



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

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Seventy-seventh session

Summary record of the 2039th meeting

Held at the Palais Wilson, Geneva, on Friday, 20 August 2010, at 10 a.m.

Chairperson: Mr. Kemal

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The meeting was called to order at 10 a.m.

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

Eighth and ninth periodic reports of Estonia (continued) (CERD/C/EST/8-9; CERD/C/EST/Q/8-9; HRI/CORE/1/Add.50/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Estonia took places at the Committee table.*

2. **Mr. Seilenthal** (Estonia) said that the antagonisms among the different groups in the Estonian population dated back to 1940, when the country had been forcibly incorporated into the Soviet Union. Under Stalin and his successors, tens of thousands of Estonians had been deported, in 1941 and in 1949, under the pretext of expediting collectivization. Subsequent population shifts had been implemented under the Soviet central planning system, according to which workers had been sent to posts assigned to them anywhere in the Soviet Union. According to some studies, during the 50 years of Soviet occupation, at least 7 million people had lived in Estonia for at least a year and then moved on. Those processes had fundamentally changed the demographic situation in Estonia. By 1989, only 61.5 per cent of the population had been Estonian, and their numbers had been declining. Currently, Estonians remained in the minority in one county, and in Tallinn their majority was narrow. There were still places and institutions where Estonians could not manage their affairs in their own language. Much had changed in the 19 years since independence, but the country still bore the marks of that chapter of its history.

3. The rate of naturalization had fallen because the majority of people who had wanted to acquire Estonian citizenship had already done so. Under its relatively lenient requirements, Estonia had granted citizenship to over 150,000 people during the previous 16 years; they now accounted for over 15 per cent of all citizens. Most of those people had been living in the country for a long time, were fluent in Estonian and planned to stay there. There were no up-to-date data on the nationality of citizens and there was no separate category of “new” citizens. In general, citizens of other countries tended to be from the older generation, and people with undetermined citizenship included many middle-aged people. There were few young people in either of those groups, probably because those whose world view had been formed prior to 1991 found it harder to change. In addition, some parents applied for Estonian citizenship under the simplified procedure for their children, but not for themselves. It was understandable that, after the disintegration of the Soviet Union, some people had wanted to acquire Russian citizenship. There were currently about 95,000 Russian citizens residing in Estonia, the majority of whom had permanent residence permits. Persons with undetermined citizenship were those who had kept their options open. They had all been issued with the so-called “grey passport”, a recognized travel document allowing them to travel visa-free to the European Union and Russia. Given that bearers of either national passport required a visa to travel to the other entity, the grey passport was the reason many people chose not to determine their citizenship.

4. **Ms. Reimaa** (Estonia) said that the details of the Government’s policies and action plans were available on the websites of the ministries responsible for their implementation. The Ministry of Culture was now in charge of integration and was currently implementing the Second Integration Strategy (2008–2013). The Strategy highlighted the fact that integration was a two-way process. Its aims included promoting national minorities’ cultures and their contact with their countries of origin; supporting the preservation of their cultural identity and heritage; involving them more actively in the economic, cultural and social life of the country; and creating consultation bodies. The Government provided support for several projects including Russian theatre groups and radio and television broadcasts in Armenian, Azerbaijani, Belarusian, Ukrainian and Yiddish. The Strategy also

aimed to support all permanent residents' feeling of solidarity with Estonian society and their knowledge of the State language, their own native language and national culture. The Strategy adhered to European values, including respect for cultural diversity, multicultural dialogue, prevention of national seclusion and strengthening of State identity. About 60 per cent of the Strategy budget had been allocated to education and culture, about 20 per cent to social and economic activities and about 16 per cent to legal and political issues. It included measures to increase contact between different nationalities through Estonian and minority non-governmental organizations (NGOs). There were currently over 260 registered ethnic minority NGOs and associations.

5. In 2009, Estonia had received some 3,647 new immigrants, many of them from the European Union and, in most cases, for the purposes of family reunification. Between 1997 and 2009, only 162 asylum-seekers had arrived in Estonia. In 2008, a total of 57 irregular immigrants had arrived in the country and, in 2009, that number had increased to 134.

6. There were some 18 so-called "Sunday schools", where members of minority groups could study their languages. The schools received support from the Ministry of Education and Research. There were two such schools for Armenian, one for Azeri, one for Finnish, three for Russian, three for Ukrainian, two for Uzbek and one for Yiddish. Russian was widely spoken in Estonia by many of the members of national minorities, as a mother tongue or second language. It was used in the education system, in cultural activities and in the media, business, banking and advertising.

7. In 2008, the Council for Ethnic Minorities had been established to advise the Minister of Culture on issues related to the cultural life of the country's ethnic minorities. It included representatives of all the umbrella organizations of the different minorities. It met with the Minister of Culture every three months to discuss current problems and exchange opinions on cultural policy and integration. In 2010, the Youth Assembly of Ethnic Minorities had been created under the Council to encourage young people to engage in cultural activities and take responsibility for maintaining their national language and culture. In May 2010, the Estonian Cooperation Assembly, an NGO network, had set up the Round Table of Nationalities, which included traditional minorities and representatives of new immigrants. It would prepare an annual overview of current issues for submission to the Estonian President and aimed to promote increased cooperation with minority NGOs.

8. In October 1993, the Government had passed the National Minorities Cultural Autonomy Act. Its main objective was to provide national minority cultural societies with a partner at the local government and State level to teach minority languages and promote their national culture by establishing funds, scholarships and awards. Cultural autonomy bodies managed the activities of the relevant kindergartens, schools, national cultural establishments, businesses, publishing houses and social welfare institutions. They were independent legal entities in the form of non-profit organizations. For Russians, education in Russian was provided by the State; the community was large and compact across regions, which was why most of the leaders had maintained their mother tongue as the main language of communication. Members of many other ethnic groups had ceased to use their national language in everyday communication, which had resulted in a weakening of their national and cultural identities. The Act should help national minorities that were widely dispersed to maintain their language and culture, thus promoting their national identity.

9. **Ms. Hannust** (Estonia) said that the Government would continue to assess the possibility of ratifying the international instruments the Committee had mentioned. The Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness were considered the most urgent, since the Government had already granted more rights to persons of undetermined citizenship than those enshrined in those instruments. She could not specify the date on which Estonia would ratify the Additional Protocol to the Convention on Cybercrime, but it would definitely be in the near future.

10. The International Convention on the Elimination of All Forms of Racial Discrimination had been invoked in Estonian courts in 15 cases, most of which had concerned a dispute over retired Soviet military personnel which was currently before the European Court of Human Rights. The Estonian courts had not elaborated on the Convention, but merely acknowledged it, possibly because Estonian lawyers lacked confidence in applying international law domestically. Given that the first reference to the Convention dated back to 2007 only, it was expected that international instruments would be invoked in domestic courts more frequently in future.

11. In response to the question about the case of racial hatred on the Internet, she said that an article about a businessman on a news portal had elicited anonymous comments about his nationality, which appeared to be Russian. He had claimed compensation in court, and the court had ruled that the web portal was responsible for the insulting comments. The outcome had been that Internet portals had begun moderating comments the public made on their sites and there was now a system that users could employ to notify the portal staff about insulting content, which was then removed. The court case had also sparked debate about amending section 151 of the Criminal Code. She explained that the requirement that incitement to hatred must result in damage in order to be punishable had been introduced in an attempt to find a balance between protecting people's dignity while not unnecessarily limiting freedom of opinion. The Government had realized that it had not been as effective as it had hoped, and the Ministry of Justice was currently preparing a bill to amend that section. The Ministry of Foreign Affairs currently had no further information on the contents of the bill, but would raise the issue of the prohibition of racist organizations in that connection.

12. The definition of racial discrimination in the Equal Treatment Act covered both active and passive discrimination, but it was true that it included only a minimal set of grounds for discrimination: however, the ban on discrimination laid down in the Constitution was much more stringent. The Gender Equality and Equal Treatment Commissioner had suggested that the scope of the Equal Treatment Act should be extended.

13. **Mr. Thornberry** (Country Rapporteur) had noted references to the languages of minority groups as "foreign languages". The phrase was meant only to distinguish other languages from the official State language, Estonian. There were no rules about the language a person must use, except in certain public services, such as law enforcement, the health service and education.

14. Cases of racial discrimination could be settled by conciliation at the discretion of the prosecutor concerned: however, she had no details of any such cases.

15. Fourteen political parties were registered, of which six were represented in Parliament. Some of them had been founded to pursue the interests of the Russian minority, but none of those had obtained enough votes to enter Parliament. All the political parties had Russian members, including the influential Centre Party.

16. **Ms. Reimaa** (Estonia) said that the largest national minority was the Russians, numbering 95,000 people, followed by Ukrainians, Finns and Latvians. People were usually asked to state their citizenship rather than their ethnic affiliation, however.

17. **Mr. Seilenthal** (Estonia) said that six members of a Russian party had been elected to Parliament in the period 1995–1999 although, in fact, only half of the Russian community had voted for them. In the 2007 elections, the Constitution Party, which represented Russian interests, had won only 2 per cent of the vote.

18. The Estonian Institute of Historical Memory had been founded in 2008 to continue the work of the Estonian International Commission for the Investigation of Crimes against

Humanity, which had been an independent body whose governing body had included several foreign members. The Commission had published reports on the German occupation of Estonia (1941–1944) and the two Soviet occupations (1940–1941 and post-1944). Further issues about Estonia’s experiences under occupation were bound to emerge and would need to be sensitively handled.

19. Permission had been granted for the construction of a mosque in the capital, Tallinn, but building work had not yet begun. A new Russian Orthodox church and a synagogue had been built in the past few years.

20. The Committee had referred to the circulation of racist books about the Holocaust. The circulation of such books was very small: an attempt had been made to bring a prosecution in one case, but it was difficult because of the concurrent need to protect freedom of speech.

21. There had been a number of incidents involving groups of skinheads in 2006 and 2007. The police and security forces had increased their surveillance of such groups, and no incidents had occurred recently.

22. **Ms. Reimaa** (Estonia) said that men had been more adversely affected by the economic crisis than women. Of the unemployed population as a whole, 45 per cent were women. Disaggregated statistics for immigrants would be available soon.

23. Most of the information she had given related to asylum-seekers and illegal immigrants into Estonia. Most migrants who entered Estonia legally were on their way to another European country, taking advantage of European freedom-of-movement regulations, but their final destination was not recorded.

24. The Government made a great effort to raise public awareness of the need for legal, political and social integration of all residents of Estonia. The aim was to provide them with equal opportunities to participate in social and political life.

25. **Ms. Hannust** (Estonia) said that the Office of the Chancellor of Justice was the closest thing to a national human rights institution in Estonia at present. It would probably be classified in Category B under the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles) in view of its current contacts with NGOs and the level of provision of human rights education. In a small country like Estonia, with limited resources, it was unlikely that a completely new institution would be created: however, it might be possible to upgrade the Office to Category A status in the future.

26. **Mr. Seilenthal** (Estonia) said that the Cooperative Cyber Defence Centre (CCD COE), a NATO Centre of Excellence, should be described as an “e-defence” establishment rather than an “e-military” one. It had been established in response to the risk of widespread disruption which would follow any attack on the information technology systems vital for all aspects of everyday life. An Estonian expert was a member of the committee on that issue which would report to the General Assembly in the autumn of 2010.

27. **Mr. Murillo Martínez** asked how often the Convention had been invoked before the courts in relation to racist offences committed on the Internet.

28. Individual complaints under article 14 of the Convention had been brought before the Committee by former Soviet military personnel. What precisely were the issues involved?

29. **Ms. Hannust** (Estonia) said that the military personnel in question had brought discrimination claims because, on their retirement, they had not been permitted to claim a pension both from the Estonian Government and from the Russian Federation, as successor State to the former Soviet Union.

30. **Mr. Avtonomov** said that he was concerned by the delegation's constant references to "citizenship" rather than ethnic origin. People from a minority ethnic group could suffer discrimination even if they were citizens. He reiterated the importance of collecting disaggregated data relating to various ethnic groups. The data before the Committee, showing a disproportionate number of people from Russian-speaking minorities among the prison population, for instance, indicated that discrimination did exist. Certain ethnic groups might have persistently worse living conditions or suffer discrimination in employment, which would lead to resentment and ultimately to conflict between ethnic groups. It was in the Government's own interests to collect data on such issues. It was possible to use data collection methods which did not stigmatize the groups concerned and yet would reveal useful information about their average income, levels of education, etc.

31. He acknowledged that it was difficult to collect information about the Roma population, which was often nomadic. However, if relevant statistics could be collected, they might help the Government's case in applying for European Union funding for assistance to the Roma population. He asked further about the degree of interest among Roma in Estonia in learning and using the Roma language. Were there any textbooks of the Roma language?

32. He would also like to know about any instances of discrimination against Russian speakers at an everyday level. For instance, outside the areas where most Russian speakers were concentrated, were there problems for Russian speakers in understanding media reports or using health or social services? It was a particular problem for older people, who might find it more difficult to learn Estonian. Had there been complaints and, if so, what action had been taken? Again, it was in the State party's interests to deal with such low-level, everyday discrimination before tensions had a chance to accumulate.

33. **Mr. Seilenthal** (Estonia) said that, because of Estonia's recent history, individuals were reluctant to state their ethnic origin and it was therefore difficult to collect disaggregated data. However, some data were available for the prison population, which the delegation had provided.

34. In general, statistics dating from before the global economic crisis showed three high-risk groups for poverty: rural inhabitants, people with large families and middle-aged women from the Russian-speaking minorities. The delegation would provide statistics for the situation since the economic crisis had struck: unemployment was highest in north-eastern Estonia, where there was a high proportion of Russian speakers, and in the south-east, where there were practically none.

35. **Ms. Reimaa** (Estonia) said that there was no discrimination against non-citizens. They had the right to participate in any organization they chose and to vote in local elections, although not in national ones, if they were not citizens of the European Union.

36. One particular organization had launched a campaign for "Russian cultural autonomy". However, it had been unable to reach a consensus with other Russian-speaking organizations, so the campaign had come to nothing so far.

37. The Ministry of Education and Research had devoted considerable attention to the teaching of Roma language and culture. However, it was difficult to recruit teachers from the Roma community, and other teachers had a lot to learn themselves before they could do the job properly. It was hoped that Roma organizations would participate more fully in the education efforts in future. The Government funded the teaching of Roma language and culture: a major international project on teaching methods and materials had been launched in 2006 in collaboration with Roma organizations in Finland.

38. All complaints of discrimination, even at the relatively minor, everyday level described by Mr. Avtonomov, were recorded and thoroughly investigated. In her opinion,

the problems stemmed from the individual's lack of language knowledge, rather than from any discrimination in society in general. Young people, too, sometimes encountered problems if they did not know Russian. However, they were aware of the need for proficiency in foreign languages in order to increase their employment prospects. Many of them learned English, Russian and even Finnish.

39. **Mr. de Gouttes** drew attention to the importance of gathering data on socio-economic indicators, including on crime and imprisonment rates, so that those groups most vulnerable to marginalization and, as a consequence, racial or ethnic discrimination could be identified. He underlined the fact that attempts at conciliation could be beneficial in both individual and collective cases of racial discrimination, in order to avoid recourse to the judicial system wherever possible. He enquired about the role of the State party's various churches in promoting racial understanding and tolerance. If they had the will, they could make a significant contribution to social cohesion and peace.

40. **Ms. Reimaa** (Estonia) said that much work was being done on indicators, particularly in a European Union context, as it was important for different countries to be able to compare themselves against measurable standards. Initial action plans in Estonia had contained too many indicators, and plans currently being developed for 2011–2013 would be streamlined in that regard, based on extensive research. Integration monitoring was due to begin in 2011, and the Government was particularly keen to increase research on housing, taking into account background information from other countries. With regard to the role of the churches, she said that the Government maintained strong dialogue with the many denominations represented.

41. **Ms. Hannust** (Estonia) added that the question of why Estonia's conciliation mechanism was not being extensively used had not yet been examined in detail.

42. **Mr. Saidou**, expressing the view that a country of any size could establish a national human rights institution in accordance with the Paris Principles, asked how the Chancellor of Justice was appointed and whether he had his own supporting staff.

43. **Ms. Hannust** (Estonia), acknowledging Mr. Saidou's point, said that Estonia was more likely to adapt an existing institution to comply with the Paris Principles than establish a new one. The Chancellor of Justice was appointed by Parliament and the President for a term of seven years and was eligible for reappointment for a further term. He could be removed from office if convicted of criminal offences. The Chancellor headed an Office which had its own allocated budget and which functioned in accordance with a specific legal act; further information could be found on the Office's website. The independence of the Chancellor and his Office was guaranteed in law; with some alterations, the institution could be made to conform to the Paris Principles.

44. **Mr. Peter** suggested that the Government website should feature links to more ministry websites, to balance the current focus on foreign affairs and finance. He agreed that there was no need for the State party to establish a new human rights institution, as it was clear that the Chancellor of Justice was already very active. He suggested that the post be made less like that of an ombudsman and be altered to bring it into line with the Paris Principles instead. He requested clarification regarding cases submitted to the Chancellor that had been completed without proceedings.

45. **Ms. Hannust** (Estonia) replied that the category included not only cases in which an amicable solution had been reached, but also those rejected as being outside the Chancellor's competence.

46. **Mr. Seilenthal** (Estonia) said that, in response to the Government's repeated suggestions that it seek accreditation, the Office of the Chancellor of Justice had explained that additional resources would be required to take on additional functions. The

Government would continue to advocate such a move, and he expressed the hope that progress could be made once the financial situation improved.

47. **Mr. Cali Tzay** commended the State party on the progress it had made in the face of adversity and encouraged it to continue its efforts to overcome remaining challenges in the fight against racism and discrimination.

48. **Mr. Thornberry** (Country Rapporteur), welcoming the constructive dialogue with the delegation, which had provided the Committee with valuable background information, encouraged the Government to continue and increase the involvement of NGOs in the preparation of reports to the Committee and similar bodies. He highlighted several issues of particular interest, such as the need for reliable data and indicators, dealing with indirect as well as direct discrimination, the State party's integration strategy, raising awareness of the Convention, and conciliation proceedings.

49. National human rights institutions played a new but important role in the Committee's work, and he hoped that the State party would soon have an institution accredited under the Paris Principles. He expressed particular interest in the Estonian Institute of Historical Memory, which could contribute to the healing process, provided that its conclusions carried sufficient weight to be respected, even if not universally accepted, and were used as a basis for future debate.

50. **Ms. Reimaa** (Estonia), thanking the Committee for its comments and questions, said that the Ministry of Culture maintained strong relations with NGOs, which was one reason why it had been given responsibility for minority issues. Culture could serve as a neutral tool for dialogue on a range of subjects, and the Ministry was keen to promote interaction between different minorities, peoples and religious groups, along with awareness of human rights issues.

The public part of the meeting rose at 11.55 a.m.