valdamise nõuded on kas liiga kõrgeks aetud või ei vasta reaalsele vajadusele. Just seetõttu keeleinspeksiooni kontrollid tekitavad stressi.
- Respondentide vastused andsid tunnistuse vägagi kesisest reformi aluseks olevate seaduste tundmisest, kuigi õpetajad teadsid teistest protsessi osalejatest rohkem. Kõige rohkem usaldavad vastanud probleemide tekkimisel ühiskondlike inimõiguste kaitse organisatsioone. Ametlike institutsioonide ja kutseühenduste suhtes suurt usaldust ilmselt pole.
- Küsimustele vastanud avaldasid valmidust koostööks erinevate organisatsioonidega venekeelse kooli probleemide lahendamiseks. Esikohale seati lastevanematest koosnevad hoolekogud. Kuid reaalselt olemasolevaid mehhanisme kuigi efektiivselt ei kasutata.
- Respondentide arvates peaks Venemaa organisatsioonid vaieldamatult osalema Eestis venekeelse hariduse säilitamises ja arendamises, kuid kaugelgtki mitte kõik vastanutest ei oma andmeid venekeelse kooli reaalsest abistamisest Venemaa organisatsioonide poolt.



The Legal Information Centre for Human Rights

The Legal Information Centre for Human Rights (LICHR) was founded on May 2, 1994. Intimately involved in the setting up and consolidation of the LICHR were the non-governmental organisations of Denmark and Estonia. The LICHR launched its activities at the beginning of January 1995.

The LICHR is an independent non-governmental NGO, which activities are based on projects.

In its activities LICHR has mapped four high priority strategic spheres:

1. Conflict prevention: identifying the causes of potential conflicts through analysis and dissemination of information, as well as by enhancement of awareness and knowledge about the human rights;
2. Fostering the creation of the society based on human rights standards;
3. Analysis of the Estonian legislation for its conformity with the international instruments on human rights;
4. Provision of legal advice and aid to individuals, whose rights are not duly guaranteed or are violated.

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