



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

Distr.: General
28 August 2014

Original: English

Committee on the Elimination of Racial Discrimination
Eighty-fifth session

Summary record of the first part (public)* of the 2311th meeting

Held at the Palais Wilson, Geneva, on Thursday, 21 August 2014, at 3 p.m.

Chairperson: Mr. Calí Tzay

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* The summary record of the second part (closed) of the meeting appears as document
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The meeting was called to order at 3.10 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

Combined tenth and eleventh periodic reports of Estonia (CERD/C/EST/10-11; CERD/C/EST/Q/10-11)

1. *At the invitation of the Chairperson, the delegation of Estonia took places at the Committee table.*
2. **Ms. Reimaa** (Estonia) said that the Estonian Integration Strategy 2008–2013 set out the objectives of the country's integration policy and the measures aimed at achieving those objectives. The Strategy's implementation plan included specific indicators such as the number of persons studying the Estonian language and passing the Estonian language proficiency examination; the number of persons of undetermined citizenship in the country; and the differences between the employment rate and income of Estonians and persons of other nationalities. The results of a 2011 integration study had revealed that 61 per cent of non-ethnic Estonians were moderately, strongly or fully integrated into Estonian society and that the demand for basic Estonian language education had increased. The majority of Estonians were of the opinion that non-ethnic Estonians made a valuable contribution to the country.
3. The study had also highlighted the need for the Government to tailor its integration policy more closely to the needs of particular groups. The Government viewed education as an important means of promoting integration and had made Estonian the language of instruction for at least 60 per cent of subjects in secondary schools in order to ensure that all students could practise the language and enjoy equal access to higher education and the labour market. In addition, a growing number of Russian-speaking students were choosing to pursue higher education in Estonian.
4. The Government was seeking a solution to the issue of the country's national human rights institution but maintained that the Office of the Chancellor of Justice already performed most of the functions of such an institution, as explained in paragraphs 46 to 49 of the State party's report.
5. As to the legislative measures taken to give effect to article 4 of the Convention, the amendment criminalizing incitement to hatred submitted in 2010 had still not been approved by Parliament. However, a new bill prohibiting hate speech and recognizing racial motives as an aggravating circumstance in criminal proceedings would be submitted to Parliament in autumn 2014. Moreover, in January 2015, the Criminal Code would be amended so that criminal organizations promoting racial discrimination or violence could be punished even if they did not act in the interest of self-enrichment. The Estonian Constitution prohibited discrimination on a wide range of grounds, which included, inter alia, nationality, race, sex and language, and formed the basis of the country's anti-discrimination legislation. The Equal Treatment Act covered discrimination based on racial or ethnic origin, colour, religion, age, disability and sexual orientation but did not cover gender-based discrimination, which was dealt with under the Gender Equality Act. The Government planned to amend the Equal Treatment Act so that it covered all grounds for discrimination.
6. The Government had launched a number of programmes to facilitate the participation of persons from different ethnic or cultural backgrounds in the social, economic and political life of the country. It also assisted newly arrived immigrants and long-term residents of foreign origin in learning the Estonian language, integrating into Estonian society and in acquiring citizenship with a view to ensuring their equal participation in the labour market and in other spheres. The data collected by Statistics

Estonia and the Estonian Unemployment Insurance Fund were used to inform political decisions on measures to assist specific groups. The 2011 integration study had shown that both Estonians and non-Estonians were active in the political life of the country but that minorities were better represented at the local level in areas where they were greater in number. The voter turnout for municipal elections was similar for both Estonians and non-Estonians. No statistical data on the ethnic background of public sector employees were collected in Estonia.

7. According to the 2011 integration study, 64 per cent of residents of undetermined citizenship wished to become Estonian citizens. The Citizenship Act had been amended to simplify the naturalization process for persons with disabilities and for persons with a restricted legal capacity; to allow primary, secondary and vocational school students to sit the examinations on the Estonian Constitution, Estonian citizenship law and the Estonian language as part of their final school examinations; to expedite the process for obtaining Estonian citizenship; and to reimburse the cost of Estonian language courses to those who passed the examinations on the Estonian language, the Estonian Constitution and Estonian citizenship law. Furthermore, in June 2014, Parliament had passed an amendment intended to simplify the citizenship application process for young people who, despite not having had a residence permit before the age of 15, had been residing permanently in Estonia for at least eight years. Those young people were granted citizenship provided that they had not become permanent residents in another country and that they were in possession of a valid residence permit when they were granted citizenship.

8. The Police and Border Guard Board used data provided by the population register to determine whether newborns and their parents were Estonian citizens. If a newborn did not acquire Estonian citizenship at birth, the Police and Border Guard Board sent the parents of the child a letter informing them of the need to apply for a residence permit for the child, and of the possibility of applying for Estonian citizenship on the child's behalf. The Government planned to amend the Citizenship Act further to allow minors under 15 years of age, who had been born in Estonia to stateless parents who themselves had been residing in Estonia for at least five years prior to the child's birth, to acquire Estonian citizenship through naturalization. Moreover, the Government planned to remove the obligation of beneficiaries of international protection who applied for Estonian citizenship to submit proof of release from their previous citizenship, and that of applicants for Estonian citizenship who were over 65 years of age to sit the written part of the Estonian language examination.

9. The Estonian Unemployment Insurance Fund offered a wide range of labour market services, which could be tailored to the needs of all persons, irrespective of their nationality or mother tongue. The Fund offered Estonian language courses to persons whose possibilities of finding a job were limited by their poor knowledge of the language, as well as labour market services in Russian. Furthermore, the Government had launched an initiative under which non-Estonians were given a financial incentive to search for and take up jobs that were located further away from their home.

10. Official statistics showed that there were currently fewer than 500 Roma living in Estonia. The Roma population could avail themselves of the labour market services provided by the Estonian Unemployment Insurance Fund. Under Estonian law, all persons could access general education irrespective of their socioeconomic background, nationality, gender, place of residence or special educational needs. Schools were required to admit all children aged 17 and under who lived in their catchment area. The Roma were considered to be of a different nationality and, as such, were provided with targeted support. According to official statistics, in 2014, there were 32 children in the general education system whose mother tongue was Romani. The Government was aware of the need to facilitate the social integration of the Roma and to provide them with assistance in areas such as education and

employment. The Government had taken a number of measures to facilitate the integration of Roma and other children from immigrant backgrounds into mainstream schools and to curb the number of school dropouts. One such measure was a two-year programme aimed at improving the quality of the educational and linguistic support provided to those children, which was to be launched in late 2014. Moreover, an educational counselling network had been established to provide teachers and parents with support in dealing with educational challenges.

11. An amendment to the Language Act had entered into force in June 2014, whereby the Language Inspectorate could no longer impose fines on employees who had insufficient knowledge of the Estonian language. Instead, the Language Inspectorate could issue an order for the employee in question to obtain a qualification attesting to sufficient knowledge of the language. However, employers could still be subject to fines for failing to ensure that their employees possessed the necessary language skills. The Language Inspectorate had imposed fewer fines in 2014 compared with previous years. The Language Act had also been amended to lower the language level required for certain jobs from B1 to A2.

12. No court rulings concerning unequal treatment had been handed down since 2006. Since 2010, four cases involving incitement to hatred and one case involving unequal treatment had been investigated by the judicial authorities. The competencies of the Gender Equality and Equal Treatment Commissioner included monitoring compliance with the Equal Treatment Act and the Gender Equality Act. According to official statistics, nine complaints of discrimination on the grounds of ethnic origin had been filed since the submission of the Commissioner's 2012–2013 report. The Office of the Chancellor of Justice did not collect separate statistics on complaints of discrimination on the grounds of race or ethnic origin. In general, only a small number of complaints of discrimination were received, of which only a few specifically concerned discrimination.

13. **Mr. Kut** (Country Rapporteur) said that the State party's report was longer than necessary and that some of the information included could easily have been omitted. The State party's core document (HRI/CORE/1/Add.50/Rev.1) dated back to 2001 and needed to be brought up to date. Noting that only three NGOs had contributed to the State party report, he said that the State party should collaborate with more NGOs in the future to ensure that its report reflected the wide range of views in that sector.

14. Recalling the Committee's concluding observations and recommendations on the previous periodic report of Estonia (CERD/C/EST/CO/8-9), he said that the Office of the Chancellor of Justice was not a substitute for a national human rights institution that was in full compliance with the Paris Principles. He noted with regret that, four years after having received its concluding observations and recommendations, the State party had still not amended its Criminal Code to criminalize racially motivated hate speech in all circumstances; to prohibit racist organizations; and to establish ethnic, racial or religious hatred as an aggravating circumstance in criminal proceedings. Noting that the State party had not yet ratified the Additional Protocol to the Council of Europe Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, he asked whether it intended to do so.

15. The Committee considered the emphasis placed on the Estonian language in the objectives of the Estonian Integration Strategy 2008–2013 to be disproportionate and conducive to discrimination. While the State party had taken steps to address that situation, more needed to be done. The Committee welcomed the fact that non-Estonians could take part in local government elections, but noted that only Estonian citizens could vote in general elections or belong to a political party. Therefore, members of minority groups who were not Estonian citizens were precluded from participating fully in the political life of the country.

16. The Committee had also called upon the State party to increase its efforts to reduce the number of persons of undetermined citizenship in its national territory and had invited it to ratify the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons. However, according to the State party's report, Estonia was still not planning to ratify those Conventions. The Committee required statistical data to determine whether racial discrimination existed in a given country and to identify which groups were affected. It was up to the State party to decide on the most appropriate methodology for collecting such data.

17. Noting that the unemployment rate among non-Estonians was approximately double that among Estonians, he wondered what kind of mechanisms, policies and actions were being implemented by the State party to close such gaps. According to the report, there were some 633 Roma in the State party and only 22 Roma students, 6 of whom were considered to suffer from a mental disability and were thus placed in special education. Although statistics for such small groups could distort the situation, the fact that, on the face of it, almost 30 per cent of Roma students were placed in special schools was a problem that needed to be addressed to avoid giving the impression that Roma students were segregated.

18. With regard to the near-absence of complaints of acts of racial discrimination, he asked why the Office of the Chancellor of Justice did not keep separate statistics on whether matters subject to proceedings involved racial discrimination or not. Noting that the State party was considering ratification of the Convention against Discrimination in Education, he wondered when that might take place. He would be interested to hear a full evaluation of the outcome of the Estonian Integration Strategy in concrete numbers.

19. He requested clarification regarding the three court proceedings under section 90 of the Criminal Code on genocide. He wished to know specifically how many people had been affected by the amendments to the Citizenship Act. He asked the delegation to comment on reports that asylum seekers were portrayed as potential terrorists in the Estonian media, that xenophobic comments by high-level politicians were common, that asylum applications by people from the territories of Russia were systematically rejected, and that the Nazi occupation was portrayed in history textbooks in an almost positive light.

20. **Mr. Avtonomov** said that it was to be hoped that the new legal provisions would help reduce the high number of persons with undetermined citizenship in the State party. In particular, the problem of stateless persons actually born in Estonia needed to be addressed. Regarding the limitations on the use of minority languages in education, he wondered whether it would not be possible to give private schools, and parents, greater freedom in that regard. Referring to the new television station, launched in 2008 to better cater to the interests of minorities, including Russian speakers, he asked why the percentage of programming in Russian remained so low. He would welcome clarification of the station's programming policy. He asked the delegation to comment on a recent study that had shown that Estonian students with Russian surnames were discriminated against on that basis when applying for jobs.

21. On the issue of birth registration, he said that it was important to respect the tradition of using patronymics for those who wished to maintain it, and perhaps a space could be added to the birth registration form for that purpose. He asked the delegation to comment on the fact that the Setos people were not recognized as a separate ethnic minority in the State party, although they were in Russia.

22. The Office of the Chancellor of Justice appeared to play a similar role to that of the Attorney General in other countries. Although its powers to amend legislation might serve to protect human rights, it was not a national human rights institution as such. Lastly, he

wished to know how the State party was preparing for the United Nations Decade for People of African Descent.

23. **Ms. Crickley** expressed concern that, as the requirements under the reporting mechanisms of the Council of Europe and the European Union did not exactly match those of the Committee, providing the same information to both sets of bodies meant that the Committee's expectations were not necessarily being met. She asked what had been done to address the fact that a large proportion of the Russian-speaking community did not know how to file a complaint of discrimination. With regard to the Office of the Chancellor of Justice, the Committee's direct concern was that the State party should have a national human rights institution that was compliant with the Paris Principles. Although the Committee acknowledged the role played by the Chancellor in the area of human rights, a broader mandate was required and there was no justification for not having a dedicated national human rights institution.

24. With regard to the Integration Strategy, she wondered how it explicitly addressed the issue of racial discrimination. She would be interested to hear what progress had been made and what targets had been set in relation to the integration of the Roma. Noting that the Committee was not concerned with the situation of women in general, she asked whether any parts of the State party's gender equality strategy specifically targeted minority women. She would also welcome information on the situation of people of African descent in the State party.

25. **Mr. Diaconu** said that having a constitutional provision on equal rights was not sufficient; it was necessary to add provisions to the Criminal Code and criminal legislation on which the courts could rely. In particular, a provision on racial motivation as an aggravating circumstance was required. Noting that all foreigners, not just those from European Union members States, could stand for local elections, he wished to know whether any foreigners had actually been elected. He requested further information on organizations representing minorities and about the mandate of the Council for Ethnic Minorities and the mechanism for cooperation between that Council and the Government.

26. Noting that the percentage of stateless persons remained high, he wondered what was being done to remedy the situation. He wondered why children under the age of 15 born and educated in Estonia were still required to undergo language testing in order to obtain citizenship. Indeed, he wondered why they were not automatically granted citizenship without having to apply for it. Noting that 80 per cent of the population in the area with the highest unemployment rate in the country were non-Estonian, he asked what was being done to reduce the disproportionately high unemployment rate among that group. With regard to the Roma, he requested clarification of the number of children of school-going age who were not in school. He expressed concern that, for a minority language to be used in the local administration, 50 per cent of the population in the area must belong to that minority. That threshold seemed excessively high.

27. **Mr. Murillo Martínez**, noting that the statistics contained in the core document were very old, wondered whether the downturn in economic growth had had an impact on the level of racial discrimination in the country, as racism tended to flourish during times of economic difficulty. He would also be interested to hear more about a number of other relevant indicators, such as the percentage of the prison population made up of minorities and the life expectancy figures for minority ethnic groups. He agreed with Mr. Diaconu's points about the political participation of minorities. He asked about the role and impact of the Ministry of Population and Ethnic Affairs.

28. **Mr. Yeung Sik Yuen** said that he agreed with the concerns expressed by Mr. Kut in relation to the overemphasis on the use of language in the Integration Strategy. He also expressed concern that the Russian-speaking schools appeared to be overregulated.

Recalling the views expressed by the Chancellor of Justice with regard to everyone's constitutional right to be taught in Estonian, he stressed the need for openness and respect for the rights of minorities and promotion of their languages and culture.

29. **Ms. Hohoueto** said that she hoped that the State party would provide fully updated statistics in its next periodic report. She asked whether it was still the case that prisoners, many of them in pretrial detention, could submit complaints only in the official language of the State and that the authorities refused to translate documents submitted in any other language. If so, she wished to know what was being done to remedy the situation.

30. **Mr. Kut**, referring to the delegation's opening statement about the assessment of the Integration Strategy, asked what exactly was meant by "moderately, strongly or fully integrated" and what the situation was of the nearly 40 per cent of non-ethnic Estonians who were not integrated. He wished to know why the naturalization process could not be simplified for all categories of people if it had been for persons with disabilities. He requested further information, including statistical data, about the reduction of the time required for obtaining Estonian citizenship.

31. He asked for confirmation that, pursuant to amendments to the Language Act introduced in June 2014, fines for lack of proficiency in Estonian were imposed on employers rather than employees. He enquired about the outcome of the nine complaints for ethnic discrimination. He wished to know whether it was true that the Office of the Gender Equality and Equal Treatment Commissioner had only two staff members and what resources were at its disposal.

32. **Mr. Huang** Yong'an asked whether the Government was still considering establishing a national human rights institution in line with the Paris Principles and whether there was a special entity responsible for processing complaints lodged by members of ethnic minorities.

33. **Ms. Hohoueto** pointed out that, given the human rights mandate of the Chancellor of Justice, it seemed unlikely that an independent national human rights institution would be established in the near future, despite the delegation's assertions. She asked whether the four cases of incitement of racial hatred had been followed up and what the outcome had been.

34. **Mr. Avtonomov** pointed out that, on the one hand, the report lacked information, particularly statistical data, yet on the other, it contained information irrelevant to the Convention. He asked why the authorities refused to establish cultural autonomy for Russian speakers when they had done so for the Finnish and Swedish minorities. He wished to know whether the State party intended to accept the amendment to article 8 of the Convention regarding emoluments for Committee members. He said that, although it was positive that the Office of the Chancellor of Justice had a human rights portfolio, it also worked in a number of other areas; therefore, it might be useful to have a separate institution devoted solely to the protection of human rights.

35. **Mr. Diaconu** pointed out that many countries had both an ombudsman, which in Estonia seemed to be the Chancellor of Justice, and a national human rights institution, because the two entities served different purposes. Although he acknowledged that countries had the right to impose the study of their national language, they should also facilitate instruction and public services in minority languages.

36. **Mr. Bossuyt** requested additional information on language inspections and confirmation that they applied only to the private sector. He said that penalizing employers who recruited staff with poor command of Estonian was quite a harsh policy.

The meeting was suspended at 5.20 p.m. and resumed at 5.30 p.m.

37. **Ms. Reimaa** (Estonia), replying to a question regarding the Integration Strategy, said that its implementation was coordinated by a steering committee, headed by the Ministry of Culture and made up of representatives of eight other ministries concerned. There was also a working group consisting of various interest groups and Government representatives. The Government had decided that there was no need for a specific strategy on the Roma; nevertheless, the Integration Strategy contained measures for that population; a special working group had been set up and focal points had been appointed at the local level. A project was due to begin in the autumn of 2014 whereby Roma parents could receive counselling.

38. **Mr. Seilenthal** (Estonia) said that life expectancy had increased by approximately four years between 2003 and 2012, but that the gender gap remained roughly unchanged. The life expectancy of non-ethnic Estonians was comparable to that of Estonians.

The public part of the meeting rose at 5.40 p.m.