



INIMÕIGUSTE TEABEKESKUS
LEGAL INFORMATION CENTRE FOR HUMAN RIGHTS
ЦЕНТР ИНФОРМАЦИИ ПО ПРАВАМ ЧЕЛОВЕКА

RUSSIAN-SPEAKING POPULATION OF ESTONIA IN 2014

MONITORING REPORT

Vadim Poleshchuk

Tallinn 2014

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Monitoring report

by Vadim Poleshchuk

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Monitoring has been financially supported by the Foundation for supporting and protecting the rights of compatriots living abroad

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AUTHOR'S NOTE

This report has been prepared by **Vadim Poleshchuk** with contribution by other staff members of the Legal Information Centre for Human Rights (LICHR) and it reflects the situation of Russian population of Estonia **as of 1 August 2014**, harking back to the earlier events and data, if that should be necessary. It has been compiled within framework of the project *Providing Legal Aid Free of Charge in Russian and Monitoring of the Legal Situation of Compatriots in Estonia*. Monitoring has been financially supported by the Foundation for supporting and protecting the rights of compatriots living abroad.

The report comprises four sections. The first section subjects to scrutiny the social-political context and the demographic changes, affecting the non-Estonian (Russian-speaking) population of the country. The second section provides an overview of main directions of ethnopolitics, focussing on the problem of cultural autonomy of national minorities, linguistic policy and education in Russian, the problem of combating intolerance, as well as inequality and discrimination, and how religious freedom is respected in Estonia. Given the specificity of the situation in Estonia, its migration regulation, naturalisation and official policy of integration are considered separately in the third section of the report. The fourth and concluding section supplies stock information on social-economic situation of non-Estonian population, describing in the first place the position of labour market, housing sphere and health system.

The report makes recourse to official data, obtained from letters delivered by state authorities upon our request or available in public domain in Internet. Further, to illustrate the topical issues, some cases are presented from legal practice of lawyers of the Legal Information Centre for Human Rights. From case to case the author has also made use of scientific publications.

Unless specified otherwise, the data of Statistics Estonia presented in the report (including *all* census data) have been obtained in public database of said authority (pub.stat.ee). The data of outcome of all elections have been taken from the website of the National Electoral Committee (www.vvk.ee). ***Complimentary references to those sources have not been made in the text for reasons of expediency.*** Estonian legislation in the state language is available on official website of the *Riigi Teataja* (National Gazette, www.riigiteataja.ee).

The term “non-Estonians” will refer to both citizens and non-citizens of minority ethnic origin. Additionally, in Estonia the terms “an Estonian” and “a Russian” are the indication of a person’s ethnic origin.

The author is grateful to **Ants Pihlak** (Estonia) for his kind assistance.

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1. Social-political context and demographic changes

Demography of the non-Estonian population

The data of pre-war and post-war censuses give an idea of how the population of Estonia changed in the 20th century – beginning 21st century. Although it was never been mono-ethnic, the rapid growth of the share of non-Estonians in the whole population was witnessed specifically in the Soviet period, after end of the WWII. The largest group among minorities was invariably constituted by ethnic Russians. While before the war the Russians distributed mainly to rural population of outlying districts of Estonia and townsmen, a significant part of whom were exiles from the Soviet Russia, the later line of breakdown run between the local old timers and those newly arriving. That distribution was rather conditional and by the 1980-ies it ceased to have any practical importance.

Table 1. Demographic changes within Estonia from the beginning of the 20th century, %

Censuses	Ethnic Estonians	Ethnic non-Estonians	
		All	Russians
1922	87.62	12.38	8.23
1934	88.11 (91.66) *	11.75 (8.2) *	8.23 (4.72) *
1959	74.59	25.41	20.07
1970	68.22	31.78	24.68
1979	64.72	35.27	27.91
1989	61.53	38.47	30.33
2000	67.90	32.10	25.63
2011	69.70	30.30	25.20

Note: Aggregate of the percentage may be below 100 due to rounding up

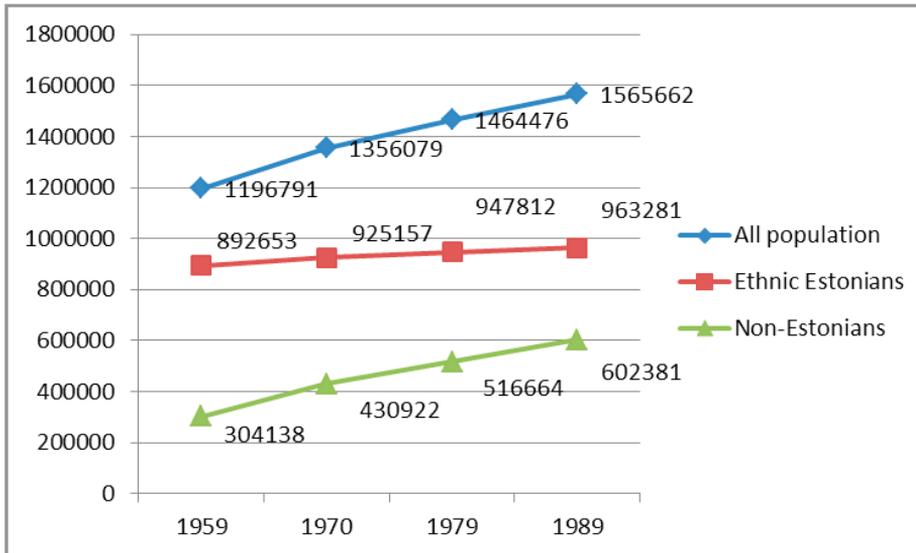
** – within current borders of Estonia*

Source: Statistics Estonia, data of censuses¹

¹ Data for 1922-1989 are presented under: Järve, P., Wellmann, C., Minorities and Majorities in Estonia: Problems of Integration at the Threshold of the EU, Flensburg, Germany and Aabenraa, Denmark, 22 to 25 May 1998, ECMI Report no. 2, March 1999, p. 43.

In Estonia, the so-called demographic transition started in the 1860-ies. At the end of 1920-ies the birth rate was insufficient for even replacement of generations (in other words, not only were the children born unable to increase the population, they were also unable to maintain its numbers). Arrival of a large number of people from outside Estonia in the Soviet period brought about re-juvenescence of population, which started rapidly to grow on account of non-Estonians.² The interim period between censuses of 1959 and 1989 witnesses also the growth of numbers of the ethnic Estonians.

Figure 1. Demographic changes: ethnic Estonians and non-Estonians, 1959-1989

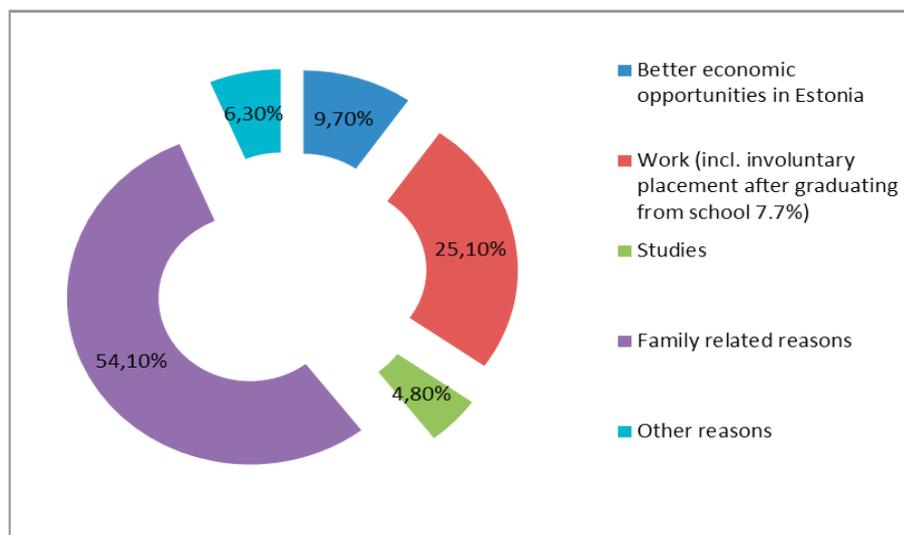


Source: Statistics Estonia, data of censuses

From the beginning of the 1990-ies the Estonian political and scientific circles used to treat migration of ethnic minority population, specifically as a variety of labour migration. However the data of surveys allow taking a broader view of that problem. Given the conventional character of administrative borders of the Soviet Union republics, frequent marriages between people living in outlying corners of the USSR, the processes of the post-war migration were essentially also influenced by the strive for reunification of families. In actual fact, according to data of Immigrant Population Survey of 2008, over half of respondents quoted family reasons as the driving force of their settlement in Estonia. The work related reasons ranked as the second cause, and therefore the thesis of the Soviet period migration of ethnic non-Estonians as solely a labour migration is clearly untenable.

² An overview of processes of ageing of the Estonian society: Puur, A., Põldma, A., Population Ageing in Demographic View, in Social Trends 5, Tallinn: Statistics Estonia, 2010.

Figure 2. Causes for settlement of migrants in Estonia



Data on persons, who were born outside Estonia and whose both parents were born outside Estonia

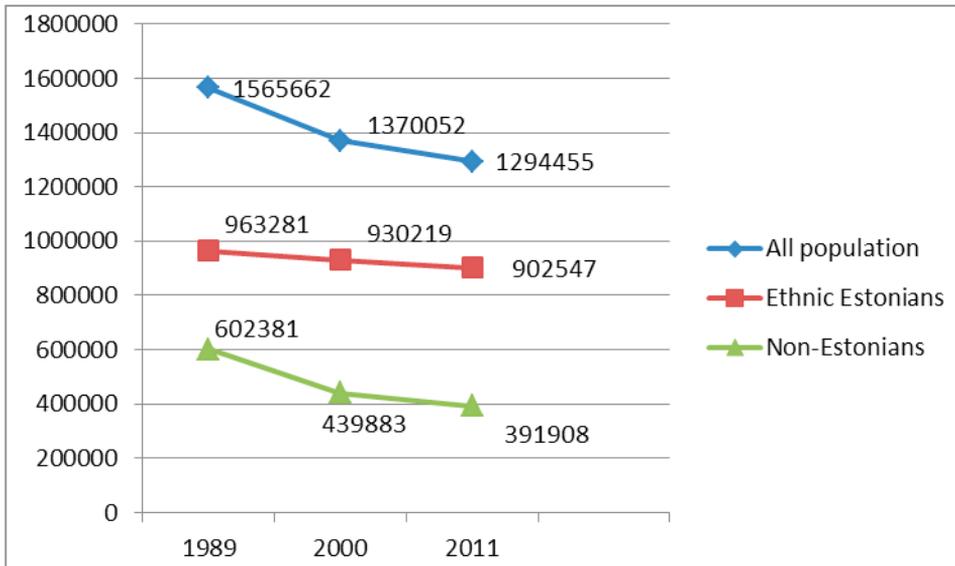
Source: Statistics Estonia; Immigrant Population Survey, 2008

After a break in the post-war period the Estonian population reverted to the trend of ageing immediately after 1991. Generally the population shrunk dramatically between censuses 1989 and 2000 by about 200 thousand people, and the major part of those changes is accounted for by the conduct of ethnic non-Estonians, in particular mass repatriation of representatives of the minorities leaving the country, notably in the first half of the 1990-ies, and by the lower birth rate among non-Estonians. Hence in 2010 the children under 14 constituted 16% among Estonians and 13% among non-Estonians; the persons over 60 constituted in those groups respectively 22 and 23%.³

In the 2000-ies the population no longer shrunk at such impressive rate. Census of 2011, as against the previous census, showed diminishing of population by about 75 thousand people.

³ Calculations of the author basing on data of Statistics Estonia.

Figure 3. Demographic changes after 1989



Source: Statistics Estonia, data of censuses of 1989, 2000 and 2011

Upon tentative estimates of the Statistics Estonia, by making recourse to data of the census of 2011, the population of the country at the beginning of 2014 amounted to 1,311,870. Retrospectively the numbers of population were reviewed on the side of increasing. Population of Estonia at the beginning of 2013 is reckoned to have been 1,320,174. In 2012 the natural increase of population was negative (-1,362 people), as well as in 2013 (-1,643 people). In 2013, 4,085 people immigrated to Estonia, while 10,746 people emigrated from the country, i.e. net migration constituted -6,661 people⁴. According to data of the census of 2011, among present-day permanent population 42,960 people immigrated to Estonia from 1990-2011. On the eve and after accession of Estonia to European Union (2004) the demographic situation has been continually affected by migration to the Western countries. Although that factor played an essential role in the two past decades, the growth of opportunities to migrate to the West evidently boosted those processes.

Against the background of drastic shrinkage of population, also due to out-migration of ethnic non-Estonians, the 1990-ies witnessed a noticeable increase of the share of ethnic Estonians among residents of the country. In the 2000-ies the ratios of different ethnic groups changed but little, as corroborated by census of 2011.

⁴ Communication by Statistics Estonia of 17 January 2014, www.stat.ee.

Table 2. Ethnic composition of population of Estonia according to data of the population censuses of 1989, 2000 and 2011

Ethnic groups	1989	2000	2011	1989 (%)	2000 (%)	2011 (%)	Changes in 1989-2011 (% in aggregate population) *
Estonians	963,81	930,219	902,547	61.5	67.9	69.7	+8.2
Russians	474,834	351,178	326,235	30.3	25.6	25.2	-5.1
Ukrainians	48,271	29,012	22,573	3.1	2.1	1.7	-1.4
Belarusians	27,711	17,241	12,579	1.8	1.3	1.0	-0.8
Finns	16,622	11,837	7,589	1.1	0.9	0.4	-0.7
Tatars	4,058	2,582	1,993	0.2	0.2	0.1	-0.1
Latvians	3,135	2,330	1,764	0.2	0.2	0.1	-0.1
Poles	3,008	2,193	1,664	0.2	0.2	0.1	-0.1
Jews	4,613	2,145	1,973	0.3	0.1	0.1	-0.2
Lithuanians	2,568	2,116	1,727	0.2	0.1	0.1	-0.1
Germans	3,466	1,870	1,544	0.2	0.1	0.1	-0.1
Other	14,095	17,329	12,267	0.9	1.3	0.6	-0.3
Total	1,565,662	1,370,052	1,294,455				

Source: Statistics Estonia,⁵ *calculations by the author

The degree of *entrenchment* of non-Estonians in Estonia is directly conditional on their age. The younger a non-Estonian, the higher the probability for at least one of his parents being born in this country. According to the data of census of 2011, 57% among all ethnic non-Estonians were born in Estonia. In Estonians the share of migrant population pales into insignificance.

⁵ Data of censuses of 1989 and 2000 have been presented after: 2000 Population and Housing Census, Citizenship, Nationality, Mother Tongue and Command of Foreign Languages, II, Tallinn: Statistical Office of Estonia, 2001, Tables 7-8.

Major social-political events

Parliamentary elections of 2011

Synopsis. In 2011 Estonia witnessed two important political events: elections of the Parliament (*Riigikogu*) and elections of the President of the country. In both cases preparation for elections and confrontation of two largest political parties – the liberal Reform Party and the centre-right Centre Party received a lot of attention from media and general public.

The Centre Party was accused, on the eve of Parliamentary elections, of using money originating from Russia within the frame of electoral process. The Centre Party dismissed those attacks, and no official investigations were initiated either. That infamous development seemed to have affected negatively the attitude to the Centre Party on part of the Estonian electorate. The situation was also compounded by the publicly declared position of President T.H. Ilves to the effect that there is no Estonian President able to involve the Centre Party into government unless “such conduct is outspokenly condemned by the Party and the Party dissociates itself from people sporting such behaviour”.⁶ Under Constitution the President shall designate, at his or her discretion, a candidate for office of Prime Minister from a party having made it to the Parliament, to whom President shall assign the task of forming a new government (§ 89). Therefore such statements were viewed by some observers as an attempt to erode the electoral support of the Centre Party and its leader E. Savisaar.

Parliamentary elections were held on 6 March 2011. The active and passive suffrage in the national elections is vested in citizens of Estonia only. There were 913,346 voters registered on electoral rolls. The turnout constituted 64%, with the highest turnout being in the capital city (70%). Besides regular and antedated voting, the polling stations provided an opportunity to vote through Internet (24 February-2 March). Digital voting was used by 140,846 people i.e. by every fourth voter participating at elections.⁷

Leaders of run-up to elections were as anticipated: the ruling Reform Party obtained 28.6% votes (at previous elections in 2007-27.8%), and the opposition Centre Party – 23.3% (26.1%). According to rules of distribution of mandates the first party obtained 33 seats in the new Parliament (out of 101), and the latter – 26 seats.

On the eve of elections, the Centre Party posed in coalition with the right nationalist conservative party Union Pro Patria and Res Publica. The nationalists too managed to improve their results, obtaining 20.5% (in 2007-17.9%). Social Democratic Party also ac-

⁶ Uudised.err.ee (information portal), 27 December 2010.

⁷ All results of elections in the given report have been presented according to data of the National Electoral Commission.

ceded to Parliament. Until May 2009 it was in the ruling coalition with the reformists and nationalists. Social Democrats obtained 17.1% of vote (at previous elections – 10.6%). Consequently the nationalists obtained 23 mandates, while Social Democrats obtained 19 mandates. The redistribution of mandates did not take place due to centrists only, losing in new Parliament 3 mandates: at elections of 2011 two former Parliament parties failed to brace the 5% hurdle (the Estonian Greens and the Popular Union).

Table 3. Distribution of mandates in Estonian Parliament by outcome of elections of 2011

Reform Party	33	164,255	28.60%
	2		27.80%
Centre Party	26	134,124	23.30%
	-3		26.10%
Union Pro Patria and Res Publica	23	118,023	20.50%
	4		17.90%
Social Democratic Party	19	98,307	17.10%
	9		10.60%
5% threshold: 28,756.65 votes			
Greens	-	21,824	3.80%
	-6		7.10%
Popular Union	-	12,184	2.10%
	-6		7.10%
Russian Party in Estonia	-	5,029	0.90%
	0		0.20%
Christian Democrats	-	2,934	0.50%
	0		1.70%
Independence Party	-	2,571	0.40%
	0		0.20%
Independent candidates	-	15,882	2.80%
	0		0.10%

The box against name of the parties contains:

1st row – number of mandates in Parliament (out of 101)

2nd row – changes in the number of mandates as against 2007

The box on the right:

1st row – per cent of vote obtained

2nd row – per cent of vote obtained in 2007

Source: National Electoral Committee

In the public space the results of elections were not disputed, in general; however there was criticism targeted at organisation of the system of digital voting. Constitutional Review Chamber of the Supreme (National) Court considered after elections several applications, concerning digital elections. Meriting especial note is application of the Tallinn City Council to check for compliance with Constitution §50 of the Local Self-government Councils Elections Act (*Digital Voting*).

Tallinn City Council controlled by the opposition Centre Party put forward several arguments against the existing system of digital voting. Firstly, at such voting, unlike at regular filling in of the voting-paper, a person may, in the interval of time allocated for digital voting, vote anew interminably, violating the principle of uniformity of elections. Secondly, the principle of uniformity is not observed due to difference in the procedure of appeal. In case of regular voting the decision of district electoral committee can be appealed in court and the appeal can theoretically pass through all three court instances. However the results of digital voting are verified by the National Electoral Committee and its decision can only be appealed to Supreme Court. Thirdly, the digital voting, unlike the regular procedure, takes place at the time when the electoral campaign (agitation) is still allowed. Fourthly, electoral legislation potentially tolerates the situation when third parties get a chance to manipulate the results of voting, with the voter being unable to trace the said felony. The feasibility of such manipulation was proved by a test performed by P. Pihelgas (by reference to his test, filing a complaint to court, without avail however⁸). Supreme Court dismissed the appeal of Tallinn City Council on formal grounds.⁹

Results of elections ensured the ongoing coalition of reformists and nationalists. Once again, having been granted by President the right to form the government, the leader of reformists A. Ansip broke all records in the latest Estonian history at retaining the office of PM (he held that office until March 2014, then replaced by reformist T. Rõivas).¹⁰ A. Ansip owed his popularity in the Estonian part of population, among others to his rough-handed suppression in April 2007 of protests and later disturbances, triggered by relocation of the monument to victims of WWII (*Bronze Soldier*) from the centre of Tallinn.

Defying expectations, the ratings of the reformists did not suffer much during the crisis. The prevailing opinion in Estonia is that the country coped in general outlines with the crisis. It also needs be taken into account that according to data of Statistics Estonia, for Estonians the unemployment kept on the level of 13.4% in 2010, in the trough of economic cycle, and at the peak of crisis, although for ethnic minorities the unemployment rate achieved 23.4%. The heightened economical risks in the conditions of crisis and winding down of several social programmes affected, in many aspects ethnic minority population, bearing the brunt of respective disadvantages. Among the non-Estonian population the

8 Judgment of Constitutional Review Chamber of Supreme Court of 21 March 2011 in case no. 3-4-1-4-11.

9 Judgment of Constitutional Review Chamber of Supreme Court of 20 September 2011 in case no. 3-4-1-16-11.

10 Details of all governments are available on official website www.valitsus.ee.

ratings of reformists have been low throughout. The benefit of support of ethnic non-Estonians was used by the Centre Party headed by its charismatic leader E. Savisaar, enjoying however in recent years a modest level of popularity among Estonians. On the eve of elections in February 2011 the polling company TNS Emor held a survey of enfranchised citizens of Estonia. Among ethnic Estonians most popular was the Reform Party (40%), supported however by as few as 7% of ethnic non-Estonians. Conversely, the Centre Party was supported by 81% of Russian-speaking citizens and 11% of enfranchised Estonians.¹¹

Results of voting as per districts. Elections of 2011 solidified the polarisation of the Estonian political life, striking the eye when analysing the results of elections geographically. The best results per regions were obtained by the centrists in the places of compact habitation of ethnic non-Estonians, where the centrists hold office on municipal level. In the Ida-Viru county inhabited primarily by Russian-speaking residents (North-East of the country) the centrists obtained 54.5% of vote, with the reformists obtaining 12.5%, Social Democrats – 12.4%, and nationalists from Union Pro Patria and Res Publica – 10.7% of vote. The relatively high ratings of nationalists, in view of specificity of the region can be accounted for by the fact that about half of the Russian-speakers have no citizenship of Estonia and are thus cannot take part in election.

In Tartu, the second major town of Estonia the ethnic non-Estonians are significantly less numerous and the local self-government is traditionally controlled by reformists. Here the centrists found themselves last among parties, making it to the Parliament, obtaining as little as 15.5% of vote (reformists – 34.4%, nationalists – 24.3%, Social Democrats – 18.7%). In the capital city of Tallinn the ratio between Estonians and non-Estonians is approximately equal. The centrists, who single-handedly control local self-governments, obtained about one third of the vote, the reformists one fourth, and nationalists one fifth of the vote. Mayor of Tallinn and leader of centrists E. Savisaar, standing for office in one of the capital's districts collected 23 thousand votes: Every third resident of Tallinn voting in that district cast their vote in his favour. Significant support was accorded also to PM A. Ansip, running for office in the Harju county bordering on capital and in Rapla county (18,967 votes).

Parliament of 2011 was replenished by the greatest number of Russian-speaking citizens after 1991: eight centrists and one politician from the Social-Democratic Party.

Ethnic parties. Parliamentary elections held invariably bore witness to low electoral support given to ethnic parties. The Russian Party of Estonia (VEE) collected about five thousand votes (0.9%).

11 Only the respondents with party affiliations and predilections were taken into account. www.Delfi.ee (information portal), 25 February 2011.

In Estonia at Parliamentary elections only party rolls are allowed. Under aegis of the *VEE*, the elections involved a number of social and political actors, well known to the local Russian community (unofficially dubbed *Russian team*). However they were not quick enough to seize the initiative from the Centre Party, grasping the lion's share of vote of representatives of the minorities. The low popularity of *VEE* may also have contributed to its failure to succeed at elections. The foregoing sections of the report delve in abortive aspirations of leaders of RPE to create the Russian cultural autonomy. In 2011 the party decided to merge with the Social-Democratic party, whose congress approved amalgamation with *VEE* on 19 February 2012.¹²

VEE was the last registered ethnic party in Estonia. Another ethnic party – Constitutional party adopted as early as in 2008 the decision to merge with the marginal Estonian Left Party and by now the merger has been completed. The new name of the parties is the United Leftist Party of Estonia. It did not participate at the last Parliamentary elections.

Presidential elections of 2011

In 2011 Estonia witnessed also the election of President. Under Constitution, the head of state is elected by Parliament. The right to nominate a candidate for President rests with not less than one-fifth of the membership of Parliament. An Estonian citizen by birth who has attained forty years of age may be nominated as a candidate for President. If President cannot be elected in Parliament, an electoral body is convened by Parliament, comprised of members of Parliament and representatives of the local government councils (Constitution §79).

Reformists, and also the Union Pro Patria and Res Publica and Social Democrats declared that they were desirous of electing T. H. Ilves for the second term in office. The prospective head of state was born to the family of expatriate Estonians in Sweden, he lived in Canada and the USA, he worked in Germany at broadcasting station Free Europe (among others, he headed the Estonian editorial board). After Estonia regained independence he was Ambassador in Canada, Mexico and the USA and Minister of Foreign Affairs.¹³ In 2006 he won the Presidential elections, beating the incumbent President A. Rüütel, having held before 1991 high Communist party and Soviet offices. The decisive support to Ilves was provided by A. Ansip, the leader of reformists and the PM, also ex-apparatchik of the Communist Party of Estonia.

Centre Party ventured an unexpected move by proposing I. Tarand for office of the head of state. Tarand enjoyed impressive support of electorate in 2009 running for membership

12 Press release by Social Democratic Party of Estonia of 19 February 2012, www.sotsdem.ee.

13 Official biography of T. H. Ilves is available on an official website www.president.ee.

in European Parliament as an independent candidate (over $\frac{1}{4}$ of vote). Centrists were seemingly forced to seek a compromise, i.e. use a decoy because the Estonian Establishment would have taken an extremely negative view of the Presidential ambitions of E. Savisaar.

The survey of public opinion held on the eve of elections showed that 49% of respondents would view favourably the election of T. H. Ilves as President and 23% – I. Tarand. Among Estonians they commanded the support of 62% and 22% respectively, among ethnic minorities however 21% and 25%. Among non-Estonians, 28% found it hard to answer, and about one fourth would opt for a third person.¹⁴

Election of President was held on 29 August 2011. T. H. Ilves was elected in the first round by the qualified majority vote (73). I. Tarand evidently collected the vote of the centrists (25) only. Invalid or blank were 3 voting-papers.

Local elections of 2013

The keynote event in the political life of Estonia in 2013 was election to town and parish councils (20 October). Local self-governments (municipalities) enjoy wide autonomy in Estonia when deciding the issues of local life. Local elections are special because most of non-citizens are allowed to vote,¹⁵ and consequently all major political actors are of necessity to carry out electoral campaign also among Russian-speaking electorate.

The town self-governments, with broad representation or dominance of ethnic non-Estonians have long been controlled by the Centre Party. In the capital, E. Savisaar, the charismatic party leader was nominated for the office of mayor. Other parties had no hope to achieve major success at elections in Tallinn and did not nominate politicians of stature for that office. Candidate from the nationalist Union Pro Patria and Res Publica, E.-N. Kross, son of an acclaimed Estonian author pursued an active election campaign. He used to be an Intelligence Coordinator of Government of Estonia. Having resigned from public service after a scandal he embarked on a career of private expert on security issues. In September 2013 honours were bestowed on him by the President of Georgia M. Saakashvili, eulogizing the merits of Kross in the context of the events of August 2008.¹⁶ At the time of elections an international search warrant was issued by Russia to capture Kross through agency of Interpol as an alleged contractor of seizure of the vessel *Arctic Sea* in 2009 (his details were

14 Press release of TNS Emor (company concerned with sociological surveys) of 4 July 2011, www.emor.ee.

15 All citizens of the EU permanently residing in a city or parish, and also permanent residents from the numbers of third country citizens holding residence permit of a long-term resident of the EC/having the right of permanent residence. See §5 of Local Self-Governments Council Election Act.

16 "Саакашвили наградил бывшего главу разведслужбы Эстонии за поддержку в августе 2008 года" (Saakashvili Awarded the Former Head of Intelligence Service of Estonia for Support in August 2008), Georgia online (information portal), 14 September 2013.

anew posted on Interpol website on the eve of elections, however they were scrapped several days before signing of the Estonian-Russian border agreement in February 2014¹⁷). Russian opposition spokesmen agitated for Kross in Estonia, notably A. Illarionov.

Indisputable winner of the elections was the Centre Party, collecting throughout Estonia 32% of the vote, followed far behind by two parties of the coalition ruling on national level – Union Pro Patria and Res Publica (17.2%) and the Reform Party (13.7%). Social Democratic Party, also vying for support of the Russian-speaking electorate, collected 12.5%. In Tallinn, in the city council the centrists took 46 mandates (out of 79); in the third largest town of Narva, almost fully inhabited by Russian speakers, 20 mandates (out of 31). In Narva a notable competition to the centrists was mounted by Social Democrats, obtaining the balance of mandates. The rightist parties, as ever won the elections in the second largest town of Tartu (out of 49 mandates, the Reform Party took 15, the Union Pro Patria and Res Publica 11).

By results of the local elections E. Savisaar kept the position of mayor of the capital city; he collected more votes than anybody else, while standing for office in Lasnamäe borough, where the Russian-speaking residents constitute the majority. His personal outcome was almost 40 thousand votes (the total number of voters in the capital being 218.5 thousand people). E.-N. Kross also obtained an impressive support of the electorate (6,897 votes). The hopes of Social-Democrats for tangible broadening of the electorate due to Russian residents of the capital, and also by attracting the well known representatives of minorities turned out wishful thinking: V. Belobrovtshev, posing as one of the leaders of the Tallinn roll managed to collect as few as 218 votes in Lasnamäe.

Analysis of data of the survey of the sociological company TNS Emor showed that the winner, the Centre Party was voted for by ethnic non-Estonians mainly, with only 11% of the electorate-Estonians giving to it their votes. Among those supporting the party were many people aged over 50, with the youth under 35 giving preference to the right-nationalist Union Pro Patria and Res Publica. The survey also showed that electorate of the Centre Party comprises many persons, having long supported one party/electoral union.¹⁸

17 "Объявление о розыске Ээрика-Нийлеса Кросса пропало со страницы Интерпола" (The Note on Erik-Niiles Kross Being in Wanted Was Withdrawn from Interpol Website"), Rus.err.ee (information portal), 18 February 2014.

18 Survey from door to door was held on 23-30 October 2013 and included 528 people aged over 18. Data are presented in press release on the website of TNS Emor, www.emor.ee: "Emor: kolmandik valimas käinutest langetas otsuse mõni nädal enne valimisi" (Emor: The Third of Those Attending the Elections Took the Decision Several Weeks Before Elections), 7 November 2013.

Elections to European Parliament of 2014

Elections to the European Parliament were held on 25 May 2014. Participation was allowed to citizens of the Republic of Estonia and to citizens of other EU countries domiciled in Estonia. At those elections the whole country is a single electoral district, the total number of mandates is six (in the European Parliament, the 500 million population of EU is represented by 751 deputies).

The elections resulted in the same quarter of characters coming to the fore – the reformists obtained 24.3% of vote, the centrists – 22.4%, the Union Pro Patria and Res Publica – 13.9%, and the Social Democrats – 13.6%. According to the Estonian system of redistribution of mandates all parties obtained one seat in the European Parliament, while the reformists obtained two seats. Furthermore, the independent candidate I. Tarand got the mandate for the second time on end (13.2%).

Turnout to elections was 36.5%, lower than at elections of 2009 (43.9%). Although in the capital city of Tallinn the turnout was much higher – 44.0%, it fell short of indicators of the previous elections (54.1%).

Table 4. Distribution of mandates at elections to European Parliament in 2014

Name of political parties	Quantity of vote in electorate	% of vote in 2012	% of vote in 2009	Mandates*
Reform Party	79,849	24.3%	15.3%	2 (+1)
Centre Party	73,419	22.4%	26.1%	1 (-1)
Union Pro Patria and Res Publica	45,765	13.9%	12.2%	1 (0)
Social Democratic Party	44,550	13.6%	8.7%	1 (0)
Indrek Tarand (independent candidate)	43,369	13.2%	25.8%	1 (0)

*Note: * indicated in brackets is the difference in the numbers of mandates as against the elections of 2009*

Source: National Electoral Committee

Elections to European Parliament usually differ from national elections, because the politicians are now delegated to supranational bodies of authority. Better chances at European elections are enjoyed by politicians, who would hardly make it to the national Parliament due to their reputation marred by defamatory rumours or reports. This is the category where I. Tarand belongs (43,369 votes). Furthermore, the European elections are often just a chance to jump on the bandwagon for national politicians, willing to emerge on the European level. For instance, excellent performance (45,022 votes) was shown by

the reformist A. Ansip, former popular PM of the country, aiming to occupy in autumn 2014 the office of European Commissioner. The second mandate of the reformists went to K. Kallas, coming from the Estonian political dynasty (21,498 votes). European elections may also herald the final stage of career of the political septuagenarians, like M. Lauristin from the Social Democratic Party (26,868 votes) and T. Kelam from the nationalist Union Pro Patria and Res Publica (18,767 votes).

Somewhat stunning were results of European elections for the Centre Party. It was anticipated that the leader of voting roll for the number of votes obtained will again be Chairman of the Party E. Savisaar, to resign from his seat in favour of other popular candidates (J. Ratas or M. Stalnuhhin). Centrists banked on two mandates (and missed just by a margin) and spoke up in public in favour of a Russian centrist becoming a MEP. However at elections the majority of votes were collected by Y. Toom MP (25,251), not by E. Savisaar (18,156). Y. Toom is a brilliant publicist, former Vice-Mayor of Tallinn on culture, education and sports, a principled combatant for preservation of upper secondary education in Russian. Y. Toom, being in the last place in the party roll overtook by votes obtained in Tallinn both the Mayor E. Savisaar and former MP A. Ansip, and in Narva the popular local politician M. Stalnuhhin. The feat of Y. Toom is yet to be explained away however it is clear that in her person the Russian-speaking population has got a new charismatic leader.

2. Main directions of ethnopolitics

Cultural autonomy of national minorities

Estonia was the first country putting into practice in the interval between two world wars the principles of national-cultural autonomy. Such autonomies were formed in this country also after re-institution of independence in 1991. The Estonian Government entertains the very idea of cultural autonomy and is ready and willing to consider it. Cultural Autonomy Act is a unique legislative act specifically targeted at national minorities.

The first Estonian Constitution (1920) guaranteed to national minorities the right to set up autonomous institutions operating to the benefit of their national culture and social security insofar as it does not contradict the interests of the State (§ 21). National Minority Cultural Autonomy Act was adopted at the beginning of 1925 and survived until 1940.¹⁹

After the independence was regained, the right to national autonomy was included into Constitution of 1992 (§ 50), and it is deemed to be a hallmark guarantee to minorities, beside the right to uphold one's ethnic affiliation (§ 49). Cultural Autonomy Act was specifically earmarked in §104 enumerating the acts for adoption or amendment whereof the majority vote of the whole composition of Parliament was needed. The National Minority Cultural Autonomy Act was adopted in 1993.²⁰ There are however dramatic differences between the laws of 1925 and 1993: while the pre-war law elaborated on powers of cultural autonomies for organisation, administration and supervision over public and private schools in the native language, the law of 1993 did not address those issues.²¹ In other words, under law of 1993 the cultural autonomies do not receive the existing public schools, where instruction is provided in the languages of the minorities.

Under § 5 of the law of 1993, the main aims of the cultural autonomy are: 1. organisation of education in the native language and supervision over use of property allocated for that purpose; 2. formation of cultural institutions of national minorities and organisation of their activity, holding national cultural events; 3. setting up foundations, grants and prizes for development of culture and education of national minorities. The national minorities shall have the right to create, in the interests of national culture, the cultural self-government, which must abide in its activity by the Estonian legislation.

19 Government Gazette, 1925, no. 31/32.

20 Riigi Teataja I 1993, no. 71, 1001.

21 Eide, A. Cultural Autonomy and Territorial Democracy: A Recipe for Harmonious Group Accommodation? Working Group on Minorities, E/CN.4/Sub.2/AC.5/2001/WP.4.

Legal status of cultural autonomies is not entirely clear; it is important that they are not legal entities.²² The law of 1993 stipulates tersely, involving the use of a minimum of words that “Cultural autonomy of national minorities means the rights of persons, belonging to national minorities to set up bodies of cultural self-government for realisation of cultural rights envisaged by Constitution” (§ 2 (1)).

A. Semjonov maintains that “the law by no means affords an opportunity for self-governance, since the cultural councils have only the right to “request” financial help from official and public foundations and organizations. Yet all existing non-governmental organizations (NGOs) enjoy the same right and can do this. To create an additional body through a rather complex and expensive bureaucratic procedure only to be able to do more or less the same things seems useless for most minority societies”.²³

A. Semjonov also raised the question of who is subject of the law on cultural autonomy. In 2012 Ministry of Culture gave an answer: Cultural autonomy is a form of self-government, which can be realised by a legal entity – a non-profit association.²⁴ In other words, cultural autonomy is a form of supplementary organisation of people having earlier “self-organised”.

During the decade after adoption of the law of 1993 it could not be implemented in practice, because up to 2003, the necessary statutes were not adopted. Representatives of a small minority of Ingrian Finns became active proponents of autonomy: they created their autonomy in 2004. The Swedish minority followed suit in 2007. The Swedish cultural council has been elected three times already: in 2007, 2010 and 2013; elections were organised in Tallinn and Haapsalu (Estonia), and also in Stockholm (Sweden).²⁵ The state supports creation of cultural autonomies, providing grants to *contractual partners* of Ministry of Culture.²⁶ It means that the autonomies (unable even to open an account with banks as not being legal entities) are supported by donations made to umbrella organisations of Ingrian Finns and Swedes. There are valid reasons to believe that Finns and Swedes did not obtain many advantages after protracted and intricate procedures needed for setting up cultural autonomy.

In 2001 the Advisory Committee on the Framework Convention for the Protection of National Minorities levelled criticism at some positions of the law for “elements that are not suited for the present situation of minorities in Estonia and need to be revised or replaced in order for them to be effective. This pertains in particular to their personal scope

22 See in greater detail: Olle, V. Mõned vähemusrahvuse kultuuriomavalitsuse õiguslikud probleemid (Some Problems of Cultural Self-governments of National Minorities), in *Juridica*, no. 2, 2009.

23 Semjonov, A. Estonia: Nation-Building and Integration – Political and Legal Aspects, in Kolstø, P. (ed.) *National Integration and Violent Conflict in Post-Soviet Societies: The Cases of Estonia and Moldova*, Lanham, Boulder, New York, Oxford: Rowman and Littlefield Publishers, 2002. p. 132.

24 Ministry of Culture, letter of 5 July 2012 no. 7.15/907.

25 Information, presented on official website of Swedish culture council: www.eestirootslane.ee.

26 Ministry of Culture, letter of 5 July 2012 no. 7.15/907.

of application”.²⁷ Primarily the Committee meant the proposition stipulating that the autonomies may only be set up by citizens of Estonia. In 2011 the Advisory Committee embarked on criticism of the concept of cultural autonomy. It called the Estonian authorities “to consider reviewing their minority policy and legislation in broader terms, rather than focussing their attention on amending the National Minority Cultural Autonomy Act that is generally considered ineffective and impractical”.²⁸

As a matter of fact the Russian national minority did not create autonomy either before 1940 or after 1991. The alacrity displayed by Ingrian Finns and Swedes as well as steady but unrelenting Estonianization of Russian upper secondary education revived discussion about Russian cultural autonomy: in recent years there have been submitted three applications for setting it up. The first application was submitted by an organisation, close to leadership of the presently non-existent Russian Party in Estonia. It was turned down by the authorities, and challenging of the refusal at court was in vain.²⁹ In case of the success the newly created autonomy would face legitimacy problems due to image of persons involved in the process. Other two applications were also submitted by organisations, which are not (umbrella) cultural organisations of local Russians. They are currently being considered at Ministry of Culture.³⁰

The question of Russian cultural autonomy is evidently assessed by Estonian authorities from the viewpoint of national security. According to observations of the researcher D. Smith, “[i]n these recent debates one discerns a fear on the part of ethnic majority representatives that institutions of Russian NTA (*non-territorial autonomy* – *V. P.*) would become a “state within a state” and a vehicle for external influence by Russia, especially given the numerical size of the Russian-speaking minority and its territorial concentration, especially in north-eastern Estonia. Perhaps more importantly, the presence of the large Russian-speaking minority has been framed within the dominant political discourse as a threat not just to state security, but also to the societal security of the majority ethno-national group.”³¹

It needs be pointed out that Estonia witnesses the absence of major interest to the idea of Russian cultural autonomy on part of representatives of minorities. Although partially it may be accounted for by the circumstance that it is possible to decide some important questions through local self-governments. In Estonia, most non-citizens are entitled to vote at local elections, making the municipal authorities very sensitive to worries of minorities in the places of their compact habitation. It is particularly characteristic for Tallinn and the towns of North-East of the country, where the local power is exercised by the Centre Party.

27 Opinion on Estonia, Advisory Committee on the Framework Convention for the Protection of National Minorities, adopted on 14 September 2001, ACFC/INF/OP/I (2002) 005, Section 68.

28 Third Opinion on Estonia, Advisory Committee on the Framework Convention for the Protection of National Minorities, adopted on 1 April 2011, ACFC/OP/III (2011) 004, Section 65.

29 Baltic News Service (news agency), Information of 5 November 2010.

30 Ministry of Culture, letter of 5 July 2012 no. 7.15/907.

31 Smith, D.J. Non-territorial Autonomy and Political Community in Contemporary Central and Eastern Europe, paper presented at the panel Non-territorial autonomy and new modalities for national self-determination, Political Studies Association Conference, Belfast, 3-5 April 2012. p. 5. In archives of the author.

From the beginning of 1990-ies there were several attempts undertaken to create for local Russians representative bodies, without recourse to Cultural Autonomy Act, for instance, Russian Democratic Movement, Representative Assembly of Russian-speaking population, Russian community and so on.³² There are more recent initiatives, for instance Russian County Council (*Русский Земский Совет*), created by way of elections organised in 2011 by a group of volunteers.³³ Pro-Russian organisations have been brought together, for instance in the Union of Associations of Russian compatriots in Estonia.³⁴ However none of those structures enjoyed or are enjoying presently the support of dominant majority of Russian-speaking population. In the sphere of culture too there are scores of similar organisations, including large influential umbrella structures.

Combating racism, xenophobia and intolerance

§ 151 of Penal Code contemplates punishment for activities which publicly incite to hatred, violence or discrimination on the basis of nationality (ethnicity), race, colour, sex, language, origin, religion, sexual orientation, political opinion, or financial or social status. § 152 criminalises violation of equality, unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, financial or social status. Upon opinion of a number of experts, application of § 151 is made difficult due to formulation of its composition: incitement is punishable only if it causes the death of a person or results in damage to health or other serious consequences.

In 2012 and 2013 there were no criminal or misdemeanour proceedings brought according to those articles.³⁵ In 2011 there were no criminal proceedings brought according to those articles,³⁶ however the Police and Border Guard Board commenced under Penal Code Part1 § 151 proceedings on misdemeanour (an administrative offence; elements of numerous misdemeanours are listed in Penal Code).³⁷

The case of 2011 of the resident of Tallinn Y. Sutorin got much public attention. He was fined for 100 euro under § 151 (1) for pieces of writing in the LiveJournal. In particular Sutorin wrote: “Yids and blacks have caused much harm and annoyance even in modern Russian history, enough for some Russians to hate them. So do I have the right to feel extreme enmity and aversion towards Estonians, who have for 20 years loathsomely mistreated me?”

32 Semjonov, A. Estonia: Nation-Building and Integration..., p. 146.

33 See: www.ruszemsovet.eu/home.

34 Full list of associations is available on www.rusest.ee.

35 Letter of Ministry of Justice of 31 January 2013 and 7 February 2014; Letters of Police and Border Guard Board of 8 February 2013 no. 1.6-10/7512-1 and of 18 January 2013.

36 Letter of Ministry of Justice of 1 February 2012.

37 Letter of Police and Border Guard Board of 5 March 2011 no. 1.6-10/25960-1.

Quintessentially of sole essence in the world is the life of a Russian person”; “Estonians have inordinate self-esteem however we must know and remember it and mete out retribution on those disdainfully proud...”³⁸

Commenting on the given case the police declared that the appeal expressed in words may be considered a punishable act, if that appeal is brought to knowledge of the public as printed text or verbal message, transmitted by TV or radio broadcast or posted in a public venue, or distributed in public computer net as a written or verbal text.³⁹ Upon expert opinion the act of Sutorin was disgraceful however hardly meeting with corpus delicti under §151 of Penal Code. The public appeal notwithstanding the case does not feature elements of threat to life, health or property of some persons. This is readily perceived as inadequacy of applicable legislations.

Estonian politicians rarely make public xenophobic utterances, because they invariably raise public uproar.

In December 2011, answering the question of the Swiss daily Der Bund, why the Russian language in Estonia is not an official language, President of Estonia T. H. Ilves named the Russian language “the language of occupation authorities”. There followed other controversial declarations concerning the newest history.⁴⁰ The words of Ilves provoked a number of publications in local media in Russian, prevalently critical. For instance, on 14 December 2011 the public organisation – Chamber of representatives of national minorities of Estonia – published in mass media its letter, making known to the President that it is much concerned with “derogatory utterances addressed at citizens of Estonia”, differing from him by their language or ethnic origin.⁴¹

The persistent factor, overshadowing ethnic relations is the difference in estimation of events of WWII surviving in the society, and the difference in attitudes to glorifying as heroes of the Estonians, having served in German Army in the war time.

In 2013 the public was aroused by the developments in connection with a group of elderly Roma people deciding to hold an event in Sinimäe, the venue of annual get-together of Estonian veterans of the SS troops. In particular, the Roma planned to unroll a slogan carrying the inscription in Estonian: “Who will bear the responsibility for genocide of Estonian Roma in WWII?” Vigilantes told the journalists that having struck off towards Sinimäe, they were several times stopped by the police in Tallinn and outside, made out tickets for alleged violation of traffic regulations. Due to those hold-ups they were several hours late and eventually decided to cancel the trip.⁴²

38 Rus.err.ee (information portal), communication of 11 August 2011.

39 Letter of Ida Police Precinct of Põhja Prefecture of the Police and Border Guard Board of 15 August 2011 no. 10.1-02/75239.

40 Der Bund (daily), 10 December 2011 года, www.derbund.ch.

41 Baltija.eu (information portal), Information on <http://baltija.eu/news/print/21735>.

42 “Плакат о геноциде цыган до Синимяэ не довели” (Poster on Roma Genocide did not take Roma to Sinimäe), Postimees.ru (information portal), 11 August 2013.

Case of Drambyan. On 11 August 2011 according to official version vocalised by Prosecutor's Office the Russian-speaking citizen of Estonia K. Drambyan opened fire in the building of Ministry of Defence, using his licensed handgun. He also used improvised explosive devices, which did not do any harm to persons or building. He did not take hostages either, although two home-front activists were overpowered by the assailant for a short time. Drambyan did not present any demands. The special branch failed to make contact with him. Ministry operatives were evacuated. Drambyan was about two hours alone in a ground floor room. According to the data of Prosecutor's Office, he perished after showdown with the police from multiple bullet wounds.⁴³

The public and some politicians were antagonised by affiliation of Drambyan to the United Left Party of Estonia. Leader of the party S. Yurgens made an announcement to mass media, that he considered improper the attempts of the sitting Minister of Defence M. Laar from the conservative Union Pro Patria and Res Publica to link the acts of K. Drambyan to his membership in that party, with the motives of Drambyan rather linked to his personal problems and temperament. S. Yurgens emphasised that the assailant was a rank and file member of the party.⁴⁴

Publications in Russian-speaking mass media corroborated the information about family and personal financial embarrassments of Drambyan and infrequently assessed critically the course and outcome of police operations.⁴⁵ They also published the critical notes by Drambyan written earlier about Estonian ethnopolitics.⁴⁶ It was pointed out that the well known nationalist and historian Laar enjoys a very controversial reputation among Russian-speaking population. Subjected to criticism were statements made by Laar with respect to the incident. For instance, his statement disseminated by intranet of a prestigious Estonian student fraternity triggered uproar. It said: "Those attacking the Estonian state will be shot down – it is my firm commitment"⁴⁷

Linguistic policy

Language legislation and linguistic policy are key issues in the modern Estonian ethnopolitics.

On 1 April 2011 there was adopted the Third Opinion on Estonia by Advisory Committee on the Framework Convention for Protection of National Minorities. That document was officially released on 7 November 2011. In the document the Advisory Committee presented

43 Communication of Prosecutor's Office of 12 August 2011, www.prokuratuur.ee.

44 [Rus.Delfi.ee](http://rus.delfi.ee) (information portal), 12 August 2011.

45 E.g. *День за Днем* (weekly), 19 August 2011.

46 E.g. on information portal <http://baltija.eu>, 12 and 13 August 2011.

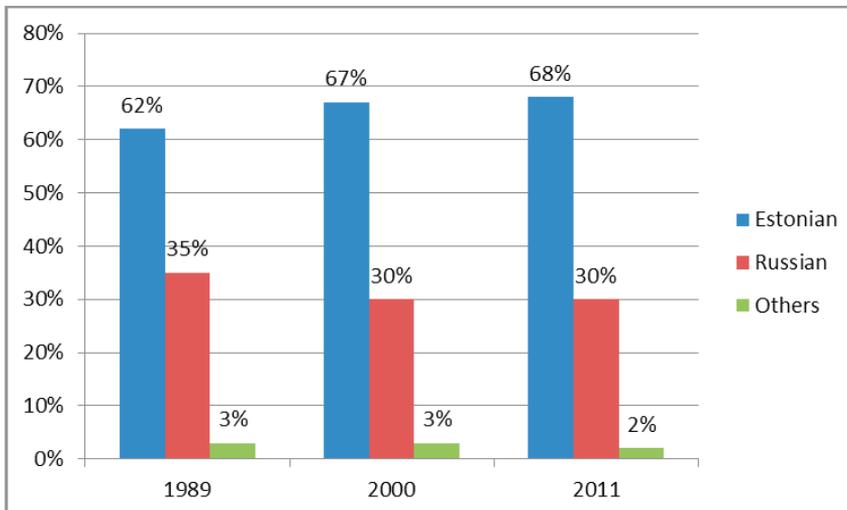
47 *Eesti Päevaleht* (daily), 23 August 2011.

scores of recommendations, the important ones highlighted in the conclusion of the document. The experts called for “immediate action” in the sphere of the language policy. The Committee suggests taking “a more balanced approach towards the legitimate aim of promoting the State language while ensuring the rights of persons belonging to national minorities to speak and use their languages in public, also in relations with local authorities; favour a policy of incentives over punitive methods with regards to the implementation of the Language Act, as [adopted] in February 2011”. Among other important recommendations in the sphere of language policy the Committee invites the Estonian Government to “consider seriously abolishing the Language Inspectorate and enter into a constructive dialogue with minority representatives on language-related developments”⁴⁸

Demographic background

In the framework of census of 2000 there was noted a decline, as against 1989, of the share of population, for whom Russian is a native language (from 35% to 30%). That decline was not noted in the following census of 2011. As native, the languages of Estonian and Russian population are still in dominance: in 2011 the other languages accounted for 2% only. Curiously in 1989 and 2000 the other languages accounted for 3%.

Figure 4. Population of Estonia as per native language after 1989



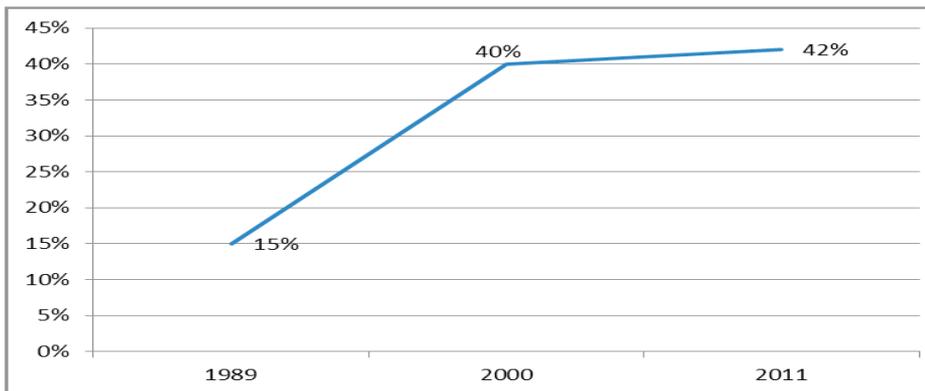
Source: Statistics Estonia, data of censuses of 1989, 2000 and 2011

48 Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Estonia, adopted on 1 April 2011, ACFC/OP/III (2011) 004, Strasbourg, 7 November 2011, Section 199.

Data of census 2011 as per native language for people aged 15-29 reveal that for large non-Russian minorities the main native language is Russian. The share of Russian with native Estonian language, as well as the share of Estonians with native Russian language is very low. Data of census do not support the evidence that 2011 witnessed a significant assimilation trend among Russian minority. There is however linguistic assimilation of non-Russian minorities, in their numbers transferring to Russian and partially to Estonian.

Census 1989 included, beside survey on native language also the question on “proficiency” in some other language of peoples of the USSR (notably in one only). Within framework of censuses 2000 and 2011 the pollsters asked about the native language and what other languages the respondent speaks. Mastery (proficiency) was conceived widely. Data on proficiency in the Estonian language for 1989 could be deflated, data for 2000 and 2011 inflated. There is no denying that proficiency in the Estonian language among ethnic Russians increased impetuously in the interval 1989-2011 from 15% to 42% (including the persons for whom Estonian was native).

Figure 5. Proficiency by ethnic Russians in the Estonian language after 1989



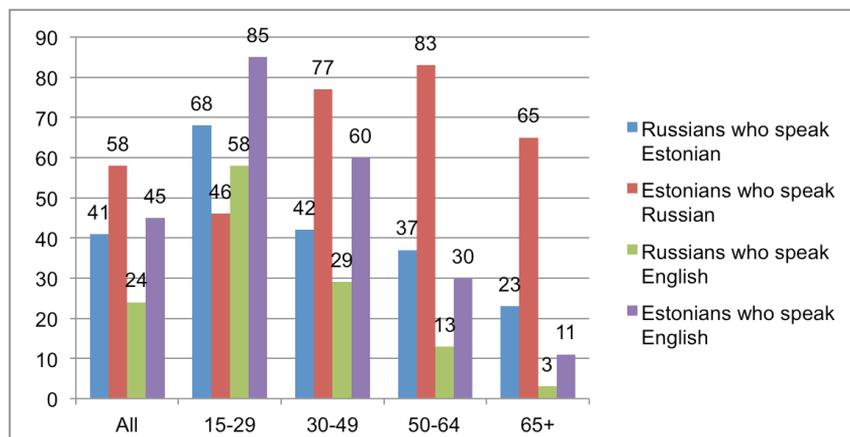
Note: Questions of censuses were formulated variously; recorded also were Russians, for whom Estonian was a native language

Source: Statistics Estonia, data of censuses of 1989, 2000 and 2011

According to data of censuses for 2011 the ethnic Estonians of middle age possessed a very high level of proficiency in Russian. The Estonian youth had a lower level of knowledge of Russian, which was however quite passable. With non-Estonians the level of proficiency in Estonian and English depended on age. Evidently in the nearest future the *lingua franca* for the people of advanced age will still be Russian (beside Estonian). The young generation will choose between Estonian and Russian (in some situations also English). Data of censuses for 2011 as per regions reveal that in Tallinn more residents spoke in Russian (either as native or foreign language) than in Estonian. In towns of North-East of the country (the Ida-Viru county) the dominating language was Russian. Comparison of data of

censuses for 2000 and 2011 shows that the level of proficiency in Estonian, achieved before end 1990-ies kept practically on the same level: increase between censuses for 2000 and 2011 constituted as little as 2% (from 40% to 42%).

Figure 6. Proficiency in foreign languages as per age groups, census of 2011, %



Source: Statistics Estonia, calculations by the author

Russian as the language for official proceeding with matters

Constitution of the Republic of Estonia stipulates two basic opportunities for use of the language of minorities in an official context.

Firstly, the right to demand proceeding with matters in the second language in local self-governments, where Estonian is not the language of majority of population (§ 52). Speaking about proceeding with matters in the second language, Constitution refers to “procedure established by law”. Language Act of 1995 (§ 11) and Language Act of 2011 (also § 11) demanded, that local self-governments should request permit from central government for introducing the second language into proceeding with matters. In reply to request of some towns (for instance Maardu and Narva) no such permit has ever been granted.

It needs be pointed out that councils of local self-governments can opt for the second language in proceeding with matters, however the respective permit will only apply until end of powers of that council (while the central government may protract the issue interminably). If the permit is available, the sessions of administration and councils of local self-governments can be translated in the language of minorities (not the other way round), and the minutes of session can be drawn in two languages (Organisation of Work of Local Self-Governments Act, § 23 (7) and § 41 (3-4)).

Secondly, under § 51 of Constitution, in local self-governments, where half of permanent residents belong to a national minority, everybody has the right to obtain from local authorities and locally situated state authorities the answers not only in Estonian, but also in the respective language of a minority (§ 10).

Concept of “a national minority” has not been elaborated in Constitution, and also in the previous Language Act 1995. Supreme Court adopted a decision in 2005, that legal entities do not have such a right (including regular non-governmental organisations). However the court specified for good reason that Cultural Autonomy Act does not regulate the questions of use of the languages, and the restrictive definition of “national minorities” used in that law is out of place⁴⁹ (the said law considers only citizens of Estonia as representatives of national minorities). In practice residents of Narva, for instance used the right to obtain letters in Russian from local authorities.

Nevertheless the new Language Act adopted in 2011 did not only repeat in § 9 the norm of Constitution, but also provided a definition of “a permanent resident”, including both citizens of Estonia and foreigners, permanently residing in a concrete place of self-government, basing on permanent right of residence or residence permit of a long-term resident of the EC. Serving as the basis are data of Population Register. In § 5 (3) of the Act a representative of national minorities is defined as citizen of Estonia, having long, tight and stable connection with Estonia, whose native language differs from the Estonian language.

The current regulation has restrictive character and in view of the Estonian specificity, it renders impossible the use of respective Constitutional guarantee even in place where the non-Estonian population prevails. For instance according to data of Population Register, in Narva, the third largest town of Estonia the ethnic Russians constituted, at the beginning of 2014, 84% of residents of the town, however citizens of Estonia of any origin constituted as little as 47% of the total population.⁵⁰ In other words, Language Act tacitly implies that residents of Narva cannot now demand from local authorities and locally situated state authorities the answers either in Estonian or in Russian. In practice the situation varies from self-government to self-government, however the general trend towards derogation from the right to use the Russian language at official contacts is indisputable.

The Legal Information Centre for Human Rights was addressed by an inmate of Viru prison, located in the parish Jõhvi of Ida-Viru county. He complained that the prison administration had declined his protests on conditions of custody, demanding their translation in Estonian. Although Viru prison is situated in the region, inhabited prevalently by Russian speakers, in parish Jõhvi the ethnic Russians, citizens of Estonia do not constitute majority of the whole population, and therefore the inmates are deprived of the right to demand the use of Russian in contacts with administration. The linguistic complexities, faced by Russian-speaking

49 Judgement of the Administrative Law Chamber of the Supreme Court of 16 June 2005 in case no. 3-3-1-29-05, art. 9-13. Published in RT III 2005, no. 22, art. 232.

50 Narva arvudes 2013 = Narva in figures 2013, p. 9, www.narva.ee.

*inmates were also referred to by European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, publishing the Report on visiting Estonia from 30 May – 6 June 2012.*⁵¹

Linguistic requirements in labour market

Factor of proficiency in the Estonian language has a vast impact on opportunities of non-Estonians in labour market, with the linguistic requirements infrequently being subjective by character. According to Third Opinion for Estonia by Advisory Committee on Framework Convention for Protection of National Minorities, the new Language Act was adopted in February 2011 “without comprehensive consultations with minority representatives and without attention to international recommendations for a more balanced approach. The protection and promotion of the State language remain the overriding priorities and the new Language Act retains the punitive approach found in earlier legislation. The Language Inspectorate regularly inspects institutions that are suspected of insufficient State language skills among its staff, such as Russian-language schools and kindergartens, and imposes fines that are frequently considered disproportionate”...⁵²

In 2011 the UN Committee on Economic, Social and Cultural Rights called on Estonia “to ensure that language requirements in relation to employment are based on reasonable and objective criteria, linked to the needs for the performance of each individual job, so as to avoid discrimination on the basis of language”.⁵³

Estonia employs a 6-rung scale of levels of proficiency in the Estonian language, whereas demands to the lowest level (A1) or the highest level (C2) have not been established for specific professions. The persons who have not received education in Estonian may pass examinations for levels A2, B1, B2 and C1. Demands for knowing Estonian on advanced level (C1) have been established for a majority of public officials, including all high ranking officials.⁵⁴ In 2013 the level A2 was achieved by 56% of those having passed the tests, and the level B1 by 66%. Performance for the highest categories was lower (53% for B2 and 54% for C1).⁵⁵

51 Report to the Estonian Government on the Visit to Estonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), from 30 May to 6 June 2012.

52 Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Estonia, adopted on 1 April 2011, ACFC/OP/III (2011) 004, Strasbourg, 7 November 2011, Section 19.

53 UN Committee on Economic, Social and Cultural Rights, forty seventh session, 14 November – 2 December 2011, Concluding observations: Estonia, 16 December 2011, E/C.12/EST/CO/2, Section 10.

54 Regulation of Government of the Republic of 20 June 2011 no. 84, Riigi Teataja I, 27.06.2011, 1. Regulation adopted on the basis of Language Act (2011).

55 Official data are presented on website of Foundation Innove, assuming in 2012 the functions of State Examinations and Qualification Centre, See on www.innove.ee.

Proportionality of linguistic requirements set up, the propriety of their use by employer and also the activity of Language Inspectorate is frequently criticized in the Russian-speaking community. A detailed scientific analysis of requirements in place shows that in Estonia the courts and lawmakers exhibit ignorance or unwillingness to use key legal concepts of proportionality and indirect discrimination. Consequently the language infrequently functions as instrument for linguistic discrimination.⁵⁶

Justifying such criticism, at least partially, is a case referred to by a specialised equality body – Commissioner for Gender Equality and Equal Treatment:⁵⁷

In 2011 X. applied for participation at competition for a position at Ministry of Foreign Affairs. The applicant had a typical non-Estonian name and in the CV he indicated Russian as his native language, while indicating his level of proficiency in Estonian by C1. However X. failed at the recruitment round because Ministry expected from applicants the C2 level of proficiency in Estonian. X. referred the matter to Commissioner for Gender Equality and Equal Treatment urging reasons for or against such decision. In her opinion passed in 2012 the Commissioner established a transparent connection between ethnic origin and native language. She offered the explanation that X. had fallen prey to stereotype ideas on proficiency in state language by persons, for whom Estonian is not native. Commissioner also pointed out that Ministry of Foreign Affairs had exceeded the maximum requirements to mastery by the future official of the Estonian language. Moreover, the degree of proficiency in state language must be tested for everyone on equal bases, which had not been done. Commissioner concluded that Ministry of Foreign Affairs had committed discrimination against X. at employment by reason of his ethnicity.

Data of 2011 census corroborate the dependence of labour status on proficiency by non-Estonians in Estonian. However the differences between those possessing Estonian as a native language and as a foreign language are essential. Among those possessing Estonian as the native language the unemployment rate constituted about 8% (age groups 15+). Among those possessing Estonian as the foreign language, those indicators were on the level of 14%, while among those not speaking Estonian it was almost 19%. Even greater differences between level of unemployment of those possessing Estonian as the native language and as the foreign language were noted in the capital (5 and 13%). Similar trends were also observed among unemployed at the age 15-29. According to data of census, if a young person spoke Estonian as the foreign language, unemployment rate in his group was 20%, if he or she spoke it as the native language, the unemployment rate in his or her group was about 14%. Those absolutely devoid of the power of speaking Estonian had the unemployment rate 32%. Differences

56 Kochenov, D., Poleshchuk, V., Dimitrovs, A. Do Professional Linguistic Requirements Discriminate? – A Legal Analysis: Estonia and Latvia in the Spotlight, in European Yearbook of Minority Issues, vol. 10, 2013.

57 Opinion of Commissioner for Gender Equality and Equal Treatment of 16 August 2012, available in Estonian on www.svv.ee.

between young non-Estonians, possessing and not possessing Estonian were lower in the Ida-Viru county, with dominant Russian-speaking population (respectively 29 and 37%).⁵⁸

Compliance with official linguistic requirements is supervised by a special body – Language Inspectorate. For instance in 2013 the operatives of Inspectorate, running the checks made out 2,540 control acts, including 2,261 (89%) on trespass of official linguistic requirements. The majority of offences were committed against professional linguistic requirements. For instance there were controlled 1,694 pedagogues of Russian schools and kindergartens, whereas knowledge of Estonian was considered inadequate in 1,506 cases (89%). Medical personnel was also controlled: proficiency in Estonian was checked with 342 doctors and nurses of the Ida-Viru central hospital, servicing the region, predominantly inhabited by Russian-speaking population (inadequate proficiency in Estonian was found in 143 cases). The average fine imposed by Inspectorate in 2013 amounted to 38.46 euro.⁵⁹

Education in Russian

School education

Synopsis and statistics. General education schools in Estonia use the Estonian, Russian, Finnish and English language. However in 2013 they provided full-time education mainly in Estonian (107,119 students/79.1% of all students) or in Russian (22,464 students/16.6%). It needs be remembered that students of state and municipal Russian upper secondary schools (10-12 forms) are now considered as studying in Estonian, because at least 60% of instruction has been transferred to the state language (the so-called reform of Russian upper secondary schools). The only regular municipal upper secondary school, having obtained the permit to obviate the rule is the Estonian school in Tallinn with students majoring in German (see below). A small group of 390 studied in English, 61 people in Finnish. A number of children of ethnic minorities (5,358) attended the linguistic immersion classes, with teaching prevalently in Estonian.⁶⁰

58 Calculations of the author basing on data of Statistics Estonia.

59 Year report of activities of the Language Inspectorate for 2013, available on www.keeleinsp.ee.

60 Data of Estonian educational information system, presented by Ministry of Education and Research on 31 January 2014 upon request.

Table 5. Students of general education full-time schools in Estonia as per language of instruction, 2013/2014 academic year

Language of instruction	Basic school (1-9 forms)	Upper secondary school (10-12 forms)	Total
Estonian	85,408	21,711	107,119
Estonian (language immersion)	4,907	451	5,358
English	238	152	390
Finnish	61		61
Russian	22,269	195	22,464
Total	112,883	22,509	135,392

Source: Estonian educational information system, Ministry of Education and Research

In basic school the language of instruction and native language coincide with majority of students. In 2011 in Russian basic schools the Russian language was not the language of communication at home for about 4% of students.⁶¹

Average credit for passing school-leaving examinations in upper secondary schools traditionally differs depending on language of instruction, graduates of Russian upper secondary schools usually performing worse than students of Estonian schools in the subjects of humanities and foreign languages, however better in subjects related to sciences and mathematics. For instance in 2012 the average credit in history in Estonian upper secondary schools was 66.2, and in Russian schools 61.4 (out of 100). However, for instance, the average credit in mathematics was respectively 62.0 and 65.0. Average credit for passing the obligatory examination in the Estonian language in Russian upper secondary schools was 71.9, clearly testifying to the enhanced attention paid to the subject by students.⁶²

Reform of Russian upper secondary schools. On 1 September 2011 the Russian upper secondary schools completed transition to teaching prevalently in Estonian (not less than 60% of teaching effort). In spring 2011 Estonia had 47 municipal upper secondary schools with Russian as language of instruction.⁶³

61 Data of Estonian educational information system of 10 November 2011, presented by Ministry of Education and Research on 24 January 2012 upon request.

62 Official data on upper secondary full-time instruction have been presented on website of Foundation Innove, on www.innove.ee.

63 Press release by Ministry of Education and Research of 16 April 2011, on www.hm.ee.

According to Third Opinion on Estonia of Advisory Committee on Framework Convention for Protection of National Minorities adopted on 1 April 2011, a particular question, calling for *immediate action* was also reform of Russian upper secondary schools. Advisory Committee recommended to ensure, that the on-going transfer to Estonian as the main language of instruction in Russian-language schools be implemented gradually and with due regard to the quality of education and to take appropriate measures to create effective consultative mechanisms for persons belonging to national minorities beyond the cultural sphere; ensure that minority representatives are involved in and have a substantial impact on all relevant processes of decision making affecting them.⁶⁴

Basic School and Upper Secondary School Act allows the Board of Trustees of the school (this advisory body comprising also student parents' representatives) initiating questions on language of instruction at the school. Under § 21 (3) of Act, "Language of instruction in upper secondary school is the Estonian language. In municipal upper secondary schools or in their separate classes language of instruction may be another language. Permit for teaching in another language or for bilingual teaching shall be provided by Government of the Republic upon applications of parish or town council. Such proposal to parish or town council shall be delivered by board of trustees, basing on programme of development of the schools".

In 2011 the right provided in § 21 (3) of Act was used by boards of trustees of 15 schools in Tallinn and Narva. Question was decided in the positive vein on town level. All applications were dismissed by the central government in February 2012.⁶⁵ The respective resolutions of Government of the Republic were challenged at court. Among main arguments of Tallinn in the complaint submitted to court was the claim that § 21 (3) of the Act runs counter to the second sentence § 37 (4) of the Constitution ("Language of instruction of an educational institution of national minorities is selected by the educational institution").⁶⁶

That case was lost in courts of all instances. Supreme Court, in particular found that the question of language of instruction at upper secondary school is not a question of local life, assigned to consideration by local self-governments. Furthermore, Russians schools are not schools of national minorities, entitled to decide independently on question of language of instruction, as guaranteed by Constitution. As such, the norm on requesting permit for teaching in another language from the central government is constitutional and does not infringe international law. The court found that in the question of language of instruction the Government has full discretion, not restricted by law; the court refused to take the place of an administrative body i.e. central government at assessment of concrete

64 Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Estonia, adopted on 1 April 2011, ACFC/OP/III (2011) 004, Strasbourg, 7 November 2011, Section 199.

65 Riigi Teataja III, 03.02.2012.

66 Complaint of the city of Tallinn to Tallinn Administrative Court of 29 February 2012 with demand to repeal orders of Government of the Republic no. 45-54 of 31 January 2012 (in archives of the author).

circumstances. Concurring with complainants that there were a number of shortcomings in administrative procedure (concerning the right to be heard on a matter), the court did not find the violation serious enough. Notably, upon opinion of the court, the right to be heard in court within framework of administrative proceedings was only granted to bodies of local self-government, and not to parents of students or the schools (because they were not parties to proceedings).⁶⁷

Presently there is an appeal prepared on this question to the UN Committee on the Elimination of Racial Discrimination (CERD).

Pursuing the aim to preserve at least several Russian upper secondary schools, fully financed from public funds, the authorities of Tallinn and Narva started preparations to create private upper secondary schools, owned by local self-governments. Estonian Private School Act did not contain restrictions respecting holder (owner) of private schools, or any restrictions, concerning freedom of choice of language of instruction. However in July 2012 Chancellor of Justice I. Teder (acting as watchdog of constitutionality and ombudsman) made a proposal to Parliament to amend the Private School Act, with the aim at suppressing the freedom of choice of language of instruction in private schools, whose holders are local self-governments.

Upon opinion of Chancellor, retaining of the current redaction of law may result in violation of constitutional right to receive education and right to receive education in Estonian (§ 37 (1), (4) of Constitution). Among other things Chancellor claimed that “students will not learn all words and their meanings, i.e. implied meanings, at a class in a foreign language. Those classes do not enable students to infer the implied meaning of phrases understandable to Estonians, the shades of meaning and their (historical) origin. Meaning of many words and expressions can be understood and prerequisites for conceiving the Estonian language and culture created only provided a person has intimate contact with language. If contact with the Estonian language is loose and proficiency in language and knowledge of culture therefore limited, the person will miss many things and that will have a deleterious effect on his affairs, and on coherence and functioning of the society of Estonia. On the strength of that the principle of democracy envisaged by § 1 of Constitution would go unfulfilled, under which the people should be effectively involved in exercising the state power. A condition of functioning of democracy is exercising power to understand in all aspects the ongoings in Estonia and to use in proceeding with matters a single system of signs”.⁶⁸

67 Judgment of Administrative Law Chamber of the Supreme Court of 28 April 2014 in case no. 3-3-1-52-13. Notably, although the whole procedure is initiated by Boards of Trustees, they cannot later appeal the decision of the Government of the Republic.

68 Õiguskantsleri ettepanek nr 16 Riigikogule “Eestikeelse hariduse piisav kättesaadavus” (Proposal of Chancellor of Justice to the Parliament of 2 July 2012 no. 16 “On Adequate Availability of Instruction in Estonian”), Section 10, www.oiguskantsler.ee.

Critics of that deliberation pointed out that I. Teder had confused the right to instruction in Estonian and mandatory obtaining of the upper secondary education in the Estonian language. It was also emphasised that Chancellor of Justice had been in a rush to voice his proposal until the Estonian court had time to assess constitutionality of the reform of Russian upper secondary schools.⁶⁹ Anyway, in April 2013 the respective amendments to Private School Act were finally approved by Estonian Parliament.⁷⁰

In 2013 the Government passed a negative decision on four more received applications on Russian as language of instruction in upper secondary schools (part of them were repeat applications).⁷¹ However in 2011 the Government allowed to put back transition to instruction in Estonian to two upper secondary schools for adults (in Tallinn and Narva). Furthermore, permit for bilingual instruction in Estonian and German was granted to Tallinn German Upper Secondary School, because its work is partially regulated with Estonian-German intergovernmental agreement.⁷²

In the yearbook of Security Police (Special Branch) published in 2012, the section Protection of Constitutional Order devoted a lot of space, once again, to reform of the Russian upper secondary schools. For the first time the section of yearbook referred, in a negative context to politicians of local level of mainstream parties for the acts, spearheaded within framework of applicable law for preserving the upper secondary education in Russian. Their activity was invariably pegged to the Russian factor.⁷³ All politicians mentioned come from the Centre Party.

For instance, the yearbook of Security Police said about the former Vice-Mayor of Tallinn and present member of European Parliament Y. Toom that she, acting in cooperation with NGO of compatriots participating in politics of Russia “exerted pressure” (*survestama*) on Russian schools at capital to make them apply for continuation of instruction in Russian.⁷⁴ In answer to the inquiry of deputies, Minister of the Interior Affairs revealed that “exerting pressure” in the yearbook means participation of Y. Toom, while being Vice-Mayor, at seminars, information days and councils, and also publications in the daily *Eesti Päevaleht*. The said “exerting pressure” on administration of Russian schools and members of board of trustees “is in concord with priorities on exerting influence by Russian Federation in contiguous countries for the purpose of retaining the special status of the Russian language and the system of Russian-speaking education, created within framework of Russification policy of the Soviet Union.”⁷⁵ In

69 See e.g. Statement by the Legal Information Centre for Human Rights “On proposal of Chancellor of Justice to the Parliament of 2 July 2012”, 5 July 2013, digital version of the daily “Postimees на русском языке”: <http://rus.postimees.ee>.

70 Riigi Teataja I, 26.04.2013, art. 3.

71 Riigi Teataja III, 23.07.2013.

72 Press release of Ministry of Education and Research of 14 July 2011, www.hm.ee.

73 Kaitsepolitsei aastaraamat 2011 (Yearbook of Security Police 2011), Tallinn, 2012, pp. 10-11.

74 Ibid, p. 10.

75 Letter of Ministry of the Interior Affairs of 3 May 2012 no. 2-1/128-2.

its answer the Ministry however did not suggest that activities of Y. Toom run counter to the applicable law. The activities of the Security Police were successfully refuted by Y. Toom at court.

There are all reasons to believe that the above approaches to the reform of Russian upper secondary schools (steady transfer to teaching predominantly in Estonian) will be now applied also with respect to vocational education institutions, where instruction is provided in Russian.

Attitude to reform of Russian upper secondary schools. In 2011 Ministry of Education and Research commissioned from sociological company TNS Emor a survey, within framework of which the attitude of ethnic non-Estonians to reform of Russian upper secondary education (i.e. transition to instruction in upper secondary schools prevalently in Estonian) was studied. Survey was held in November 2011 by distant interviews over phone. The representative sample included 800 residents of Estonia 15-74 years of age, using Russian as the language of communication at home. Data received were compared against results of a similar survey in 2008.

Presented in what follows are some conclusions, drawn by authors of survey. It turns out that every second non-Estonian considers transition necessary for Russians and Estonia and about 40% – for themselves, their family and Estonia. The share of those considering the reform necessary had dropped, in all social-demographic groups as compared to data of survey of 2008. Less than a quarter of interviewed Russian speakers found that they would cope with transition; 63% thought they would “cope with difficulties due to major problems” or will not cope at all.⁷⁶

Analysing responses to different statements presented to respondents, authors of the survey concluded that the mind-sets of non-Estonians about different aspects related to transition have become rather more negative. The predominant majority thinks, for instance that transition will cause lacunas to take place in knowledge of the students; it will significantly add to their work-load and will not contribute to their mental and creative aptitudes. Nevertheless, over half of respondents still think that transition will enhance the students’ competitive edge in labour market and options for further education.⁷⁷

Analysing the attitude to statements of general character, sociologists pointed out that fewer of total respondents had agreed that Russian schools were ready for transition and that the Estonian state duly appreciated the Russian language and culture. As compared to 2008 the decline was most impressive in numbers of proponents of the idea that in

76 TNS Emor, *Eestikeelne aineõpe vene õppekeelega koolide gümnaasiumiastmes: mitte-eestlaste teadlikkus ja suhtumine* (Subject Study in Estonian in Russian-language Upper Secondary Schools: Awareness and Attitudes of non-Estonians), December 2011, p. 25, www.hm.ee.

77 Ibid.

long perspective the transition to instruction in Estonian would have a positive impact on Estonian society. Nevertheless the predominant majority stands up in favour of broadening instruction in the Estonian language in kindergartens (however not in basic schools or upper secondary schools).⁷⁸

All in all the results of transition launched in 2007 are assessed differently by officials in the sphere of education and by vigilantes, alert and watchful, standing up for preservation of the Russian-speaking education. Sometimes that triggers discussions in mass media. For instance, M. Butšenkov, then member of board of the association Russian School in Estonia engaged in a public dispute with an official from the town Tapa. The dissent boiled down to the issue of whether or not implementation at Tapa Russian Upper secondary school of the transition to Estonian as the language of instruction was successful. Upon opinion of the official, the success was proved by the majority of school leavers (5 out of 7) having enrolled at universities. M. Butšenkov, in his turn pointed out that out of 10 students of the 12th form, three had failed to pass the state examinations in 2011 and could not graduate from upper secondary school at all.⁷⁹

More recent survey, held by sociological company Saar Poll in September-October 2013 showed that the national authorities had failed to reverse the negative attitude of the Russian-speaking population to reform of Russian upper secondary schools. There is also a visible cleavage between ethnic Estonian and non-Estonian respondents on the question of preservation of upper secondary education in Russian. The assertion that the reform of Russian upper secondary schools was generally beneficial for Russian youth was supported by 80% of interviewed ethnic Estonians and by only 24% of non-Estonians. Notably, 50% Estonians and 83% non-Estonians also shared the opinion that preparation of reform had been inadequate. While the majority of non-Estonians (66%) considered it necessary to halt the language transition, among Estonians such stance won little support (8%). Notably the predominant majority of non-Estonians (82%) did not support the negative decision of Government of the Republic, adopted on above applications concerning language of instruction in some Russian upper secondary schools. However 66% of the interviewed Estonians were in concord with the Estonian Government on that matter.⁸⁰

⁷⁸ Ibid. pp. 25, 41.

⁷⁹ rus.Delfi.ee (information portal), 22 February 2011.

⁸⁰ Interviewed were a thousand persons, 31% of whom were ethnic non-Estonians. Data of survey have not been published as yet and are deposited in archives of the authors.

Table 6. Support to continuation of transition to Estonian as language of instruction in Russian upper secondary schools, October 2013

		Total respondents		Ethnic origin			
		Number	%	Estonians		Non-Estonians	
				Number	%	Number	%
Should the process of transition to instruction in Estonian be stalled?	Transition should be halted, I was against reform from the very start	190	19.0%	30	4.4%	160	51.3%
	Transition should be halted. however I earlier supported reform	70	7.0%	25	3.6%	45	14.4%
	Transition must go on, while I was earlier against reform	145	14.5%	98	14.3%	47	15.2%
	Transition must go on. I supported reform from the very start	463	46.3%	432	62.9%	30	9.7%
	I cannot say for sure	132	13.2%	102	14.9%	30	9.5%
Total respondents		1,000	100.0%	688	100.0%	312	100.0%

Source: Saar Poll

Russians in the Estonian-language schools. Estonian educational information system contains isolated data on students, whose native language is not Estonian. In the prevalent majority of cases they are the youth with the native Russian language (according to data of 2011 census, Estonian or Russian were not a native language for less than 2% of total population). On the level of basic education such students numbered 27,720, of whom the predominant majority – 21,332 (77%) studied in *other* languages (i.e. for rare exceptions in Russian), the significantly lesser number – 4,089 (15%) studied in classes of linguistic immersion (i.e. prevalently in Estonian) and only 2,299 (8%) studied in regular Estonian schools or classes.⁸¹

⁸¹ Data of Estonian Educational Information System, as of 10 November 2012, presented by Ministry of Education and Research on 3 April 2013 upon request.

In 2012, results of the research project *A Child Speaking Another Language in an Estonian School* were published, within framework of which psychologists sought answers to questions, concerning development and performance of non-Estonian-language children at schools and classes, where instruction is delivered in Estonian. Research consisted of three stages: the initial collection of data was carried out in 2009 (third form), and the data on the same children were collected in 2010 (fourth form) and in 2011 (fifth form). Analysing the results of research, psychologists came to the conclusion that motives of parents for choice in Estonian schools may be multiple, however they are mostly related to the desire to achieve “dissolution” of children in Estonian society, rather than the desire to provide them better education. In their numbers the parents were content with their choice. Sociologists also considered the question, how children speaking another language cope with instruction in Estonian. Analysis showed that performance of children speaking another language is lower than with their Estonian-speaking peers (however in mathematics those differences are lower). Worse performance is characteristic for children of average ability.⁸²

Social connections of non-Estonians in the third form were assessed by psychologists as relatively bad. However in the fourth form the rejection of children speaking another language is steadily substituted by neutral (however not favourable) appraisal. Children speaking another language in Estonian school appreciate ethnic Estonians, even more than their co-ethnics; conspicuous against that background is inordinately low valuation of Russians by Estonians. The valuation by Estonians of Russians is also associated with social connections; Estonian children with negative attitude are prone to ignore the Russian children. The negative attitude to Russians is characteristic for Estonians with medium intellectual aptitude for learning. With ethnic non-Estonians, contrariwise the lower valuation of Estonians is rather associated with more developed intellectual aptitude for learning. Sociologists draw the conclusion that in view of the context, such attitude is nearer to adequate.⁸³

Analysis of the data research also showed that performance of children speaking another language in Russian school would be different. Moreover, performance would improve in Estonian schools without Russian children. Hence the ease of comprehension of mathematics was lower in the classes of Estonian schools with many children speaking another language. Psychologists think that academic performance is in better concordance with aptitudes of children namely in the Russian school. Russian school copes better with teaching of mathematics, for that matter. Estonian school does not evidently duly support the academic development of children speaking another language.⁸⁴

82 See conclusions of researchers in: Projekt “Muukeelne laps Eesti koolis”, Lõpparuanne (Project “A Child Speaking Another Language in an Estonian School”, Final Report), Project supervisor: Aleksander Pulver Ph. D., Professor, Project Head Advisor: Aaro Toomela Ph. D., Professor, Tallinn: Institute of Psychology of Tallinn University, 2012, pp. 10-11, available on: www.hm.ee.

83 Ibid, pp. 11-12.

84 Ibid, p. 12.

Higher education

Census of 2011 provides a glimpse on the problem of availability for minorities of higher education in Estonia. Data were collected on holders of the so-called academic and professional (applied) higher education. The first type of education is the (Soviet) higher education (obtained prior to and sometimes after 1992), and also instruction in bachelor and master curricula. The professional (applied) higher education⁸⁵ in Estonia means, for instance a technical school, or other educational institution on the basis of a curriculum of secondary specialized education, an institution of (professional) higher education, a vocational educational institution or other educational institution, having studied on the basis of a curriculum of higher vocational education, professional higher education or Diploma study, etc. The second type of education is less prestigious; after 1992 it was actively offered by private higher schools, working in Russian.

According to data of census of 2011, in the age group of 20-39 more than 31% of ethnic Estonians and non-Estonians have higher education. However characteristic for non-Estonians is the higher per cent of those having received professional (applied), and lower per cent of those having received academic higher education. There are also differences in the level of higher education with the capital city youth: 43% with Estonians and 36% with non-Estonians; the corresponding indicators for academic education were on the level 29% and 22%.⁸⁶ Deplorably the data of census do not contain information about the language in which higher education was obtained.

The above specificities of holding various types of higher education are characteristic not only for youth, but for all ethnic Estonians and non-Estonians aged 20 and more. Across Estonia the level of higher education (both academic and professional) with representatives of minorities is even higher than with ethnic Estonians: 37% against 31%. In Tallinn the level of higher education with non-Estonians and Estonians differs little, keeping on the level 42-43%. In the capital in the age group 20 and older the share of holders of academic education among Estonians significantly exceeds the analogical indicators among non-Estonians: and conversely, with minorities the share of those holding professional higher education is higher (academic higher education was held by 23% capital-city non-Estonians and 32% of Estonians, and professional education respectively with 19% and 12%).⁸⁷

The academic year 2012-2013 witnessed dramatic drop in the share of students, studying in Russian. In 2005 about every tenth student studied in Russian (6,891), however in 2012

⁸⁵ Statistics Estonia uses in English the capacious term "professional higher education", and in Estonian the terms *rakenduskõrgharidus* (applied higher education) or *keskeriharidus pärast keskharidust* (secondary special education after secondary education).

⁸⁶ Calculations of the author, based on data of Statistics Estonia.

⁸⁷ Ibid.

every fifteenth (3,871). Against the background of general decline in numbers of students the share of those studying in English has increased: in 2012 they constituted 3.4% (2,219), and in the year before 2.5% (1,642). In 2012 the largest share of such students obtained instruction at public law (state) higher schools (83%). That differs significantly from indicators for instance of 2005, when 86% of them studied at private higher schools. A year later, on 10 November 2013 the total of 1,912 students (3.2%) studied in Russian, and 2,968 (4.9%) in English.⁸⁸

The year of 2013 was marked by actual closing down of the last (private) higher education institution fully operating in Russian. The said event drew attention to the issue of Russian education in Estonia and abroad:

As a result of large scale inspection by Ministry of Education and Research in February-March 2013 at Tallinn Institute of Economics and Management Ecomen (the sole higher education institution in the country teaching all subjects in Russian), which allegedly brought to daylight “many violations” in its work, Minister J. Aaviksoo appealed to the Government to withhold license of the said institution. Minister also advised in public the students of Ecomen to engage in search of other higher education institutions for continuation of studies.

Conspicuously outstanding is the fact that repeated inspections of Ecomen carried out earlier during 20 years of existence of Ecomen did not detect any serious violations in its work. In particular, at end of April 2013 the independent company Bureau Veritas, performing at the institution a regular check of management systems for compliance with international standards gave a positive conclusion. In October 2012 the Estonian Agency for Quality of Higher Education acknowledged the quality of instruction at Institute as being compatible with effective requirements.

Upon opinion of Professor H. Barabaner, Rector of Ecomen, the violations unearthed were actually technical shortcomings, which could easily be removed by administrative means. The decisions taken by Ministry of Education and Research were viewed by administration of the Institute as political victimization, directed at “completing the process of doing away education in Russian”.⁸⁹

88 Data of Estonian educational information system on 10 November 2012, available on website of Ministry of Education and Research, www.hm.ee.

89 Ministry of Foreign Affairs of Russian Federation, Доклад о ситуации с обеспечением прав человека в Европейском Союзе 2013 (Report on situation with guarantee of human rights in the European Union 2013), p. 92, www.mid.ru.

Combating inequality and discrimination

In Estonia there are two specialised bodies set up to combat discrimination on various bases.⁹⁰ Firstly Chancellor of Justice authorised to hold special conciliation procedures for victims of “unequal treatment” on part of private natural persons and legal entities. Participation in those procedures of an alleged discriminator is voluntary, proceeding from free choice or consent of said discriminator, therefore efficacy of such procedures are questioned by some experts.

In 2011 Chancellor received two applications requesting to start conciliatory procedure. One of them concerned the possible discrimination on elements of origin and colour (notably, a person was denied access to cafe). Chancellor recommended the applicant to consider the use of more efficient means of legal protection and refer the matter to civil court by bringing action under Equal treatment Act. Chancellor said that within framework of conciliation procedure the applicant would not achieve the goal pursued.⁹¹ There is no information available on any applications to Chancellor in 2012-2013.

Secondly, Commissioner of Gender Equality and Equal Treatment may announce official opinion (not obligatory in juridical sense) on whether or not the principle of equal treatment has been violated in a given case, including on the basis of nationality (ethnicity), race, colour, origin. Commissioner must also provide support to victims of discrimination, when they protect their rights.

In practice the efficiency of the activity of Commissioner is affected by stringency (money scarcity) and manpower. In 2011 the Estonian mass media and some organisations stood up with criticism of Commissioner for protracted consideration of applications submitted.⁹² A provisional solution to the problem may be the grant obtained in 2013 by Commissioner’ Office from Norwegian authorities (under the so-called EEA and Norway Grants). 700 thousand euro (for the period up to end 2015) were allocated for institutional capacity building of the Commissioner. As a result, the Office grew from two to eight staff members.⁹³

In 2011 Commissioner received 358 appeals, 90 of which suggested potential discrimination. Out of 90 such appeals 45 were concerned with discrimination on the basis of sex, 8 – ethnic or race discrimination, 6 – discrimination on the basis of age, 5 – discrimination on the basis of sexual orientation, 2 – discrimination on the basis of disability. One application about alleged discrimination were related to beliefs, one to citizenship, one to language proficiency and one to membership in a trade union. In nine

⁹⁰ More detailed information on website of Chancellor of Justice (www.oiguskantsler.ee) and Commissioner for Gender Equality and Equal Treatment (www.svv.ee).

⁹¹ Letter of Office of Chancellor of Justice of 1 February 2012 no. 5-3/1200127.

⁹² E.g., Ekspress.ee (portal of daily), 21 December 2011.

⁹³ Laas, A. Estonia, in *European Gender Equality Law Review*, no. 2, 2013, p. 50.

cases, multiple discrimination was alleged. Basis for discrimination was opaque in eleven applications. Commissioner pronounced her verdict on the fact of discrimination in 19 cases and on absence of such fact in 8 cases. Furthermore, in 50 cases Commissioner could not formulate her opinion due to inadequacy of data or limitations of her mandate. The proceedings on 13 applications were not completed at end January 2012.⁹⁴

In 2012 Commissioner received 392 applications, in 69 of which potential discrimination was referred to 37 applications concerned discrimination on the basis of sex, 4 – of age, 7 – of sexual orientation, 6 – of race or ethnicity. In 9 cases (out of 69) Commissioner found that there might be discrimination on hand; for five applications the proceedings were not finalised at end 2012.⁹⁵

In 2013 Commissioner received altogether 403 applications, 116 of which containing complaint on potential discrimination (over half (60) on questions of gender equality).⁹⁶

Follow samples of complaints referring to discrimination on the basis of ethnic origin and native language and discrimination on the basis of citizenship, received by Commissioner in 2011-2013.⁹⁷

- *NGO did not offer duly the work of volunteer to the applicant, presumably on the basis of age, sex and ethnic discrimination;*
- *Upon opinion of applicant, a private company offered him lower remuneration than to another person of Estonian ethnic origin;*
- *When taking the applicant on job the state institution demanded, as assured by the applicant, the proficiency in Estonian on the level, exceeding the demands specified by law;*
- *Upon opinion of the applicant, he was not taken on job due to his Russian ethnic origin;*
- *Upon opinion of applicant, a sports structure discriminates against non-citizens: they must pay higher membership fees than citizens of Estonia;*
- *Applicant, dismissed by a private company for inadequate proficiency in language thinks that the employment contract was rescinded without due motivation and he had fallen victim to ethnic discrimination;*
- *Upon opinion of the applicant, in an article published in a daily newspaper, attention was improperly drawn to his inadequate proficiency in Estonian.*

94 Letters of Advisor to Commissioner for Gender Equality and Equal Treatment of 27 January 2012 and 6 February 2012.

95 Letter of Commissioner for Gender Equality and Equal Treatment of 15 January 2013.

96 Letter of Commissioner for Gender Equality and Equal Treatment of 21 February 2014.

97 Letter of Advisor to Commissioner for Gender Equality and Equal Treatment of 27 January 2012; Letters of Commissioner for Gender Equality and Equal Treatment of 15 January 2013 and 21 February 2014.

- *The applicant terminated the employment agreement prior to expiration, because the employer treated him improperly on the basis of his ethnic origin, conducted himself with animosity with respect to the employee and exerted on him psychological pressure;*
- *Commissioner was sent an advertisement for an available job, requesting applications only from Estonians of specific age.*
- *A citizen of Estonia complained that she was asked to prove the level of proficiency in Estonian.*

In 2012 Commissioner published a report on activities for the previous year, presenting examples of decisions (opinions) on applications received, including those containing complaints for ethnic discrimination. For instance such a case was described in report on activities 2012 (aid to the applicant was also extended by lawyers of the Legal Information Centre for Human Rights):

The applicant had worked at an eyeglass factory since 2004. In 2010 and 2011 she repeatedly expressed her wish to be transferred to the special production line however her request was turned down. At downsizing at end 2011 she did not receive a proposal to work at that line either. Within framework of examination of the matter, Commissioner considered the question, whether the refusal was based on ethnic origin of the applicant or other circumstances, e.g. qualification. Commissioner arrived at a conclusion that employer could not prove, that the cause of refusal to transfer the applicant to a special line was the absence of particular professional knowledge or low quality of her work. Commissioner's findings confirmed the assumption that only ethnic Estonians were accepted to the special line and people of other ethnic origin were not offered work on that line. Therefore there were valid grounds to believe that refusal to transfer the applicant to another place inside the company, and also refusal to offer her a place at downsizing was linked to her ethnic origin.⁹⁸

Complaints for discrimination on part of private employers can be dealt with pre-judiciary Commissions on Settlement of Labour Disputes. Decisions of Commissions, not challenged at court are mandatory for execution and enforceable by bailiffs. In 2011 the demands, connected with unequal treatment were contained in 13 applications received by Commissions.⁹⁹ In 2012 the demands, connected with unequal treatment on various bases were contained in 23 applications received by Commissions¹⁰⁰ and in 2013 – in 17.¹⁰¹

98 Report on activity of Commissioner for Gender Equality and Equal Treatment for 2011, Tallinn, 2012, pp. 63-69, on www.svv.ee.

99 Letter of Labour Inspectorate of 17 January 2012.

100 Letter of Labour Inspectorate of 16 January 2013.

101 Letter of Labour Inspectorate of 31 January 2014.

For instance, in two applications for 2013 there were demands in connection with alleged unequal treatment, basing on ethnic/language aspect. In the first case the employee considered himself victim of unequal treatment due to his age, because he was dismissed on the basis of inadequate proficiency in Estonian, unlike other employees. Commission considered dismissal lawful, because applicant (a security operative) had failed to meet the requirements provided for in Language Act. In the second case Commission did not view as proved the fact of sex and ethnic discrimination of the employee of Estonian ethnic origin on a packing conveyor, where part of employees spoke to him neither Estonian nor English.¹⁰²

In 2013, evidently the first decision in the Estonian judicial practice took effect, where the fact of victimization was established, i.e. onset of negative consequences because the victim of discrimination made recourse to protection of his or her rights. Victimization is prohibited by Equal Treatment Act (§ 3), considering it as a variety of discrimination.

The applicant, citizen of Estonia of Russian origin, worked as a teacher of Russian in an Estonian school in an outlying remote region. He considered himself victim of ethnic discrimination at distribution in 2009 of teachers' workload. In April 2010 he filed a complaint with Commissioner for Gender Equality and Equal Treatment, who arrived at a conclusion that the applicant was subjected to ethnic discrimination (Decision no. 16 of 25 August 2010). In September 2010 the applicant rescinded the employment contract by reference to substantial violation by employer of his obligations. Commission on Settlement of Labour Disputes found proof that employer had treated the applicant unfairly after he filed his application with the Commissioner. The said decision of Commission was not challenged and took effect.

In September 2010 the applicant also filed a suit against the school with the claim to have violation of his personal rights (in the form of discrimination) recognized and compensation awarded against the employer for moral damage. However the court of first instance and also the district court did not find that the applicant had fallen victim of discrimination at distribution of teachers work load, because it had happened so for objective reasons.

Nevertheless the district court established the fact of victimization. Applicant had not received since academic year 2006/2007 any written reproofs, although there were certain mishaps and shortcomings in his work. However after the application demanding to stop discrimination (May 2010), the employer started offering him to leave under compromise between the parties. Thereafter a written caution was issued to him on 30 August and the following caution as early as on 9 September 2010. However the court did not find bases for payment any compensation to the applicant. Upon opinion of the court, he could not prove, that his problems with health,

102 Ibid.

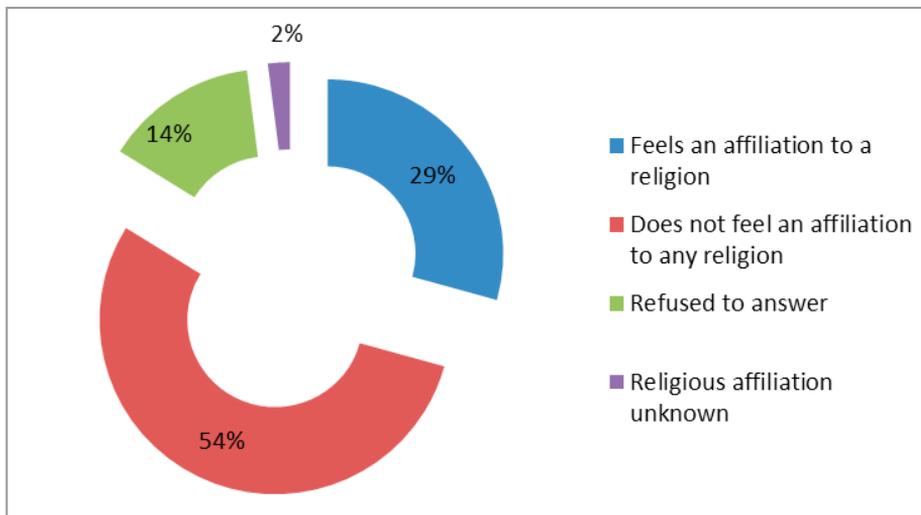
and the establishment of disability at about that time were somehow connected with suffering discrimination. The court also took into account that at dismissal, the applicant had received from employer compensation in the form of average salary for three months. Decision of the district court was not duly challenged and took force.¹⁰³

Supreme Court of Estonia did not consider, on points of fact, from the beginning of 2011 to mid- 2014 any cases, concerning ethnic discrimination.¹⁰⁴

Respecting freedom of conscience and religion, religious life

Level of religiousness in the Estonian population is rather low. According to data of censuses for 2011, concerning the answer to an optional question on attitude to religion, the share of population aged 15 and older, having certain religious affiliation (*believers*), constituted 29% (321 thousand people). Among Estonians the *believers* constituted 20%, but among Russian as many as 51%.¹⁰⁵

Figure 7. Population of Estonia aged 15 and older depending on religious affiliation, population census 2011



Source: Statistics Estonia

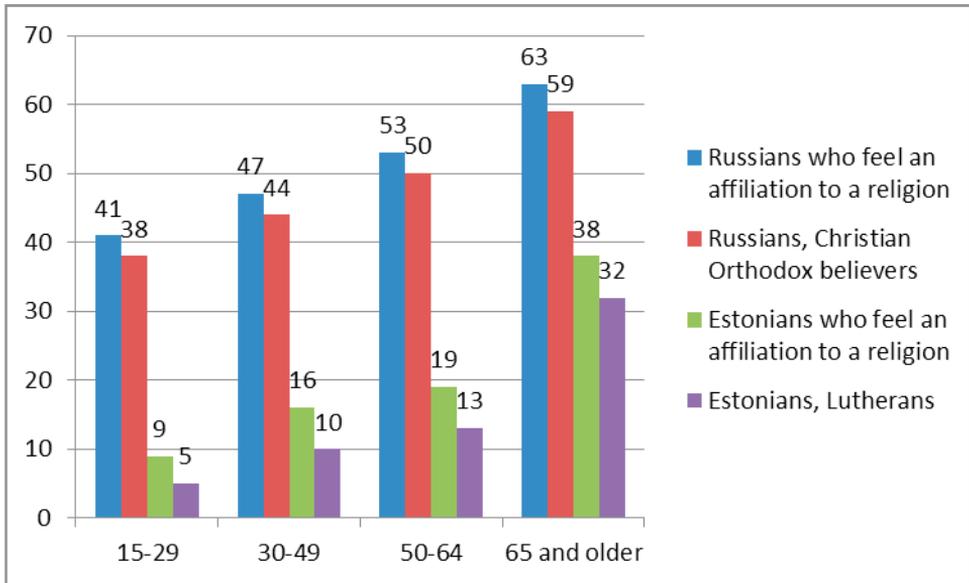
103 Judgment of Tartu District Court of 6 May 2013 in civil case no. 2-10-43528.

104 Database of decisions of Supreme Court, www.nc.ee.

105 Calculations of the author basing on data of Statistics Estonia

Traditional religion of Estonians is Lutheranism, while in Russians and majority of other Russian-speaking groups is Christian Orthodoxy. The number of Lutherans between censuses 2000 and 2011 had dropped by one third. As a result, the Orthodox people became the majority, for the first time in Estonian history, among all *believers* (55%), i.e. persons, having religious affiliation. It is so firstly because the believing Russians, as compared to Estonians, are several times more often found among young generation and persons of middle age, while 42% *believing* Estonians are persons aged 65 and older. Secondly, an important factor was the growth between censuses by 1/5 of Orthodox believers against the background of a general decline in numbers of the population. Thirdly, the numbers of Orthodox Estonians had significantly increased (from 18,515 to 20,585), that can only partially be explained by assimilation of ethnic minorities.¹⁰⁶

Figure 8. Share of people with religious affiliation in various age groups, ethnic Russians and Estonians aged 15 and older, census of population 2011, %



Source: Statistics Estonia

Christmas vacation at school. In 2014 the Legal Information Centre for Human Rights (LICHR) referred to Chancellor of Justice on the question, concerning school Christmas vacation. In recent years vacation cycle has not taken into account the circumstance, that

106 Calculations of the author basing on data of Statistics Estonia

Christmas under Julian calendar, as celebrated by majority of Orthodox Estonians (7 January), is a regular school day. According to data of census of population for 2011, the Orthodox believers constitute the majority of all believers in Estonia.

The Centre decided to refer the matter to the Chancellor of Justice, because the Centre had lately repeatedly received complaints from religious clients, concerning the time of end of the school Christmas vacation. Since it is the obligation of Chancellor as a person responsible for promotion in Estonia of the equality principle to recommend changes in legal acts, the NGO asked Chancellor to address the new Minister of Education and Research and advise him to correct the mistake committed by his predecessor, i.e. change the time of Christmas vacation so that it would also include 7 January. Such a change, upon opinion of the head of organisation, “would be in the spirit of equality and non-discrimination, and would also testify to the respect by authorities towards the interest of the major religious group of Estonia”.¹⁰⁷

In the answer received by LICHR the Chancellor of Justice declined to accept the proposal of the Legal Information Centre for Human Rights. Moreover, in the letter signed by this independent state official a novel interpretation of celebration of Christmas in modern Estonian society was given:¹⁰⁸

The word “Christmas”, “Christmastide” or “Christmas vacation” in the context of state and municipal schools does not today carry the connotation of a church holiday. The word “Christmas” (jõulud) derives from the old Scandinavian language. As explained by Estonian National Museum, Christmas has no original connection with Christianity, and it appeared on shores of the Baltic Sea before Christianity. In evidence is a holiday, which bases on popular traditions and whose gist is celebration of winter solstice. Opposite to Christmas is summer solstice – St. Jean Baptiste Day. Estonian schools celebrate Christmas only in the above meaning. The external symbols, connected with modern Christmas traditions – illuminating the fir tree; Santa Claus handing out gifts; gnomes bringing sweets in slippers; traditional Christmas meal; traditional Christmas decorations; Christmas cookies and activities at school during Christmas period do not have any direct connection with propaganda or traditional observation of any form of Christianity. Hence lacking are bases to link with the church holiday the words “Christmas” or “Christmas vacation” in the Estonian school environment.

“Scandal with moneys from the East”. The Orthodox clerics of Estonia are divided between Estonian Orthodox Church of Moscow Patriarchy and Estonian Apostolic Orthodox Church (Constantinople Patriarchy). The first structure has an impressive congregation, because it is actively supported by ethnic minorities.

107 Legal Information Centre for Human Rights, press release of 27 March 2014, www.lichr.ee

108 Letter of Chancellor of Justice of 25 April 2014 to the Legal Information Centre for Human Rights.

Factor of religiousness of the Russian-speaking population also affects the local politics. For instance, antagonism between Reform Party and Centre Party reached the new high, when the so-called *scandal with moneys from the East* broke out. Since 2003, Lasnamäe the borough of Tallinn with Russian-speaking majority population had been the scene of building an Orthodox church. At end 2010 the administration of the country permitted a leak to mass media from classified reports of the Estonian Special Branch – the Security Police, concerning the financing the construction of the Lasnamäe church and the elections run-off activities of the centrists. In his reply E. Savisaar admitted only the fact that he had asked V. Yakunin, President of the RŽD (*РЖД*, Russian Railways) and Chairman of the Board of Trustees of the Foundation of Andrew the Apostle (*Фонд Андрея Первозванного*) to contribute to construction in Tallinn of a new church for Estonian Orthodox Church of the Moscow Patriarchy. Upon his opinion, the political opponents had decided to stir the popular sentiment, before elections casting the “Russian spell”.¹⁰⁹

At end December 2011 the Security Police resolved to disclose their version of the events delivering a short report, containing *declassified data*. Special Branch maintained that Mayor of Tallinn had asked from V. Yakunin money for building of the church, received in the account of the Estonian Orthodox Church of the Moscow Patriarchy for project-specific use through mediation of the businessman S. Petrov. Furthermore, Security Police maintained, not specifying the source of information, that representatives of centrists had discussed with Russians the question of funding of the Centre Party and deliberated on connections between elections and completion of building of the church. Security Police intimated in their report that they knew the content of confidential talks and negotiations over phone with participation of leader of the major opposition Parliamentary party.¹¹⁰ As abovementioned, in his pre-New Year interview President of Estonia T. H. Ilves declared that there was no Estonian President likely to involve Centre Party into Government unless “such conduct is outspokenly condemned by the Party and the Party dissociates itself from people sporting such behaviour”.¹¹¹ Under Constitution the President is entitled to assign the task of formation of Government to a representative of a Parliamentary party, at his discretion (§ 89).

Against the background of the scandal broken out the Estonian-speaking mass media named E. Savisaar agent of Russian influence. The fact of support of the Orthodox church overfed by Moscow Patriarchy, was also assessed negatively (the Orthodox church was treated as extension of influence of Russia). It was alleged that V. Yakunin was veteran officer of KGB. Social Democratic Party left the capital city coalition. However the centrists, controlling over half of seats in the city council, retained their power in Tallinn municipality. E. Savisaar too retained his influence and support in the Party.

109 Press release of Centre Party of 16 December 2010, www.keskerakond.ee.

110 Concise report of Security Police (in the form of order by director about early declassifying of the state secret of 21 December 2010 no. 98T) is available online: www.kapo.ee.

111 Uudised.err.ee (information portal), 27 December 2010.

On 19 February 2011, with thousands of city dwellers in attendance, the ceremony of setting cross on Lasnamäe church took place. The delegation headed by V. Yakunin arrived from Russia to the event.¹¹² The sitting PM, reformist A. Ansip declared in respect with a visit by Yakunin that there were forces in Russia, “wishing to involve Estonia in its sphere of influence and subjugate us to the will of Moscow. Deplorably, Savisaar reached out a hand to welcome Yakunin.”¹¹³

Among the largest in the Baltic region, the new church was consecrated by Patriarch of Moscow and the whole Russia Cyril, sojourning in Estonia with a pontifical visit in June 2013.¹¹⁴ Notably, the Primate met with PM of Estonia,¹¹⁵ not with President of the country. The latter circumstance was openly acclaimed by local nationalist press.

112 Rus.delfi.ee (information portal), 19 February 2011.

113 Uudised.err.ee (information portal), 17 February 2011.

114 “Завершился Первосвященнический визит Святейшего Патриарха Кирилла в Эстонию” (Pontifical Visit of His Holiness Patriarch Cyril to Estonia Completed), official website of Moscow Patriarchy, news of 16 June 2013, www.patriarchia.ru.

115 Ibid.

3. Policies with regard to “alien population” and issues of society integration

The migration regulation and naturalisation

Synopsis. In Estonia, a significant part of population, constituted by former Soviet citizens and their descendants are still without citizenship of their country of habitation (about every seventh permanent resident). Detailed information in that respect is kept by Police and Border Guard Board, registering valid residence permits/rights of residence of foreign citizens and stateless persons. At the beginning of 2014 residence permits or rights of residence were held by 95,217 citizens of Russia, 91,283 stateless persons from former citizens of the USSR and their descendants (“persons with undetermined citizenship”), 16,499 nationals of other “third countries” (i.e. non-EU countries) and 5,258 citizens of other EU Member States. According to data of the same source, in January 2013 the stateless persons with residence permits/rights of residence in Estonia numbered 94,285.¹¹⁶

The first restrictive Immigration Act of the Republic of Estonia was adopted as early as in 1990. After restitution of independence in 1991 and introduction of the visa regime for countries of the former USSR (beside the Baltic States) the large-scale migration to Estonia stopped almost immediately. Up to the end of 1990-ies the rigid legislation was compounded by bad administration in the sphere of migration, which inevitably affected the general political aims of leadership of the country.¹¹⁷

It needs be pointed out that after 1991 Estonia witnessed a rapidly escalating process of ageing not only of Russian but of the total population. In 1991-2013 the share of elderly (aged 65 and older) increased from 11.7% to 18.0% of total population, i.e. more than by half.¹¹⁸ If the level of natural reproduction of population stays as it is, the share of such persons will achieve 26% in 2050.¹¹⁹ However those risks did not prompt review of the bases of the migration policy, which can only be estimated as restrictive. Political elite is not ready to brace the demographic problems by attracting migrants from abroad. Although in recent years the migration legislation has become more liberal, in particular respecting

116 Statistics, concerning residence permits/rights of residence and naturalisation were presented in Letters of Police and Border Guard Board of 19 February 2014 and 1 February 2013.

117 By rare public admission of former director of Citizenship and Migration Board A. Kollist, the goal of instigators of policy respecting non-Estonians-non-citizens of beginning 1990-ies was “transforming the life of Russians into hell”. He also pointed out that the ideas of stimulating “repatriation” of the Russian speakers overwhelmed the thinking of the migration officials. Ernits, P., “Kodakondsusameti endine peadirektor Andres Kollist: “Nende eesmärk oli venelaste elu põrguks muuta” (The former Director of the Citizenship and Migration Board Andres Kollist: “Their Goal was Transforming the Life of Russians into Hell”), in Luup (magazine), no. 3, 2000.

118 Source – Statistics Office.

119 Puur, A., Pöldma, A., Population ageing in Demographic View... p. 27.

reunification of families, the labour migration is only possible for high level specialists. According to amendments adopted in 2008¹²⁰ to Aliens Act 1993 (§ 13-2, 13-3), employer, inviting an immigrant from abroad must pay him or her the salary exceeding by 24% the average salary in national economy or even higher. Those demands are also reflected in the new Aliens Act 2009 (§ 107, 178).

Necessity for Estonia as a country of the European Union to open the access to its labour market for citizens of the EU and some foreigners, enjoying a special status in the EU will not ameliorate the situation: being one of the poorest countries of the European Union with minimalist approach to social security, Estonia is not an attractive place for settlement either for potential migrants or for refugees. For instance according to data of census for 2011, Estonia was a host country to 6,792 citizens of the EC (half per cent of the total population). The problem is rather mass exodus of residents of Estonia abroad, in particular to the Western countries. Upon estimate of experts, in 2000-2007 Estonia was left by 2% population (26,518 people).¹²¹

Immigration to Estonia has not stopped entirely. However its scope is rather insignificant. According to data of census 2011, among present-day permanent population 42,960 people immigrated to Estonia in 1990-2011. However only 13,189 people of them were born outside Estonia and they retained citizenship of a foreign state.¹²² In other words, the majority of those 43 thousand are accounted for by re-migrants. Number of actual recent immigrants, residing in Estonia presently, can be estimated at 10 thousand people or a bit more.

Regulation of migration and related problems. All in all, for immigrants the integration legislation and policy of Estonia is *halfway favourable*. This was the estimate they obtained within framework of the 3rd Migrant Integration Policy Index (MIPEX). Within framework of a large scale analytical project of British Council and Migration Policy Group (MPG), the situation in 34 countries of Europe, the USA and Canada was considered. In general reckoning Estonia shares with Czech Republic the 19/20th place, i.e. tends to be at the end of list.¹²³ Composers of the 3rd index (2011) assessed the Estonian integration policy as one of the best concerning orientation to special education and needs in the sphere of employment. They also pointed out however the need in better implementation of inter-cultural education. Emphasised was inadequacy of civil rights for migrants and problems with citizenship for generations, born after reconstituted independence. Protection against discrimination was acknowledged as being in compliance with base standards of the EU, although specialised bodies for combating discrimination and proper policy were characterised as weak. Positive estimate was accorded to support of fulfilment of the linguistic requirements, however they were estimated as being higher than in the majority of countries of Europe.¹²⁴

120 Riigi Teataja I2008, no.15, art.107.

121 Migration, Tallinn: Statistics Estonia, 2009, p. 62.

122 Source – Statistics Office.

123 Huddleston, T., Niessen, J., Ni Chaoimh, E., White, E., Migrant Integration Policy Index III, Brussels: British Council and Migration Policy Group, 2011, p. 11.

124 Ibid, pp. 69 ff.

Follow the complexities, faced in Estonia by foreigners, after examples from practice of lawyers of the Legal Information Centre for Human Rights (LICHR):

- *In May 2013, a long judicial process ended on a case of refusal to grant residence permit to a person, incarcerated in penitentiary. The process dragged on for three years. In that time the client was refused twice; the question was twice considered by the court of first instance, and the last decision was appealed. With the help of the LICHR lawyer the complainant was awarded early release on parole, positively influencing the decision (residence permit was issued for two years).*
- *Legislation of Estonia does not envisage for the parent an opportunity to receive residence permit for settlement with a minor child. The Supreme Court, in one of its judgments on case of a client of the Legal Information Centre for Human Rights pointed out, that the said circumstance may entail violation of Constitutional rights and freedoms, if the minor child is citizen of Estonia or permanently resides in Estonia.¹²⁵ Under Aliens Act, at divorce of marriage the residence permit for settlement with spouse is declared invalid. With the help of the LICHR lawyer, by reference to the above decision of the Supreme Court, a new “precedent” was created: the divorced parent was granted residence permit for settlement with the child.*
- *In 2013, as an exception from the rule, residence permit was given to mother and adult children for settlement with a minor son/brother. That is a landmark case, because earlier the Police and Border Guard Board had never considered adult children as members of family, pointing out that when achieving adulthood the children become independent members of society and must have an individual basis for obtaining and prolonging the residence permit in Estonia.*
- *In 2014 the judicial procedure on the case of refusal to give A. S. residence permit in Estonia completed. The judicial procedure was initiated as early as in 2008 by filing a complaint to administrative court for acknowledging unlawful the decisions of Police and Border Guard Board. In April 2014 the district court adopted a decision in favour of A. S., specifying that the protracted consideration did not further the achievement of a goal indicated by Board (expelling the foreigner and reducing threat for Estonia). Decision was not appealed and later the Board satisfied the application of A. S. for the temporary` residence permit.*

Question on naturalisation and statelessness. Estonian authorities persistently use the term “persons with undetermined (or undefined) citizenship”: in 1992 that category embraced all persons, who were not acknowledged citizens of Estonia. The decision on question of citizenship was adopted by Supreme Soviet on 6 November 1991.¹²⁶ Question was finally resolved in 1992 by enforcing the Citizenship Act 1938.¹²⁷ Thereby a juridical fiction was established implying that the norms of the said law applied in the years of Soviet power. In the period from 1992-1995 the variant of Citizenship Act basing on the text of 1938 applied.

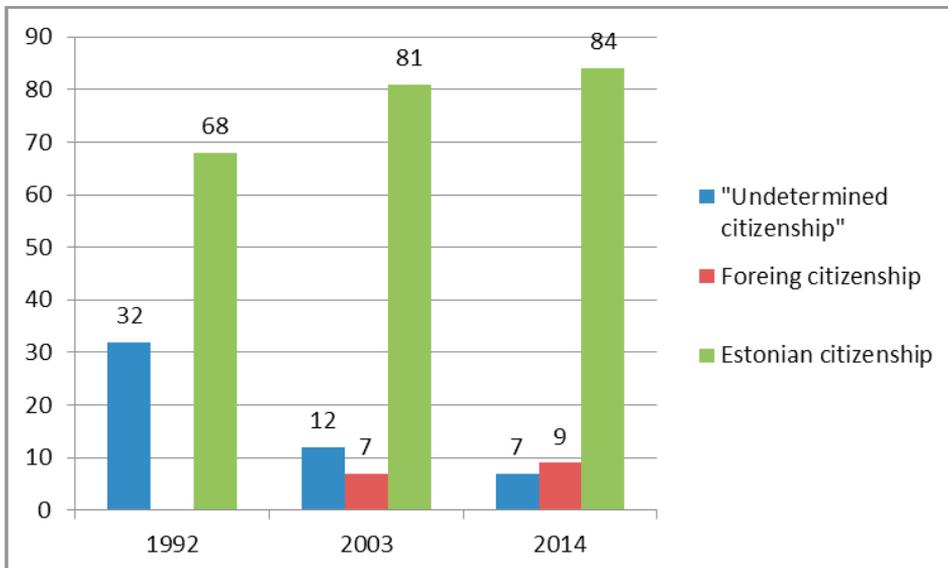
125 Judgment of Administrative Law Chamber of the Supreme Court of 9 November 2009 in case no. 3-3-1-61-09, art. 34.

126 Ülemnõukogu ja Valitsuse Teataja 1991, no. 39, art. 476.

127 Riigi Teataja 1992, no. 7, art. 109.

Persons, who were permanent residents of Estonia in 1991, however not citizens of the pre-war Republic of Estonia or their descendants on 16 July 1940, became “aliens”¹²⁸, whose juridical basis for stay in the territory of Estonia was determined by Aliens Act, adopted on 8 July 1993. By that Act (§ 20 (2) in the first redaction) “aliens”, who had permanent domicile registration of the Estonian Soviet Socialist Republic on 1 July 1990 and whose legal situation was in conformity with demands of law, were guaranteed the right to obtain residence permit (originally a temporary permit) and work permit. Simultaneously: recognized as citizens were persons able to claim citizenship on the basis of the pre-war law. Basically it concerned women, having earlier got married with citizens of Estonia by birth (under *ius sanguinis*), and their children from previous marriages.¹²⁹ Estonian non-citizens did not obtain any special (preferential) status like in Latvia. Under official estimates, at the beginning of 1992 “persons with undetermined citizenship”, i.e. stateless former Soviet citizens and their descendants constituted a third of the population of the country.¹³⁰ By 2014 their share dropped to 7% (see below).

Figure 9. Population of Estonia as per citizenship, %



Source: Population Register, www.estonia.eu

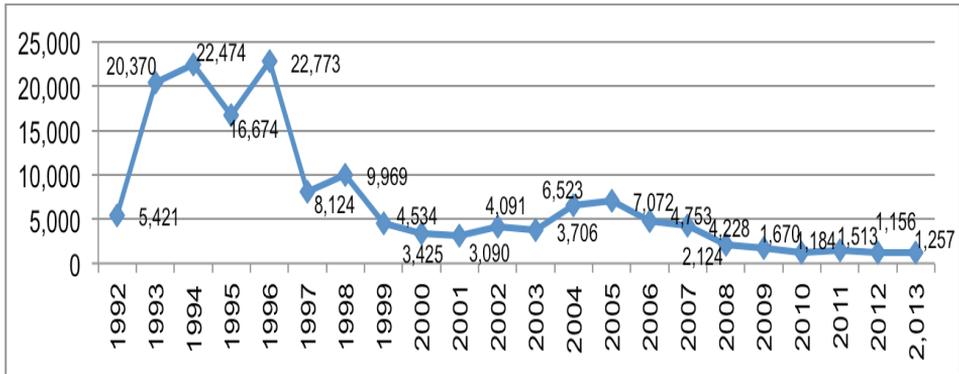
Naturalisation in Estonia began in 1992. It peaked in the 1990-ies. Regardless of official integration policy, in 2000-ies the number of those naturalised was low. Interest to citizenship of Estonia soared again in the period after accession to the European Union in 2004.

128 First redaction of the Aliens Act 1993 determined an *alien* as a person, being citizen of a foreign country or recognised as a stateless person.

129 Decision of Supreme Soviet of the Republic of Estonia on application of Citizenship Act, published in Riigi Teataja 1992, no. 7, art. 109.

130 Citizenship and Migration Board. Yearbook 2003, Tallinn, p. 8.

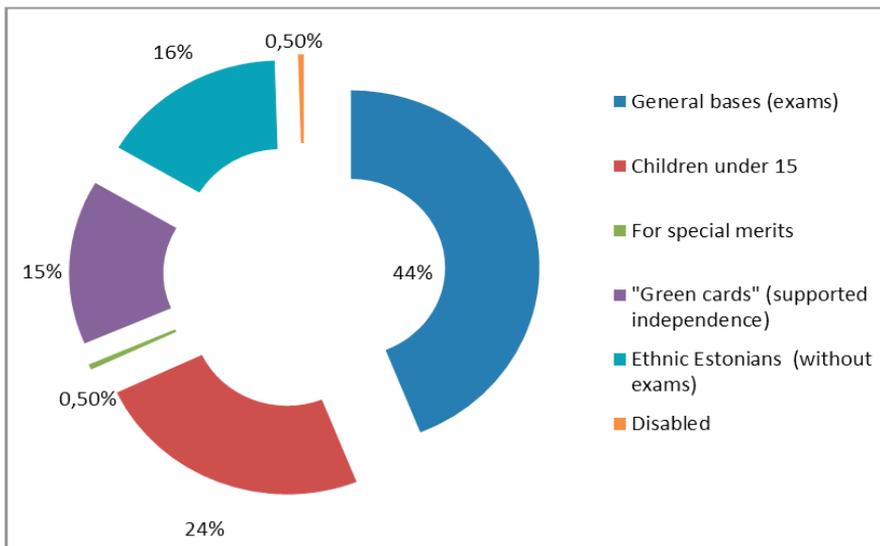
Figure 10. Naturalisation in 1992-2013



Source: Police and Border Guard Board, www.estonia.eu

According to official data, fewer than a half of those having obtained Estonian citizenship after 1992 did it on general bases (language test). For instance, every sixth person naturalised without examinations as an ethnic Estonian (under old Citizenship Act).

Figure 11. Bases for naturalisation, 1992-2012 (n=156400)



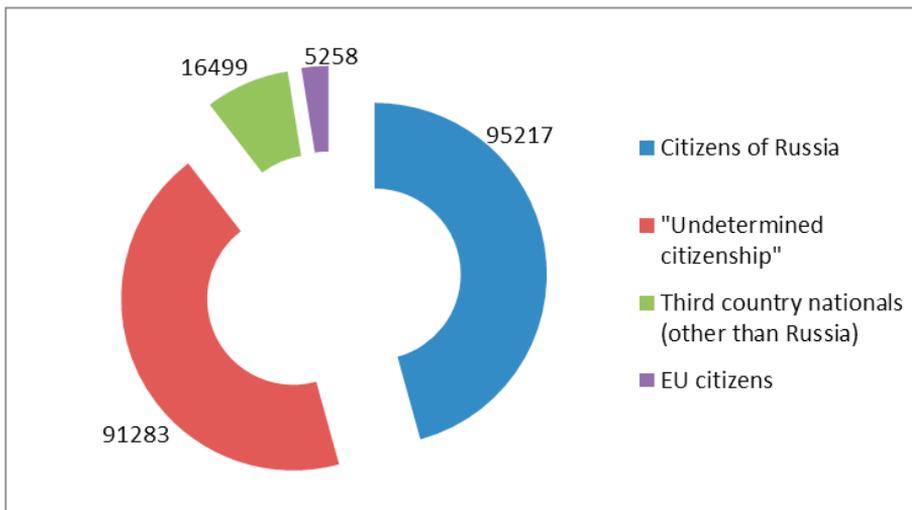
Source: Police and Border Guard Board ¹³¹

131 Letter of Police and Border Guard Board of 1 February 2013.

The share of persons without citizenship in Estonia in the total population for 1992-2014 shrunk twice. Nevertheless, under census for 2000, 60% of all Russians in Estonia did not have Estonian citizenship; under census for 2011 they were 56% (among minors 15%).

A special group is still constituted by stateless persons. Their number has in recent years dropped impetuously. For instance, according to data of migration authorities, in 2004-2010 they became fewer by about 61 thousand people however for the same period citizenship was obtained by 27.5 thousand people, prevalently stateless persons. In other words, drop of the number of stateless persons is only partially accounted for by receiving Estonian citizenship; it is in many aspects caused also by natural causes and migration. In case the number of stateless persons drops, the Russian citizens, conversely, become more numerous (thanks to the receiving of Russian citizenship by stateless persons and immigration from Russia to Estonia). From 2003-2011 the number of valid residence permits/rights of residence, issued to citizens of Russia, increased by about ten thousand. Number of citizens of other countries and citizens of the European Union keeps low.¹³²

Figure 12. Holders of residence permits/rights of residence, on 1 January 2014



Source: Police and Border Guard Board¹³³

Regular integration monitoring in Estonia found the drop of interest in stateless people to receiving Estonian citizenship after events of April 2007, when decision of the Government on removing the monument to those fallen in WWII (*Bronze soldier*) caused

¹³² According to data of Police and Border Guard Board, received at different time upon request.

¹³³ Letter of Police and Border Guard Board of 1 February 2013.

a wave of protest among Russian-speaking population and resulted in public disturbance in the centre of Tallinn.¹³⁴ *Monitoring of Integration 2011* however found growth of interest to Estonian citizenship. Within framework of that survey the non-citizens offered two main explanations to absence of citizenship: difficult examinations (48%) and inability to learn Estonian (45%).¹³⁵ The evident popularity among stateless people of Russian citizenship also attracted attention of sociologists. Within framework of the same survey non-Estonians selected various variants of answer of causes why some people prefer Russian citizenship. The most popular variants were: Russian citizenship is taken due to difficulty of obtaining Estonian citizenship, including due to examination (79%); it is not important whether you live in Estonia with Estonian or with Russian citizenship (77%); it is easier to study, work and travel in Russia (76%).¹³⁶

It is all too evident to international organisations that efficient solution of the problems of mass non-citizenship is impossible without amendment of legislation. In spring 2013 the country was visited by Commissioner for Human Rights of the Council of Europe Nils Muižnieks, who recommended introducing amendments into Estonian legislation, which would automatically grant citizenship of Estonia to stateless children having born here.¹³⁷ In 2014 the topic of citizenship was also touched upon by the UN Committee against Torture. It expressed concern in connection with about 7% of population still being “persons with undetermined citizenship”, and also with low level of registration as citizens of stateless children born in Estonia. The Committee recommended to Estonia to:¹³⁸

- (a) *Adopt legal and practical measures to simplify and facilitate the naturalization and integration of stateless persons and non-citizens, including by revisiting the requirements for the granting of citizenship;*
- (b) *Consider offering language courses free of charge to all non-citizens who wish to apply for Estonian citizenship;*
- (c) *Continue and enhance the efforts by the Citizenship and Migration Board to raise the awareness of parents whose children are eligible for naturalization through the simplified procedure of the requirements for citizenship, and consider granting automatic citizenship at birth, without previous registration by parents, to the children of non-citizen parents who do not acquire any other nationality;*

134 Regarding social and political context of those events: Poleshchuk, V. The War of the Monuments in Estonia: the Challenges of History and the Minority Population, Report from the Åland Islands Peace Institute no. 1, 2009, Mariehamn: Åland Islands Peace Institute, www.peace.ax.

135 Lauristin, M, Uus, M., Seppel, K. Kodakondsus, kodanikuühiskond ja rahvussuhted (Citizenship, Civil Society and Ethnic Relations), in Integratsiooni monitoring 2011 (Monitoring of Integration 2011), Tallinn: Centre of Political Research Praxis, 2012, p. 14.

136 Lauristin, M., Uus, M., Seppel, K. Kodakondsus..., p. 16.

137 Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe following his visit to Estonia from 25 to 27 March 2013, CommDH (2013) 12, Section 106, www.coe.int.

138 UN Committee against Torture. Concluding Observations on the 5th Periodic Report of Estonia, Adopted by the Committee at Its 50th Session (6–31 May 2013), CAT/C/EST/CO/5, 17 June 2013, Section 22.

(d) Ensure the effective implementation of the Integration Strategy and of the State Integration Programme for 2008-2013, and extend the Programme beyond 2013;

(e) Despite the information provided by the State party regarding its decision not to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the reduction of statelessness, reconsider such ratification as a matter of priority.

It is the tendency of recent years to actively use the procedures of denaturalisation. Estonian legislation does not allow dual citizenship and stipulates the possibility of depriving those naturalised citizens of the Estonian citizenship,¹³⁹ who acquired the new one or did not give up the former citizenship. Earlier those procedures were rarely applied.¹⁴⁰ Regardless of the general prohibition of dual citizenship, the compulsory stripping of citizenship is only possible respecting the naturalised citizens (however not respecting the citizens by birth, who are, upon prevalent opinion among Estonian lawyers, protected in this case by § 8 Constitution).

In practice the authorities give to the newly discovered dual citizen an opportunity to refuse from foreign citizenship within a certain deadline. In 2013, 145 people were denaturalised the majority of whom made a choice in favour of citizenship of Russia (72 people) or Finland (39 people). In 2004-2013 662 people were denaturalised, overwhelming majority of whom were also citizens of Russia (478).¹⁴¹ Screening of persons with dual citizenship is the task of various structures, in particular border guards, checking passports on Estonian-Russian border.

The Legal Information Centre for Human Rights has been repeatedly referred to by parents of children, who were sometimes in the past erroneously acknowledged citizens of Estonia. For instance, an official had incorrectly established the exact date of naturalisation of parent of the child and therefore recorded his or her citizenship of Estonia by birth. The children developed problems in communicating with Police and Border Guard Board, including when obtaining new identification documents. Having analysed the situation the lawyers notified mass media and opposition factions in Parliament about the problems arisen. There was a major uproar in social spheres. Amendments adopted in 2012¹⁴² to Citizenship Act finalised the right to Estonian citizenship of those who were earlier erroneously recorded in that category.

There were a number of applications made to the Legal Information Centre for Human Rights recently by women, who had married citizens of Estonia before 1992, whose right to Estonian

139 Deprivation the citizens by birth of citizenship is not allowed by §8 of Constitution.

140 In 2003-2008 there were only 46 cases of denaturalisation (of them 20 in 2008). Letter of Police and Border Guard Board of 10 February 2010 no. 15.2-14/4827-2.

141 Letter of Police and Border Guard Board of 19 February 2014.

142 Riigi Teataja I,02.07.2012, art. 1.

*citizenship was acknowledged at “restitution” of the pre-war Citizenship Act in February 1992. In many cases such women were “automatically” granted under law also citizenship of other countries, holding domicile registration in former Soviet Union republics (e.g. in Russia). Having delved into one such case the Chancellor of Justice recommended to ignore the norm prohibiting dual citizenship with regard to persons, who had obtained Estonian citizenship by naturalisation, as well as some other citizenship before February 1992.*¹⁴³

Against the background of other countries of the European Union (beside Latvia) Estonia has characteristically very few persons having submitted an application for getting the refugee status. In 2013 there were 97 applications submitted seeking for asylum, the record figure for the time of validity of the corresponding law. In 1997-2013, 446 applications were submitted. In that time asylum was granted to 47 people, and subsidiary protection¹⁴⁴ was obtained by 27 people (mainly citizens of Afghanistan, Sri-Lanka, Belarus and Russia).¹⁴⁵

Official policy of integration

In the 1990-ies the interaction of bodies of state authorities with non-Estonians was mainly motivated by providing them support in “repatriation” (for instance, by issuing to them token subsidies) or by adaptation to novel social conditions, however the adaptation measures were non-systematic. By end 1990-ies it became evident that an elaborated policy is needed respecting ethnic non-Estonian (“immigrant”) population. The necessity for special measures was substantiated also by local scientific community.¹⁴⁶ The influence on elaboration of integration policy of the Western scientific thinking and the Western experience can hardly be overestimated. That influence was exerted through different channels: through scientific exchange, projects of international organisations,¹⁴⁷ social initiatives and within framework of eurointegration events.

143 Recommendations to Director General of Police and Border Guard Board were published on website of Chancellor of Justice, www.oiguskantsler.ee: Õiguskantsler, Õiguspärase ootuse põhimõtte arvestamine, kui isik omandas topeltkodakondsuse enne Eesti Vabariigi taasiseseisvumist (Taking into Account the Principle of Legitimate Expectations, if a Person Acquired Dual Citizenship before the Independence of the Republic of Estonia was Regained), 12 November 2013.

144 Subsidiary protection is provided, lacking the bases to grant to a person the refugee status, when his or her return to the country of origin is impossible/contiguous with serious risk.

145 Letter of Police and Border Guard Board of 19 February 2014.

146 For instance, inter-institutional group VERA released a number of collections of research articles, dedicated to various aspects of ethnopolitics.

147 It needs be mentioned that the first unofficial programme of integration was composed in 1997 within framework of the project by the UN Development Programme (UNDP). The said document reflects many opinions and mind-sets, characteristic for ethnic Estonians, having grown up in countries of the West: Integrating non-Estonians into Estonian society: Setting the Course, Tallinn: ÜRO Arenguprogramm Eestis, 1997.

An important role was played by the aspiration of Estonia to become member of the European Union: the demand of integration of minorities and non-citizens was unambiguously stated by the European Commission, who pointed out in its monitoring reports a number of problems in Estonia, in particular concerning naturalisation and linguistic regulation.¹⁴⁸ At end 1990-ies the Estonian authorities launched an official integration policy respecting minorities. In 2000 the Government approved a bulkier document – the state programme Integration of Estonian Society 2000-2007.¹⁴⁹ Within framework of the programme major attention was accorded to study of the Estonian language and its promotion in Russian schools and to related events. A significant part of programme budget was constituted by foreign aid, including from the European Union.¹⁵⁰

The next Estonian Integration Strategy 2008-2013 was adopted with delay, due to tragic events of April 2007, connected with moving from downtown Tallinn of the monument to those fallen in the WWII (*Bronze soldier*) and with the ensuing mass protests and manifestations of street violence. Notably, in the aftermath of those events the idea of integration was viewed as utterly compromised, even calling for introduction of a new term in Estonian for its designation (*lõimumine* instead of *integratsioon*), i.e. curious re-branding. Adoption of the new programme was preceded by impressive scientific-analytical effort,¹⁵¹ however the document itself contains a minor theoretical part, just enumerating cursorily the commented “principles”. Catching the eye is omission of the term *multiculturalism*, which had antagonised the right-wing nationalist parties.¹⁵² Nevertheless, the text uses the concept of *cultural diversity*.

The programme 2008-2013, approved by Government on 10 April 2008, lays down seven principles.¹⁵³

148 For instance the report of European Commission for 2000 says that Estonia must, in the context of integration of minorities pursue compliance of application of the Language Act with international norms and law of the EU and expand the possibilities of ombudsman. Concerning the integration of non-citizens it was recommended to improve the work of public administration and judicial system. 2000 Regular Report from the Commission on Estonia's Progress towards Accession, 8 November 2000, p. 21, ec.europa.eu.

149 State programme “Integration in Estonian society 2000-2007”, approved by Government of the Republic on 14 March 2000, Tallinn, 2000. Official publication in Estonian: Riigi Teataja Lisa 2000, no. 49, art. 740.

150 Detailed analysis of the programme 2000-2007 and integration policy conducted at that time: Monitoring the EU Accession Process: Minority Protection, Volume I, An Assessment of Selected Policies in Candidate States, Budapest: Open Society Institute, EU Accession Monitoring Program, 2002, pp. 89-244.

151 State Integration Programme 2008-2013, Final Report on Needs and Feasibility Research, Public Contracting Authority: Ministry of Finance of the Republic of Estonia, Tallinn, Tartu, 2008.

152 Thus, in 2000 the members of parliamentary party Union Pro Patria – a leading political actor in ruling coalition – reacted to draft of the first detailed official programme of integration that Estonian lawmakers have never adopted a decision to accept ideology of multiculturalism for the model of development for Estonia. Monitoring the EU Accession Process..., p. 198.

153 Estonian Integration Strategy 2008-2013 (Unofficial translation), Tallinn, pp. 4-5.

- *Adhering to fundamental European values (according to the Charter of fundamental rights of the European Union: democracy, rule of law, peace, individual right to self-determination, respect for human rights and cultural diversity);*
- *Estonian language as the common language of communication in the public sector;*
- *Strengthening of the state identity (“The objective of integration is to strengthen the common state identity of Estonia, developing common understanding of the state among permanent residents of Estonia based on the constitutional values of Estonia as a democratic state under the rule of law, valuing Estonian citizenship and appreciating the contribution of every person to the development of the society, at the same time accepting cultural differences”).*
- *Involving all residents in developing the society;*
- *Equal opportunities;*
- *Avoiding ethnicity-based separation;*
- *Integration as a process originates on the individual level and involves the whole society.*

The programme of integration set the objective to achieve by 2013 a situation, when, as compared to 2007:¹⁵⁴

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

154 Ibid, p. 16.

Estonia adopted the strategy for 2008-2013, already being member of European Union and actively participating in realisation of its integration policies. Pursuing the goals and tasks set down on the EU level, although they might not always have been expressed in legally binding documents became indispensable for obtaining means from the European Union, on account of which a significant part of Estonian integration undertakings were funded. In the context of integration a special place is held by Common Basic Principles of Integration (CBPI) adopted by Council of the European Union in 2004¹⁵⁵. The basic principles of Estonian programme 2008-2013 and the objective set down therein are much in concord with the CBPI. Common principles are somewhat diffuse and ambiguous, because in different countries of EU there are different integration models in hand. However notably, while the Common principles start with declaration that integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of member states,¹⁵⁶ the last principle of Estonian programme 2008-2013 more diplomatically refers to “will and effort” of permanent residents of Estonia of various nationalities.

Policy of the European Union in social and economic sphere is supported through the so-called structural funds, among others the European Fund for the Integration of Third-Country Nationals (budget of fund in 2007-2013 was 825 million euro).¹⁵⁷ Furthermore, it must be remembered that the topic of integration (in particular in the aspect of promotion of equal opportunities) is also contiguous with the European strategy in the sphere of employment. The respective policy in labour market is advanced through the European Social Fund (ESF), having lately received over 10% of annual budget of European Communities or over 10 billion euro per year.¹⁵⁸ In the period 2007-2013 combating discrimination and integration were made an especial mention of, when describing the spheres of activity of the Fund.¹⁵⁹

The activity, contemplated by action plan in the Estonian Integration Strategy 2008-2013, was supposed to be financed both from budget of Estonian ministries and on account of the means of the European Union, in particular those of the European Social Fund and the European Fund for the Integration of Third-Country Nationals.¹⁶⁰ There were planned annual expenditures within 10-11 million euro.¹⁶¹ Therefore Estonia follows the decisions adopted on the level of European Union, borrows the terminology and approaches used therein. Questions of integration in the ethnic aspect and the corresponding projects are supervised by Ministry of Culture.¹⁶²

155 Council of the European Union, Press Release, 2618th Council Meeting, Justice and Home Affairs, Brussels, 19 November 2004, 14615/04 (Presse321), pp. 17-18.

156 The said principle however is inconsequently applied within framework of integration policy on the level of the EU. See in detail: Bell, M. Racism and Equality in the European Union, Oxford University Press, 2008, pp. 152-154.

157 Ibid, p. 151.

158 Ibid, p. 104.

159 Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999, OJ L 210, 31.7.2006, Art. 3.

160 Estonian Integration Strategy 2008-2013 (Unofficial translation), Tallinn, p. 37.

161 Ibid, p. 43.

162 Respective Government order of 11 June 2009 published: Riigi Teataja Lisa 2009, no. 48, art. 700.

Presently in Estonia the next programme of integration is under preparation.

Within framework of official approach to integration, there has never been a fully independent integration policy. It has essentially been a result of synergy of various official policies, directly affecting the ethnic non-Estonian population (migration, citizenship, language, education etc.). The integration does not base on a coherent separate legal regulation. However after adoption of integration programmes and setting up, in view of Western experience, of certain institutions for their realisation, one succeeded in building up a system for information, and instruction of Estonian and preparation for examinations on citizenship, which may be useful both for local Russian-speaking minorities and for any newcomers. A special “adaptation constituent” is inherently embedded in initiatives targeted at recent immigrants.

On the practical plane, conveyors of integration policies are two foundations financed from the national budget. Firstly, Integration and Migration Foundation “Our people”¹⁶³ (MISA), handling both the ethnic non-Estonians in general and recent immigrants.¹⁶⁴ MISA is vested with the task of promotion of integration processes in the Estonian society, and also coordination related to the migration activity. The Foundation can continuously directly realise some projects and distribute means among representatives of civil society on the basis of contest. In connection with liquidation of the office of Minister for Population Affairs in 2009, MISA has been actually dealing with general coordination beside Ministry of Culture.

MISA does not hold an exclusive right to use and distribute the resources, related to integration; part of those resources may also flow through Ministry and other foundations. In particular, significant means of the European structural funds are trafficked through Innove,¹⁶⁵ set up by Order of Government of 8 July 2003.¹⁶⁶ The council of that institution comprises representatives of Ministry of Education and Research, Ministry of Economy and Communications and Ministry of Social Affairs. The main aim of that Foundation is coordination of the activity in development of education of adults and also questions of use of subsidies from structural funds of the European Union and realisation of respective programmes and projects. The Foundation deals with organisation of taking official examinations, including examinations in Estonian and on knowledge of the Estonian Constitution and the Citizenship Act.

Specialists, masterminding the Integration Strategy 2008-2013 opted in their research for the way of isolating among non-Estonians, basing on certain features, different groups

163 Respective Government order of 29 October 2009 published: Riigi Teataja Lisa 2009, no. 82, art. 1211.

164 See www.meis.ee.

165 See www.innove.ee.

166 Published in: Riigi Teataja Lisa 2003, no. 82, art. 1223.

according to the stage of their integration,¹⁶⁷ whereas the said analysis showed that representatives of various groups may have diverse needs in the process of integration.¹⁶⁸

It follows from practice that recent immigrants from the numbers of Russian-speakers have fewer psychological problems and do not display antagonism to official migration and language policy. It is understandable because unlike the overwhelming majority of non-Estonians, in evidence here are immigrants having deliberately left their country for resettlement in a foreign state, apt to “play by rules” of the host society. However a significant part (maybe the majority) of “old” Russians and other Russian-speaking minorities consider themselves part of the society, viewing *integration* as adaptation to new realities.

Critics of the official integration policy have invariably pointed out its rigid focus on learning the language. True enough, those needs (and also the related reform, actually Estonianization of the Russian education) have consumed the bulk of integration budget. Significant slowing down of the naturalisation rates and dramatic retardation of growth of non-Estonians speaking in the state language (see the above sections of the Report) was specifically evident in the 2000-ies, i.e. the vital indicators of integration worsened after inception of the official integration policies. It needs be kept in mind that integration policy was not self-sufficient, being secondary to the policy in other areas. A rapid growth of proficiency in Estonian (as well as the related growth of the number of citizens of Estonia) occurred in the 1990-ies, against the background of ossified and consistent policies of official mono-lingualism, the linguistic requirements in labour market and strict migration rules. The language was studied basically on account of personal resources, exhausted by end 1990-ies. No breakthrough can be anticipated in the nearest years (among popular explanations are: objective hardship of studying the language by older generations, lack of the Estonian language environment in some regions etc.).

The advanced system of support to study language, which was moulded on the turn of century, occurred to be a very welcome help to all those interested, while beneficiaries of that system may have also been the *recent immigrant*, in particular from the countries of the former USSR. Those changes reflected basically the understanding that compliance with strict linguistic requirements established by the state must be aided by authorities. However the Estonian state, being ethnically biased, usually ignored the critiques of the linguistic requirements as disproportionate or unjustified.

167 Selected were the following features: holding citizenship of Estonia; considering Estonia a sole native country (motherland); perceiving himself or herself part of the constitutionally determined people of Estonia; having proficiency in Estonian.

168 Lauristin, M. Lõimumisprotsessi tulemuslikkus ja sihtrühmad: klasteranalüüs (Outcomes and Target Groups of the Process of Integration: Cluster Analysis), in Integratsiooni monitoring 2011 (Monitoring of Integration 2011), Tallinn, 2011.

The level of *political integration* (availability of Estonian citizenship, conditional on a certain proficiency in Estonian) is paradoxically affecting the perception of discrimination in Estonia. Authors of a large sociological research 2007 pointed out that¹⁶⁹

perception of discrimination largely depends on the extent and how the respective topic is discussed in public. In the present Estonian society, often perceived as discrimination are topics somehow related to the ethnic question. Respondents seem to interpret as unequal treatment their experience, which present Estonian law and political decisions do not acknowledge as unequal treatment; such interpretation is affecting the ethnics-related pointed politicization of the Estonian society. Such circumstances notwithstanding, this understanding (of the situation) is a solid fact. Discrimination on the basis of ethnicity is recognized not only by non-citizens: even more of such people are found among citizens of Estonia, with Russian as their native language. Since citizenship should testify to the status of a fully eligible member of society, when promoting the political integration of Russian-speaking residents we must pay more attention to measures on prevention of discrimination on the basis of ethnicity.

169 Lagerspetz, M., Hinno, K., Joons, S., Rikmann, E., Sepp, M., Vallimäe, T. Isiku tunnuste või sotsiaalse positsiooni tõttu aset leidev ebavõrdne kohtlemine: elanike hoiakud, kogemused ja teadlikkus. Uuringuraport (Unequal Treatment on the Basis of Personal Features or Social Status: Mind-sets, Experience and Awareness of Population. Report of Survey), Tallinn, 2007, pp. 150-151.

4. Social-economic situation of non-Estonian population

In 2011 the UN Committee on Economic, Social and Cultural Rights voiced “concern about the discrimination against the Russian-speaking population which continues to be disproportionately affected by unemployment and poverty”. The Committee called on Estonia “to intensify its efforts to address the persistent disadvantages faced by the Russian-speaking population in the enjoyment of economic, social and cultural rights, and to ensure that strategies and policies adopted in this regard address both formal and substantive discrimination, and include the implementation of special measures in the field of employment”.¹⁷⁰

Labour market

Data of census of 2011 again provided matter supporting evidence of dramatic differences in the employment structure of ethnic Estonian and non-Estonian population. Minorities are still presented inproportionately among those employed in manufacturing industry: on job was every fourth non-Estonian and every seventh Estonian. Estonians are far too often employed in public administration, the sphere of defence and the obligatory social insurance: that sphere employed 9% working Estonians and 3% non-Estonians, whereas the situation is paradoxical in some places. For instance in the third largest town Narva the Estonians constitute about 5% of total population; among 1010 Estonians, working at end 2011, 203 people were employed in public administration, sphere of defence and obligatory social insurance (20%), with average indicator for Narva being 5%.¹⁷¹

In 2013 the unemployment rate dropped as compared to 2012 by 1.4 per cent points, achieving 8.6% (a certain tendency to growth of indicators was evidenced by the end of year). On average for the year, 59 thousand people were unemployed. Level of long-term unemployment was 3.8%, and was more typical for men, elderly and ethnic non-Estonians.¹⁷²

Among ethnic non-Estonians the unemployment rate in 2013 as in recent years was almost twice as high as among Estonians. That regularity is evident when comparing those

170 UN Committee on Economic, Social and Cultural Rights, 47th session, 14 November – 2 December 2011, Concluding observations: Estonia, 16 December 2011, E/C.12/EST/CO/2, Section 10.

171 Source – data of Statistics Estonia; calculations by the author.

172 Communication by Statistics Estonia of 14 February 2014, www.stat.ee.

groups as a whole, and also when comparing separately men and women. For Estonians, characteristic is extremely high unemployment rate for the youngest age groups (15-24): in women non-Estonians it reached 29.2% in 2013.

Table 7. Unemployment rate, population aged 15-74, 2013, %

	Ethnic origin	
	Estonians	Non-Estonians
All	6.8	12.4
...including groups 15-24	15.7	25.7
Males	7.6	12.2
...including groups 15-24	15.5	22.8
Females	6.0	12.7
...including groups 15-24	15.9	29.2

Source: Statistics Estonia

Data on survey of employment in Estonia in 2000-2010 held by sociologist J. Helemäe made possible to find the causes of risk of unemployment and also the possibilities of self-realisation (work as manager/leading specialist, and work matching education). Analysis showed that given the equality of conditions an ethnic non-Estonian, proficient in Estonian and holding Estonian citizenship has twice as few chances to become manager/leading specialist as an Estonian. Furthermore, the higher the level of education of the non-Estonian, the higher the chance that he or she will perceive the non-realised potential of his or her education (in particular for residents of the capital). Upon estimate of J. Helemäe, by end of the first decade of the 21st century the ethnic inequality in Estonian labour market had deepened.¹⁷³

Question of influence of the level of proficiency in Estonian on problems of employment was considered above.

173 Хелемяэ, Е. Социально-экономические трансформации в Эстонии // Полещук, В., Степанов В. (ред.) Этническая политика в странах Балтии (Helemäe, J. Social-economic Transformation in Estonia, in Poleshchuk, V., Stepanov, V. (eds) Ethnic policies in the Baltic States), Moscow, Nauka, 2013, pp. 219-235.

Income

Average disposable annual income of residents of Estonia started to increase after the crisis in 2011 (in 2009 and 2010-ies its indicators decreased as compared to the previous year). In 2007 the corresponding indicators with ethnic Estonians constituted 6,639 euro, and with non-Estonians – 56,11 euro; in 2012 respectively 8,323 and 6,705 euro. Hence in 2007, before the onset of crisis, the average income of a non-Estonian constituted 85% of income of an Estonian, and in 2011-81%. Differences in annual disposable income between Estonians and non-Estonians were witnessed in all regions of the country. For instance, in the county adjacent to (and including) the capital city it reached 28%, while in the Ida-Viru county, with non-Estonians dominating – 12%.¹⁷⁴

Data of the Statistics Estonia for 2012 allow also analysing the difference in annual disposable income depending on education and ethnic origin. It turns out that at the level of education below secondary the difference in income is not very large and income of non-Estonians constitutes a bit over 88% of income of the Estonians (5,517 euro and 6,227 euro respectively). However those differences are significantly higher with persons of tertiary education – 25% (10,527 euro with ethnic Estonians and 7,886 euro with non-Estonians).

Living below poverty level/subsistence level (before payment of subsidies, excluding pension) in 2012 were 25% of total population (23% ethnic Estonians and 30% non-Estonians). Estonians and non-Estonians distributed unequally in different quintiles of income. The first quintile (1/5 population with the lowest income) accommodated 24% non-Estonians and 18% Estonians. Average disposable annual income in that quintile constituted 2,859 euro. The fifth quintile (the highest income, on average 15,830 euro) accommodated 11% non-Estonians and 24% Estonians.¹⁷⁵

Housing conditions

Data of census of 2011 allow comparing the housing conditions of Estonians and non-Estonians. An important factor is the character of habitat of minorities, among whom are few rural residents. For that reason ethnic non-Estonians seem to have, more frequently than ethnic Estonians certain conveniences in their place of residence, for instance the WC and central heating. The average for Estonia square footage per person constitutes 30.5 m² (32.4 m² with Estonians and 25.3 m² with Russians); average quantity of rooms – 1.24 (1.30 with Estonians and 1.07 with Russians). Particularly conspicuous are differences in the capital city, where Estonians constitute a bit over half of population.

¹⁷⁴ Source – data of Statistics Estonia. In mid-2014 only available were data of 2012.

¹⁷⁵ Source – Statistics Estonia.

With representatives of the majority group average footage per person is 29.1 m², with Russians – 23.7 m²; average number of rooms per person constitutes respectively 1.20 and 1.01. Such divergence may have several explanations, of which most plausible are social-economic differences between those two groups.

Representatives of minorities are too often seen among homeless people. Survey of the homeless in Tallinn, held in September-December 2011, concerned 926 respondents and 4/6 of them were Russian-speaking (with minorities constituting less than a half of the population in capital).¹⁷⁶

Access to health system

In autumn 2011 the sociological company Saar Poll held, as commissioned by Estonian Health Insurance Fund and Ministry of Social Affairs the survey *Estimation by Residents of Health and Medical Aid*. By the random sample method 1,510 people were surveyed. In survey some differences were found between ethnic Estonians and non-Estonians. Questions concerned prevalently the events of the last 12 months.

Better assessment to organisation of health care was given mainly by ethnic Estonians (65%), rather than by representatives of minorities (55%).¹⁷⁷ Significantly more Estonians were also content with the system of family doctors (82% against 67% with non-Estonians).¹⁷⁸ They also assessed the quality of medical aid higher (78% against 61%).¹⁷⁹

Every third respondent had had trouble with his or her last visit to a specialist. In regional aspect there were more problems in the places of concentration of ethnic non-Estonians – in Tallinn and in the Ida-Viru county. With non-Estonians those problems (46%) developed twice as often as with Estonians (24%).¹⁸⁰ About one third of residents had not purchased the medicine prescribed. Every seventh respondent pointed out, as the sole cause, stringency of funds. For the same reason the medicine was not more often purchased by the interviewed non-Estonians living in North-East of the country, or by the low-income and nonworking respondents.¹⁸¹

176 Kodutud Tallinnas, Uuringu aruanne (The Homeless in Tallinn. Report of Survey), Tallinn: Tallinna Sotsiaaltöö Keskus (Tallinn Social Work Centre), 2012, p. 17.

177 Saar Poll, Elanike hinnangud tervisele ja arstiabile 2011 (Estimation by Residents of Health and Medical Aid 2011), Tallinn, November 2011, p. 24.

178 Ibid, p. 25.

179 Ibid, p. 31.

180 Ibid, pp. 41-42.

181 Ibid, p. 72.

In 2013, within framework of survey on organisation of health care system in Estonia, commissioned by Tallinn city authorities, a positive estimate was given by 51% of residents of Tallinn – ethnic non-Estonians and by 62% – Estonians; the quality of services pleased respectively 65 and 85%.¹⁸²

In order to better determine the special problems of minorities in the sphere of health care, upon commission the Legal Information Centre for Human Rights, a focus group with Russian-speaking women was organised (2014).¹⁸³ When participants were asked to spontaneously name main problems in the system of health care, they all referred to long queues, the onerous duty to pay for service, the inadequate quality of service, and improper treatment by personnel. The system of family doctors was unanimously given a negative estimate as being inefficient and not meeting the expectations of patients. Named rather often as a factor having a negative impact on healthy lifestyle and on (speedy) access to medical service, was poverty.

Within framework of sociological surveys it has not been duly investigated whether or not the minorities face difficulties at access to the system of health care because of a linguistic barrier. Mass media sometimes report about such cases. Some application to the effect were also submitted to the Legal Information Centre for Human Rights, therefore this issue must be seriously and promptly tackled. A special problem is also lack of translation in Russian of annotations to drugs. Following is the story of a young female from the focus-group of Russian-speaking women.

I have faced a language problem only once, when coming to the clinic with a sick child and being unable to explain to doctor in Estonian what the matter was with the child, while the doctor could not understand Russian. I flew into frenzy. She was of little help to me, busy with analyses. She was not especially competent, not only linguistically. For instance, she could not calculate the dose of medicine, when my daughter refused the anal treatment. The doctor could not calculate the dose to be ingested otherwise ...

182 Tallinlaste hinnangud tervisele ja arstiabile 2013 (Estimation by Residents of Tallinn to Health and Medical Aid 2013), Tallinn: Saar Poll, 2014, p. 21.

183 Meeting of the focus group took place on 16 April 2014 in Tallinn. It was attended by seven women aged 27-61. Focus-group was held by V. Jakobson Ph. D., the University of Tartu.

State of health. Problem of controlled drugs and HIV/AIDS

Under official data, in 2013 the average life expectancy with ethnic Estonians constituted 77.79, with non-Estonians – 76.24 (males respectively 73.34 and 71.38; females – 81.77 and 80.52). Life expectancy without disability with Estonians constituted 56.54, with non-Estonians – 52.55. Greater discrepancy in this indicator was witnessed among females (respectively 58.52 and 53.32).¹⁸⁴

Among the causes of inactivity in labour market in 2012, 21% of ethnic non-Estonians and only 14% of Estonians pointed out disease or disability (in 2007 respectively 15 and 14%). Such discrepancies between groups can only partially be accounted for by differences in age structure of both communities. Notably, participation in labour market for Estonians and non-Estonians was approximately on the same level in 2012.¹⁸⁵

In 2012, data on local factor affecting health were published. Within its framework, a mailing survey of population aged 15-70 was carried out approximately in every third self-government of Estonia. Questionnaire was answered by 4,239 people (out of 10 thousand people). Survey showed that 17.8% Estonians and 28.8% non-Estonians pointed out significant limitations curbing activity due to disease or problems with health in recent six months. No such restrictions were noted by 42.2% Estonians and only by 25.2% representatives of minorities.¹⁸⁶

According to the same survey, among ethnic non-Estonians there were several times more people than among Estonians who had not used alcohol in the last 30 days (29.4 and 25.4%). Among males – Estonians 49.6% used alcohol at least once per week, among males non-Estonians – 38.7%. Lesser differences in ethnic aspect were found among males, using relatively much alcohol. Under the same data, half of Estonians (35% males and 65% females) do not smoke, while with non-Estonians the corresponding indicators are lower, in particular with females. The share of those smoking daily however differs little; in both groups about one quarter. The differences concern females: among Estonians 17% smoke daily, among non-Estonians – 22%.¹⁸⁷

The survey held in 2011 among students born in 1995 was targeted at 135 comprehensive schools. According to its results the controlled drugs had been at least once in lifetime by 43% boys and 34% girls from Russian schools and 34% boys and 26% girls from Estonian schools. However Estonian youth are clearly more prone to use alcohol: in the

184 Source – Statistics Estonia.

185 Ibid.

186 Results of the said survey are available in public database of health and health survey statistics, National Institute for Health Development, www.tai.ee.

187 Ibid.

year preceding the survey 13% boys and girls from Estonian schools had been drunk over three times and only 8% from Russians.¹⁸⁸

According to data of Register of Causes of Death, in 1999-2012 the overdose killed 1,118 people: in 2012 the overdose of drugs (mainly overdose of synthetic drugs) killed 170 people, 72% of whom were ethnic Russians; the majority of victims were aged 25-34, and resided either in the capital Harju county (59%), or in Ida-Viru county (30%).¹⁸⁹ According to data, presented in the national programme on prevention of HIV/AIDS for 2002-2006 (2002),¹⁹⁰ 98% of people, using intravenous injection were Russian-speaking.

Estonia is the scene of the HIV epidemic. General quantity of registered cases constituted 8,702 by end 2013. Under estimates of 2012 the general number of diseased residents was up to eleven thousand. Rates of growth in morbidity in recent years have been declining, although they are leading in the European Union. In 2012 in Estonia 23.5 new cases was registered per 100 thousand population. The average indicator in the EU and the European Economic Area was 5.8 cases for 100 thousand people.¹⁹¹ The database of infection diseases has the data on HIV-positive cases since 1 October 2009. In the period until 21 April 2014, recorded were data on 929 people, 768 (83%) of them being Russians; almost half of those reported in Tallinn and Narva.¹⁹²

T. Raitviir managed to study ethnic aspect of differences of mortality on the basis of official data for 2006. Under her calculations Estonians were over-represented among those dying of vascular diseases and malignant tumours. Nevertheless, traumas and poisonings as the cause of death were significantly more characteristic for minorities, including accidental poisoning (including alcohol) and manslaughter. Furthermore, non-Estonians were over-represented among those dying of infection and parasite diseases, including tuberculosis and HIV (but not of viral hepatitis). Some medical conditions, related to use of alcohol were also more characteristic for minorities (but their total number was small). Estonians were in the majority among those dying of diseases of central nervous system and organs of perception.¹⁹³

188 Kobin, M., Vorobjov, S., Abel-Ollo, K., Vals, K. (toim.) Uimastite tarvitamine koolinoorte seas: 15-16-aastaste õpilaste legaalsete ja illegaalsete narkootikumide kasutamine Eestis, Uuringu raport (Use of Drugs Among Youth: Use by Students Aged 15-16 of Legal and Controlled Drugs in Estonia, Report of Survey), Tallinn: TLÜ RASI, TAI, 2012, p. 31.

189 2013 National Report (2012 data) to the EMCDDA by the REITOX National Drug Information Centre – Estonia. New Developments, Trends and In-depth Information on Selected Issues. Tallinn: REITOX, 2013, pp. 44-45.

190 Official publication: Riikliku tervishoiuprogrammi "HIV/AIDSi ennetamise riiklik programm aastateks 2002-2006" kinnitamine (Approval of National Health Programme "HIV/AIDS Prevention National Programme for 2002-2006"), Riigi Teataja Lisa 2002, no. 13, art. 173.

191 HIV nakkuse ja kaasuvate infektsioonide epidemioloogiline olukord Eestis, 1988-2013 (Epidemiological Situation in Estonia in Connection with HIV Morbidity and Concomitant Infections in 1988-2013), National Institute for Health Development and Health Board, [2014], pp. 1,3.

192 Letter of National Institute for Health Development of 22 April 2014.

193 Raitviir, T. Rahvuste Tallinn. Statistilis-sotsioloogiline ülevaade (Multinational Tallinn. Statistical – sociological Review), Tallinn, 2009, pp. 207-209.



LEGAL INFORMATION CENTRE FOR HUMAN RIGHTS

The Legal Information Centre for Human Rights (LICHR) was established in 1994 with the support of three Danish non-governmental organizations within the Democratisation programme of the Ministry of Foreign Affairs of Denmark (DANIDA) and with the assistance of the Presidential Round Table on National Minorities, the Representative Assembly of Non-Citizens of Estonia and Tallinn City Government.

The core areas of activity:

- provision of access to justice and protection of human rights;
- legal aid;
- analysis of the human rights and national minorities' rights situation, monitoring of Estonian legislation;
- contribution to the integration process and inter-ethnic dialogue in society;
- legal training in the sphere of human rights.