



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

Distr.: General
5 October 2011

Original: English

Committee on the Elimination of Racial Discrimination

Eightieth session

13 February–9 March 2012

**Consideration of reports submitted by States parties under
article 9 of the Convention**

**Concluding observations of the Committee on the Elimination of Racial
Discrimination: Estonia**

Addendum

**Information received from the Government of Estonia regarding the
recommendations in paragraphs 11, 13 and 17 of the concluding
observations***

[23 September 2011]

**Reply to the recommendations contained in paragraph 11 of the
concluding observations (CERD/C/EST/CO/8-9)**

1. Estonia intends to amend Section 151 of the Penal Code so that incitement of hatred (hate speech) on racial or other grounds would not be connected to the condition of danger to the life, health or property of a person.
2. Estonia plans to abolish the condition in Section 255 of the Penal Code according to which a criminal organisation is only created “for the purpose of proprietary gain”. Thus, it is foreseen that all organisations whose activities are directed at the commission of criminal offences shall be prohibited and punishable under law.
3. With regard to the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, Estonia intends to positively consider the possibility of ratifying the

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation service.

protocol in the future. This issue requires additional substantive analysis and a political assessment as to whether the act is in conformity with constitutional rights.

Reply to the recommendations contained in paragraph 13 of the concluding observations

4. The Integration Strategy and the Estonian Language Development Plan are two separate documents which have been developed based on the Constitution of the Republic of Estonia, which, on the one hand, stipulates the task of the Estonian State to protect the Estonian language and culture, and on the other hand, lays down everyone's right to preserve his or her national identity.

5. The aim of the Estonian Language Development Plan is to create a basis for the Estonian language as a State language in all areas of life, including education, research, development and protection of the Estonian language, and by this, the basis for preservation of the Estonian language over time. Thus, the emphasis of the language aspect in this document should not be considered as unnecessary, as attaining the aforementioned aims with other means would not be possible. The chapter in the development plan concerning the supervision of the implementation of the Language Act constitutes only a very small part of the document and does not mention sanctions imposed for violation of the Language Act.

6. The goals mentioned in the Integration Strategy for the years 2008-2013 concern measures enabling equal participation of foreign language speakers in the economic, social, political and cultural life. This document does not include supervision over the implementation of the Language Act.

7. In 2008, 164 million Estonian Kroons were allocated to actions provided for in the Integration Strategy; in 2009 - 160 million Kroons; in 2010 - 167 million Kroons. These sums are complemented by resources from the European Fund for the Integration of Third-Country Nationals and the European Social Fund. In comparison, the organisation of the supervision of the implementation of the Language Act received an allocation of 5.6 million Estonian Kroons in 2008, 4.4 million Kroons in 2009 and 4 million Kroons in 2010. This is approximately 35 times less than the amounts for actions concerning integration.

8. Persons with mother tongues other than Estonian should not feel discriminated against in Estonia. In the Estonian Language Development Plan, and also in the Integration Strategy, sufficient attention has been devoted to both the Estonian language studies on one hand, and to the preservation of ethno-cultural identity on the other hand. The Russian educational institutions in Estonia cooperate freely with the scientific institutions in Russia on subjects such as development of the Russian language and enhancing the teaching of the Russian language. Pushkin Institute in Tallinn offers language courses (including for students with Russian mother tongue studying in Estonian language schools), Russian-language exams, in-service training of teachers, etc. Both University of Tallinn and University of Tartu have units for studying and conducting scientific research in Russian linguistics.

9. The requirements for proficiency in the Estonian language are stipulated in the Language Act and concern public service workers (national officials, local government officials, police officers, border guards, rescue workers, teachers) and workers in the private sector who act in public interest and/or communicate with the public and clients in performing their work duties. In addition to proficiency in the language in the working environment, the Language Act also prescribes requirements for the Estonian language in public administration, for public and consumer information. If the public administration and information in the Estonian language are guaranteed, the Language Act allows public

administration and information also in foreign languages (e.g. Russian, English, Finnish, etc.). The measures for supporting foreign languages may not impair the Estonian language.

10. Foreign languages may be used additionally to the Estonian language in public administration and communication, in the whole territory of Estonia, irrespective of the ethnic composition of the population in a certain location.

11. The Language Act accords the task of controlling the implementation of the requirements to the Language Inspectorate and also stipulates compliance monitoring procedures. As with all requirements stipulated in a legal act in a State run by the rule of law, possibilities are provided for penalties in the event of violation of the Language Act. It must be added, however, that the penalties with regard to compliance monitoring of the Language Act have been implemented a great deal less than in other areas. Between 2004 and 2010, violations of the Language Act were punished in 5% of all cases, in the rest of the cases, a person violating the requirements of the Language Act was given a warning or a prescription to improve his or her language proficiency to the level required by law, and given enough time to do so. The statistics show that the actions of the Inspectorate are first and foremost of an advisory nature, warning rather than punishing. Punishment is imposed only on occasions whereby the language requirement has been ignored for a long time and intentionally so.

12. Pursuant to the Language Act, the Inspectorate has to grant a worker enough time to improve his or her language proficiency. This requirement has always been followed. Pursuant to the Language Act, those who pass the Estonian language proficiency examination receive, via the National Examination and Qualification Centre, compensation for the language studies, which is currently 384 Euros for every language level. The language examinations are free of charge.

13. A new Language Act entered into force on 1 July 2011, in which the waiver from taking the Estonian language proficiency examination was widened. Pursuant to the new Language Act, the requirement for the language examination no longer applies to workers who have completed their education in a Russian language secondary school which has transferred the teaching of 60% of the subjects in the Estonian language. Also exempt from the Estonian language examination are workers who have passed the professional examination in the Estonian language. The Estonian language proficiency of the aforementioned workers may be checked by the Inspectorate only if the employer so requests.

14. The language requirements regulation was reviewed in 2011 and the amendments include the requirement of a lower level language proficiency in many positions, in comparison with the earlier regulation.

15. The language requirements regarding naturalisation derive from the international practice, and are in compliance with the level described in the Common European Framework of Reference for Languages. This framework stipulates that the person who fulfils the requirements is able to understand the main points of clear standard input on familiar matters and can deal with situations in an area where the language is spoken (level B1). It is considered difficult for a basic language user (A1, A2) to independently cope in everyday situations and therefore requiring a lower level of language proficiency would not be commendable.

16. It is possible to obtain public services in two languages all over Estonia. According to the Language Act, Section 12 (4), it is possible for persons, on mutual consent, to use a foreign language in oral communication with servants or employees of State agencies and local governments, irrespective of the proportion of non-Estonian language speakers in the area. If a person contacts a State agency or a local government and speaks Russian, he or she will receive a reply in Russian. Moreover, all the ministries and other State agencies

have Russian and English language websites; forms are also available in Russian and English languages.

17. The relevant issue might rather be the fact that in several Ida-Virumaa local governments, the officials' proficiency in the Estonian language may be insufficient, therefore the communication with Estonian-speaking persons with the local governments in the State language is hindered

18. The Language Act does not prohibit the use of other languages besides Estonian in public information, and in Ida-Virumaa, the Russian language is also used to convey public information.

19. In comparison to the previous Language Act, the new Language Act which entered into force on 1 July 2011 provides for only notices of legal persons to be presented in the Estonian language. Thus, since 1 July 2011, private persons are not required to translate their announcements and notices into the Estonian language. Also, the announcements of legal persons may be accompanied by a translation into a foreign language. Consequently, the intrusion of the State in the issues of language use has decreased.

Reply to the recommendations contained in paragraph 17 of the concluding observations

20. A recent study commissioned by the Ministry Education and Science aimed at mapping the current situation as to how many Roma children are in the age group of pre-school and compulsory school attendance, whether and in which educational institutions they study. The persons conducting the study came up with recommendations to help further planning of state actions in order to support the Roma children in their path of education.

21. In Estonia, Roma children have not been segregated in the educational system, they attend the same schools as other children and youth, depending on their proficiency in either the Estonian or Russian language. It may be that the proportion of Roma children in comparison with Estonian and Russian children is bigger in schools for children with special educational needs, but those children are directed to these schools only by proposal from the counselling commission. Also one parent must give his or her consent to the decision.

22. A useful seminar was recently organised by the Ministry of Education and Science for teachers, social workers and counselling centre experts. During the seminar, participants obtained knowledge of the Roma culture, discussed cultural differences and exchanged experiences. In the light of the recommendations made in the aforementioned study the in-service training of people employed in the educational sector will be continued.
