

ESTONIA

CERD A/55/18 (2000)

72. The Committee considered the initial, second, third, and fourth periodic reports of Estonia, submitted in one document (CERD/C/329/Add.2), at its 1387th and 1388th meetings (CERD/C/SR.1387 and 1388), held on 15 and 17 March 2000. At its 1398th meeting (CERD/C/SR.1398), held on 24 March 2000, it adopted the following concluding observations.

1. Introduction

73. The Committee welcomes the detailed and comprehensive report submitted by the State party, drafted in accordance with its guidelines for the preparation of reports, and the additional oral information provided by the delegation. The initiation of a frank and constructive dialogue with the State party is equally welcomed. The Committee was encouraged by the attendance of a high-ranking delegation and expresses its appreciation for the candid and constructive response of its members to the questions asked and comments made by the members of the Committee.

2. Factors and difficulties impeding implementation of the Convention

74. Having regained independence in 1991, the State party has begun the process of legislative reform and efforts in the social, economic and cultural field in the midst of economic and political transition. In doing so, the State party must deal with a legacy of difficult relations among various ethnic groups.

3. Positive aspects

75. The Committee notes with satisfaction that, notwithstanding the difficulties in this period of transition, the State party has made important progress in the area of legislative reform. It notes that among the first priorities established by Estonia was the ratification of international and regional human rights instruments. It welcomes the information provided by the State party that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and other international treaties, have primacy over domestic legislation and may be directly invoked in the courts.

76. The Committee notes with satisfaction the initiative taken by the State party to encourage integration of members of different nationalities residing on its territory, such as the draft State programme "Integration in Estonian Society 2000-2007" recently submitted to the Parliament for consideration.

77. The Committee welcomes the fact that the right to vote in local elections has been granted to all permanent residents, regardless of their nationality.

78. The Committee notes positively the existence of considerable number of organizations promoting minority cultures, as well as of a developed Russian-speaking media network.

4. Concerns and recommendations

79. The Committee is concerned that the definition of national minorities contained in the 1993 National Minorities Cultural Autonomy Act only applies to Estonian citizens. In the light of the significant number of non-nationals and stateless persons residing on the territory of the State party, it believes that such a restrictive and narrow definition may limit the scope of the State Programme on Integration.

80. With regard to stateless persons and their children, who are automatically born stateless, the Committee wishes to have more detailed information on this specific issue and particularly on the number of stateless persons who have been naturalized.

81. The Committee expresses particular concern that the provisions for restricted immigration quotas established by the 1993 Aliens Act apply to citizens of most countries in the world, except those of the European Union, Norway, Iceland and Switzerland. It is recommended that the quota system be applied without discrimination based on race or ethnic or national origin.

82. Information that the State party intends to reduce the provision of instruction in minority languages in the near future, including in areas where the Russian-speaking population is in the majority, is noted with concern. The Committee urges the State party to maintain the possibility for the various ethnic groups of receiving instruction in their languages or to study those languages at different educational levels without prejudice to the learning of the official language, as well as of using their mother tongue in private and in public.

83. Moreover, the Committee would like to receive detailed information in the State party's next report on the enjoyment of the Russian-speaking population of the rights listed in article 5 (d) and (e) of the Convention, in particular, possibilities for naturalization and for access to secondary education, employment, medical care and housing.

84. The State party is invited to provide further information in its next report on the following issues: (a) the work of the Legal Chancellor in ensuring respect of the Convention; (b) the existence of and measures to combat organizations of a racist character; (c) the effective penalties imposed in the case of conviction for acts of racism or racial discrimination; (d) Estonian birth rate trends, including separate data on the majority population and on ethnic minorities.

85. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

86. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a declaration be considered.

87. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

88. The Committee recommends that the State party's next periodic report, due on 19 November 2000, be a comprehensive report and that it address the points raised in the present observations.

CERD A/57/18 (2002)

344. The Committee considered the fifth periodic report of Estonia (CERD/C/373/Add.2) at its 1542nd and 1543rd meetings (CERD/C/SR.1542 and 1543), held on 16 and 19 August 2002. At its 1549th meeting (CERD/C/SR.1549), held on 22 August 2002, the Committee adopted the following concluding observations.

A. Introduction

345. The Committee welcomes the detailed and comprehensive report submitted by the State party, which was drafted in accordance with the guidelines for the preparation of reports, and the additional oral information provided by the delegation. The continuation of an open and constructive dialogue with the State party is equally welcomed.

346. The Committee is also encouraged by the detailed answers given to the questions and issues raised in its previous concluding observations.

347. Furthermore, the Committee welcomes the fact that, during the preparation of the State party's report, non-governmental organizations were invited to provide observations and comments.

B. Positive aspects

348. The Committee appreciates the increasing debate about and recognition of the multicultural nature of society in the State party. In this regard, the Committee welcomes the progressive implementation of the State programme "Integration in Estonian Society 2000-2007", aiming at furthering the integration of minorities at the socio-economic level, and appreciates the improved public access to the reports and preliminary results of the programme, including through the web site of the Ministry for Foreign Affairs.

349. The Committee welcomes the enactment of the new Penal Code which contains provisions relating to the criminalization of incitement to racial hatred and violation of equality.

350. The Committee also welcomes the amendment to the Act on Basic and Upper Secondary Schools which authorizes secondary schools to continue teaching in languages other than Estonian beyond 2007.

351. The Committee notes with satisfaction that the immigration quota no longer applies to the spouses of both Estonian and non-Estonian citizens residing in Estonia or to children under the age of 15.

352. The Committee welcomes the improved access to the office of the Legal Chancellor and, especially, the opening of a new office in Ida-Viru county.

C. Concerns and recommendations

353. The Committee remains concerned about the very high number of stateless persons residing in Estonia. Although it welcomes the fact that the naturalization procedure has been made easier for children and disabled persons, the Committee notes the existence of a significant discrepancy between the number of people passing the language proficiency test and those effectively filing applications and acquiring Estonian citizenship. The Committee recommends a thorough investigation into possible barriers which may exist, both in terms of the naturalization procedure and in relation to lack of motivation to apply for citizenship. The Committee also calls for a speedy resolution of the issue concerning the difficulties in obtaining citizenship for children born in Estonia of long-term residents whose legal status has not yet been determined.

354. The Committee is also concerned that former Soviet Union military personnel residing in Estonia are prevented from acquiring Estonian citizenship and is of the opinion that their applications should be considered on a case-by-case basis.

355. The Committee remains concerned by the restrictive definition of national minorities contained in the 1993 National Minorities Cultural Autonomy Act. The Committee reiterates that such a narrow definition may limit the scope of the State integration programme and have the effect of transforming a policy of integration into a policy of assimilation.

356. The Committee is concerned about the scope of language requirements in the Language Law in relation to employment, particularly in the private sector, and is of the opinion that they could lead to discrimination against minorities in violation of article 5 of the Convention. The Committee wishes to receive specific information explaining the relationship between language skills, ethnic background and employment, as well as information on the wage levels of different ethnic groups.

357. The Committee remains concerned about the situation of the Russian minority residing in Estonia, inter alia in relation to issues under article 5 of the Convention, especially economic, social and cultural rights, including the rights to employment, health care and education. The Committee is particularly concerned about double discrimination against women based on gender and on national or ethnic origin.

358. The Committee is concerned that the limited access to remedies hinders the bringing of complaints of discrimination in relation to, inter alia, the labour market, housing and education. The Committee recommends that the equality council mentioned in the draft equality act be established, in accordance with general recommendation XVII, as a national human rights institution with the mandate to advise and to monitor relevant legislation and practice and with competence to deal with individual complaints against acts of discrimination in the public or private sector.

359. Although it welcomes the elimination of the language requirements from the Election Act and the Local Government Council Election Act, the Committee expresses concern that, according to article 48 of the Estonian Constitution, only citizens can be members of political parties. Furthermore, the Committee considers it important that political bodies of towns with a majority of Russian-speaking inhabitants are offered the possibility of conducting their work also in Russian, as

stipulated in the Law on Languages and in the Local Government Organization Act. The Committee invites the State party to include in its next periodic report more detailed information on this issue and on the progress achieved.

360. The State party is invited to provide in its next periodic report statistical information on immigration, in relation to the number of family reunification applications filed, the number of accepted and rejected applications and the main reasons for rejection.

361. The Committee recommends that the Government of Estonia consider becoming a party to the Convention on the Reduction of Statelessness (1961), the Convention relating to the Status of Stateless Persons (1954) and the Convention against Discrimination in Education (1960) of the United Nations Educational, Scientific and Cultural Organization.

362. Noting the steps taken by the State party to make the declaration under article 14 of the Convention, the Committee looks forward to receiving information on this issue in the next periodic report.

363. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties and endorsed by the General Assembly in its resolution 47/111.

364. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at the national level.

365. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized in Estonian and in languages of national minorities.

366. The Committee recommends that the State party's next report, due on 20 November 2004, be an updating report that addresses the points made and concerns addressed in the present observations.