



european network against racism

# ENAR Shadow Report 2007

## ENAR SHADOW REPORT 2007

### Racism in Estonia

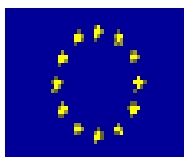
Julia Kovalenko  
Legal Information Centre for Human Rights  
ENAR-Estonia

*Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.*

*The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.*

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## 1. Executive summary

2007 was an important year for Estonia from a number of perspectives. Most of the developments were indeed positive, even though they were mainly brought by the requirements of the European Union rather than by the state's own good will. However, a number of issues have underlined the gap between the co-existing Estonian and non-Estonian societies, and the unwillingness of the state to take into consideration the interests and beliefs of ethnic non-Estonians.

Despite positive developments brought by the European Year of Equal Opportunities 2007 that supported the publication of a number of research studies aimed at identifying problems of ethnic minorities residing in Estonia (including Roma women), there still remains lack of research, statistics and data regarding the situation of ethnic minorities in Estonia. This significantly limits the evaluation of the scale of racism in Estonia. This observation is true for almost all the areas addressed in the present report. In most cases, it is only NGOs and the media that can provide information.

Despite the fact that the Equal Treatment Act draft was about to be adopted in 2007, employment and criminal justice are still the only two areas that are regulated by appropriate equality legislation. Regrettably the draft was not even adopted in 2008 which means that Estonia again failed to fully transpose the EU Equality Directives into its national legislation, and therefore areas such as access to goods and services, housing etc. are not covered by existing legislation.

Another positive development in process is the Estonian Integration Programme 2008 – 2013. It presents a new view to the process of integration by considering, for instance, the socio-economic integration of minorities.

Moreover, Tallinn city developed its own integration programme aiming to address the needs of the city dwellers.

Counter terrorism measures are not yet adopted in Estonia; however a special programme was developed and sent to the Parliament for adoption. Officially there are no threatening states. Despite this, politicians and high-ranking officials can often express their own ungrounded opinions about the 'supposed' threat of the Russian Federation. Unfortunately, the activities of NGOs that try to protect ethnic non-Estonians and dare to criticise the state's inaction with respect to discrimination, are often labelled as a threat for Estonia and as working for the intelligence services of Russia. In this context, the opinion of civil society is unfortunately not duly taken into consideration and almost no funds are available for human right projects.

Estonian society is divided into two communities separated on the grounds of language. The main issues regarding unequal treatment (in housing, access to health services, etc.) regard linguistic problems.

The attitudes of society in general, both for ethnic Estonians and non-Estonians, are rather intolerant especially concerning visible minorities.

The present report also outlines a series of recommendations towards improving the situation of racism in Estonia. In this regard, the state must:

- Adopt appropriate equality legislation that would guarantee equal treatment and enable effective remedies of protection;
- Develop and implement local action plans against racism;
- Initiate research that would provide data about discrimination in various spheres of public life;
- Accept that discrimination *is* relevant for Estonia and that measures must be taken to improve the situation. Initiate the discussion and raise awareness of the issue in society;
- Start awareness campaigns targeted at ordinary people, employers, policemen and other key actors and aiming to educate about equal treatment and instruments of protection;
- Provide sufficient funds for the programmes and projects aiming at combating racism and intolerance and involve civil society as partners;
- Continue and further strengthen positive actions already initiated, aimed at social inclusion and improving integration mechanisms. Paying more attention to the socio-economic measures and involving both communities, also Estonian community to the integration process;
- Develop separate measures aiming to integrate new-immigrants and taking into consideration CBPs. Enable them to identify their needs and propose solution for the better integration;
- Pay special attention, provide research and guarantee funds for the needs of the Roam community;
- Use the media as a powerful instrument of shaping public opinion and awareness raising.

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### 3. Introduction

The author of the report would like to begin by quoting President Ilves (President of the Estonia Republic) whose interview was published in the German "*Spiegel*" and which is very illustrative of the attitude of Estonian society: «For the Estonians it is not Nazis or Communists they have suffered from, but Germans and Russians<sup>1</sup>».

Estonia regained its independence in 1991 but is still very much influenced by its near past. Modern Estonia is a multicultural country where people of other ethnic origin reside together with ethnic Estonians. Despite that there is only one official state language, Estonian, there is a rather large group of residents that consider Russian to be their mother-tongue; moreover, their proficiency of Estonian is rather limited. The separation of Russian and Estonian speaking communities constitutes one of the main problems of modern Estonian society. Furthermore, Estonian society is often intolerant as shown in various studies and by the experiences of many residing in Estonia, particularly visible minorities. In June 2006 the Dutch Ambassador to Estonia resigned before the end of his mandate due to society's failure to accept his homosexuality and his black partner.

After gaining independence, the country has been undertaking significant steps to promote democracy and to match the criteria of the European Union. In 2004, Estonia joined NATO and the European Union, which were important steps for the development of the country. Importantly, Estonia had to harmonise its legislation and develop policies in accordance with the EU requirements. Unfortunately not all the criteria are yet fulfilled; however positive developments continue to take place.

2007 brought several important developments. One of the most positive among these were the publication of several studies aiming to look into the situation of ethnic minorities, including Roma (the studies were supported by the state and carried out in the context of the Year of Equal Opportunities 2007).

The draft Equal Treatment act was under discussion in the Parliament during 2007, however despite all the hopes and numerous amendments it was not adopted in May 2008. The day after the negative vote, the same draft without any amendments was sent back to the Parliament for the new round of discussion and the vote. If the act is finally adopted it will promote the equal treatment principle and introduce measures to combat the violation of these principles. Unfortunately, the current situation is such that public awareness about these issues is rather low, which explains in part the low number of complaints submitted to the relevant bodies. At the same time authorities are often reluctant to discuss the issue or accept that the problem exists. If passed, the law on

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<sup>1</sup> Der Spiegel, 26/2007

Equal Treatment will hopefully significantly promote discussion of these issues among the public more actively.

The events that took place in Tallinn on April 26 – 28, 2007, known as the April riots or Bronze night events, had seriously influenced the interethnic affairs in Estonia, and triggered discussions about the real state of integration in the country. They revealed the fact that racial profiling does exist in Estonia and also the attitudes of the authorities towards non-Estonian population.

The present report aims to present the situation of racism and discrimination in Estonia as it affects various sectors, as well as to assess the attitudes of the authorities towards the problem. It covers the period from January to December 2007. Due to a lack of recent studies on the issues, the author has in some cases reverted to using data from earlier studies, however only when there is no reason to assume data has changed drastically. The author uses data provided in the media and in the database of the Legal Information Centre for Human Rights (leading pro-minority NGO), as there is generally a lack of data concerning officially registered cases. The Legal Information Centre for Human Rights (LICHR) runs a project which includes a victims' hotline and provides legal aid to those who feel their rights have been violated.

## 4. Communities vulnerable to racism

Estonia is a relatively young independent state, where recent history still plays a very important role in shaping policies. The attitudes and behaviour of members of society towards minorities are often influenced by the Soviet Regime period of 1940-1991, or, as referred by official sources, the period of 'Soviet occupation'.

Modern Estonia is a multiethnic society, where as of 1 January 2007 the ethnic minorities make up 32% of the local population. The majority of minorities are of Russian origin, i.e. approximately 80% of the non-Estonian population, or 25% of the total population. In some areas ethnic minorities constitute an absolute majority, e.g. in Ida-Viru county some 4/5 of the total population<sup>2</sup>.

According to the data available on 1 January 2008 the number of stateless persons, the vast majority of whom were Soviet Union citizens and for a number of reasons did not or could not obtain Estonian citizenship, was 116 217 persons<sup>3</sup> or around 8% of the total population. The number of third-country citizens that reside in Estonia legally represents, as of 1 January 2008, 104620 persons out of whom 95 841 are citizens of the Russian Federation and 8779 citizens of other countries<sup>4</sup>.

It is important to note that there are reasons to assume that this particular group, i.e. non-Estonians residing in Estonia are most vulnerable to being unequally treated and subjected to racism.

During the year 2007 several important studies regarding the situation of ethnic non-Estonians have been ordered by the Ministry of Social Affairs of Estonia and carried out in the context of the Year of Equal Opportunities 2007. One of the most interesting and important for us is the research on "Unequal Treatment on Grounds of Individual or Social Characteristics: Attitudes, Experiences and Awareness of the Population in Estonia"<sup>5</sup> which was carried out by a group of prominent Estonian specialists and had proven the results and trends identified previously by other sociologists and also by the Legal Information Centre for Human Rights, which however were not too welcomed by the state authorities. It had been identified that both the Estonian and non-Estonian societies do acknowledge that unequal treatment does occur in Estonia. It was identified that most often it takes place when accessing goods and services (26% of respondents), employment (24%) and social relations (14%)<sup>6</sup>. At the same time the research showed that the attitudes towards unequal treatment as such, and experiences or beliefs of the people regarding unequal treatment, very much

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<sup>2</sup> [www.stat.ee](http://www.stat.ee)

<sup>3</sup> <http://www.mig.ee/index.php/mg/est/statistika>

<sup>4</sup> <http://www.mig.ee/index.php/mg/est/statistika>

<sup>5</sup> Unequal Treatment on Grounds of Individual or Social Characteristics: Attitudes, Experiences and Awareness of the Population in Estonia, M. Lagerspetz, K. Hinno, S. Joons, E. Rikmann, M. Sepp, T. Vallimäe, Tallinn 2007

<sup>6</sup> Table 2.1, p.19



depend on ethnicity of the respondents. In 39% of replies the ethnic non-Estonians identified being personally discriminated because of their ethnic background (compared with 3% of Estonians), 21% because of the limited proficiency in Estonian language (respectively 2%) and 20% mother tongue (3%). At the same time ethnic Estonians identified following grounds most often: age – 17% (10% non-Estonians), acquaintances or their absence (8% respectively) and property and financial situation – 13% (8% respectively)<sup>7</sup>.

Interestingly non-Estonians identified as being unequally treated when applying for a job (32%), salary (26%), access to public information (26%), access to health services (16%), access to goods and services (26%). Many non-Estonian respondents also mentioned unpleasant treatment by the media (30% printed and 34% electronic). At the same time ethnic Estonians mentioned salary (29%), applying for a job (18%), access to health care (23%), access to goods and services (21%), access to bank loans (16%) and from neighbours (16%)<sup>8</sup>.

Indeed this data cannot serve as evidence of discrimination; however it gives a picture of people's understanding of the issues and should serve as a warning of possible problems.

In 2007 the Department of Statistics published data regarding the average annual income of Estonians and non-Estonians for the year 2004: 60 208 EEK<sup>9</sup> for Estonians and only 49 092 for non-Estonians. Differences can be seen also with regards to gender<sup>10</sup>.

At the same time there were few complaints registered by the official bodies mandated to deal with discrimination cases, such as the Chancellor of Justice which is the local equality body responsible for the issues of discrimination<sup>11</sup>, and labour inspectorate, there are also no cases solved by the courts. The Chancellor of Justice informed that in 2007 there were about 50 procedures related to equality and equal treatment (on any ground)<sup>12</sup>. However, it seems that the number of proceedings within the scope of the EU Directives was negligible.

Another category vulnerable to racism are **new (or recent) immigrants** or those who settled in Estonia after 1991, including both EU citizens and third country nationals who make up approximately 3% of all foreigners<sup>13</sup>.

This category is rather small in numbers, the majority of migrants come from the former Soviet Republics and only a small number come from EU Member States and for the purpose of employment.

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<sup>7</sup> Picture 6.1, p. 72

<sup>8</sup> Picture 6.3-6.6, p. 76-77

<sup>9</sup> EEK – Estonian krona, 1 EUR – 15,64 (approx.)

<sup>10</sup> [www.stat.ee](http://www.stat.ee)

<sup>11</sup> Oiguskantsleri seadus, RT I 1999, 29, 406

<sup>12</sup> Estonia/Chancellor of Justice; Written communication no. 5-3/0706293 of 19 September 2007. no. 5-3/080063 of 10 January 2008.

<sup>13</sup> Citizenship and Migration Board, *Yearbook 2006*, Tallinn, 2006, p. 24

Visible minorities are not high in numbers in Estonia, unfortunately there is no statistical data about the precise size of this group. According to the information received from NGOs representing visible minorities, the attitudes of society are rather negative and intolerant towards them<sup>14</sup>. The stereotypes and prejudice against them are rather frequent and result in intolerance and hatred especially among the middle aged Estonians<sup>15</sup>.

In autumn 2007 the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène published a report on his mission to Estonia and on racism, xenophobia and contemporary forms of intolerance. In this report he highlighted that “non-European minorities have experienced a surge in racist violence, particularly by extremist groups and intolerance by some individuals concerning their ethnic, religious and cultural diversity<sup>16</sup>”.

**Jews** - Anti-Semitism expressed verbally by radicals is not unusual in the public sphere (Internet and on occasion in publications). There are, however, no studies that would document the attitudes of society towards this ethnic group as well as no reported cases of anti-Semitism during the year 2007. Majority of Estonian Jews speak Russian or Estonian and have Estonian citizenship. According to the last Population Census in 2000 the number of Jews in Estonia is 2 145 persons<sup>17</sup>.

The **Roma population** is rather small in numbers, according to the official data by the last national census in the year 2000, the number of ethnic Roma has been a bit more than 500, although according to other sources they may expect to be 1500 – 2000. This does not however mean that the Roma community does not suffer from racism and discrimination, but rather that the scale is obviously less than in the countries that have a large number of Roma representatives. Again in the report by Mr. Doudou Diène it had been identified that Roma in Estonia are rather vulnerable to being unequally treated, the community suffers mostly from structural discrimination, precarious education and marginalization<sup>18</sup>.

The number of **asylum seekers and refugees** in Estonia is insignificant, even despite the fact that the neighbouring countries such as Finland experience floods of asylum seekers. On 31 December 2007 the refugee status and subsidiary protection had been granted to 18 persons, six applications were received. The refugee status had been granted to 6 persons and 12 more received subsidiary protection<sup>19</sup>.

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<sup>14</sup> Human Rights NGO, written communication, 14 June 2007

<sup>15</sup> Human Rights NGO, written communication, 14 June 2007

<sup>16</sup> UN, HUMAN RIGHTS COUNCIL, 7 session, agenda item 9, A/HRC/7/19/Add.2, p. 2, p. 17, item 65-68

<sup>17</sup> <http://pub.stat.ee/px-web.2001/Dialog/Saveshow.asp>

<sup>18</sup> UN, HUMAN RIGHTS COUNCIL, 7 session, agenda item 9, A/HRC/7/19/Add.2, p. 2, p. 16, item 62-64

<sup>19</sup> Communication with the Citizenship and Migration Board, 25.01.2008, nr. 1.1-06/3887-1

Estonian society is rather indifferent towards **religion**. According to the results of the most recent population census, ethnic non-Estonians are more religious than Estonians. The majority of believers belong to the Lutheran church – 14,8%; the second biggest group is Orthodox Christians who are approximately 13,9%<sup>20</sup>. The Muslim community is quite small in numbers in Estonia; at the time of the last National Census in 2000 the number of people affiliating themselves with Islam was 1387 persons<sup>21</sup>; most of the representatives of this religious group reside on the territory of Estonia since Soviet times, and belong to ethnic groups originating from the republics of former USSR (Azerbaijanis, Tatars etc.). In most of the cases they are rather secular and can not be considered to be visible religious group, e.g. they do not require special conditions at work and women do not wear the head-scarf. There are, however, new members of the Muslim community, mainly new immigrants, who are stricter and can be considered as visible religious groups. In an interview conducted with leaders of the new-immigrant/ new-Muslim community it was identified that there are lots of prejudices towards the community both from society as such, but also from the “old”-Muslim community and authorities<sup>22</sup>.

### **Multiple discrimination**

There is almost no special research conducted in Estonia to study the situation of multiple discrimination experienced by persons belonging to an ethnic minority and those vulnerable to racism. However, very importantly in 2007 two studies have been conducted and related to the situation of minority women. One, as already mentioned, regarded Roma women within their community<sup>23</sup> and another to women being of non-Estonian background and their position on the labour market<sup>24</sup>. Both studies pointed out that women belonging to minority communities were much more vulnerable to discrimination even within their own communities<sup>25</sup>.

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<sup>20</sup> National Census, 2000

<sup>21</sup> <http://pub.stat.ee/px-web.2001/Dialog/Saveshow.asp>

<sup>22</sup> Interview with... SB...

<sup>23</sup> Naised Eesti mustlaskondades, M. Tali, K. Kollom, M.-L. Velberg, Tallinna Ülikooli EHI, KUAK, Tallinn 2007/“Roma women within their community”, research by M. Tali, K. Kollom, M.-L. Velberg, EHI Civil Society Research and Development Centre, Tallinn, 2007

<sup>24</sup> Vähemusrahvuste naiste olukord Eesti tööturul, Sten Anspal, Epp Kallaste, PRAXIS, Tallinn 2007

<sup>25</sup> “Roma women within their community”, research by M. Tali, K. Kollom, M.-L. Velberg, EHI Civil Society Research and Development Centre, Tallinn, 2007

## 5. Manifestations of racism and religious discrimination

Similarly to the previous reporting years it is still rather difficult to estimate the level of intolerance and racism in Estonia. There is a clear lack of research and statistical data in this area, as well as citizens' activeness and victims' witnesses regarding the cases of unequal treatment and racially motivated crimes and insults. The level of awareness of the general public concerning these issues remains rather low.

The authorities however still deny the existence of racism and discrimination despite that research conducted by prominent scientists proves otherwise.

At the same time minority groups report being subject to intolerant behaviour, especially visible minorities. In a number of cases the representatives of Arab and African communities reported to have been insulted and even physically abused. The police however, according to their words, did not start any investigation in this regard<sup>26</sup>.

In 2007 there were no criminal investigations on the basis of Articles 151-155 of the Penal Code<sup>27</sup>.

There are not many NGOs working on the issue of racism in Estonia, on the one hand due to a lack of awareness and on the other hand due to the lack of specific funds for related projects allocated by the State. There indeed exists budget lines for human rights related projects in general, however they are very limited and do not correspond to the needs of civil society. Moreover these funds are not likely to be provided for activities addressing racism and discrimination given the unpopularity of these issues.

The high politicisation of these issues is another factor which discourages civil society from working on the topic of racism and discrimination since authorities have very negative attitudes towards those who have the courage to oppose them. Racism has not been officially recognised by authorities as a legitimate issue in Estonia.

It is important to mention that in 2007 the situation in Estonia with regard to racism and especially racial profiling, hate crimes and insults have been very much influenced by the so-called events of the "Bronze night" or "Bronze event". The events that took place around the Monument of the unknown soldier placed in the centre of Tallinn which is a sacred place for the majority who consider the

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<sup>26</sup> LICHR database, autumn 2007.

<sup>27</sup> Estonia/Ministry of Justice; Written Communications no. 8-2-04/10613 of 24 October 2007 and of 21 January 2008 (e-mail).

end of WW II to be the victory over fascism. The Government of Estonia took a decision to demolish the monument from its location and dig out the graves of the Soviet soldiers buried there. Such actions were taken negatively by the predominantly non-Estonians, who considered it to be an act of vandalism also towards their beliefs, identity and culture. The riots taking place in the centre of Tallinn followed the decision of the politicians.

The experts believe that the events undermined the efforts with regard to integration, ended the silent era of accepting discrimination and insults by non-Estonians.

## 5.1 Employment

Despite the long awaited changes, employment continues to be the only area regulated by appropriate legislation and prohibiting unequal treatment. However, and despite the fact that remedies of protection against discrimination exist, there is still a lack of complaints filed before the competent bodies and practically no complaints regarding unequal treatment on the ground of ethnic belonging or language. During 2007 the Labour inspectorate reported to receive no complaints regarding discrimination on the grounds of ethnic background<sup>28</sup>. In 2007 the Estonian equality body – the Chancellor of Justice – received one complaint concerning discrimination in the employment sector by natural persons or legal persons in private law (the so-called conciliation procedure)<sup>29</sup>.

However the situation witnessed by NGOs and the Media is a bit different. Moreover it should be underlined that during 2007 a number of cases of discrimination on the grounds of political beliefs, experienced predominantly by non-Estonians, were registered. In most of the cases the situation was connected to the “Bronze night” events, when employers fired or refused to hire persons who participated in the events or simply supported those opposing the government. After the events the Estonian Security Police informally told the employers of those people, who were identified as participants at the events, to take action against the employees<sup>30</sup>.

The sociological study “Interethnic Affairs and Challenges to the Integration after the Crisis of Bronze Night” carried out in June 2007 identified the following trends. The majority of non-Estonians allegedly unequally treated because of their ethnic background or language, also in access to employment.

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<sup>28</sup> Communication with the Labour Inspectorate, 18.01.2008 nr. 1-05/234-1

<sup>29</sup> Estonia/Chancellor of Justice; Written communications no. 5-3/0706293 of 19 September 2007 and no. 5-3/080063 of 10 January 2008.

<sup>30</sup> LICHR database

«Have you ever faced the situation when someone received preference because of his/her ethnic background or language, when applying for the job, position or receiving benefits?» %, 2007<sup>31</sup>

	Selection	Ethnic background	
	%	Estonians	Non-Estonians
		%	%
Have no reply	0,1	0,1	0,2
Yes, constantly, it is rather normal	12,3	3,9	29,5
In some cases	15,4	10,6	25,2
Did not face, however have heard about such cases	25,1	25,0	25,2
Have never been in such a situation	47,1	60,5	19,9
<b>Total</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>

According to official statistics, non-Estonians are not as well represented among the groups with high levels of income (top managers, specialists, experts etc.). This indeed impacts on the level of income of minorities in general<sup>32</sup>.

Ethnic minorities are insufficiently represented in positions where higher education is needed, especially among officials. The proportion of non-Estonians occupying top managerial positions and among specialists was less than 1/10 during the last years, at the same time 1/3 among all in occupation are ethnic Estonians. Even in such spheres like power engineering where non-Estonians represent more than half of the total number of employed, their number among top managers and specialists is less than 1/2<sup>33</sup>.

In recent years the unemployment rate among non-Estonians was generally twice as high as among Estonians<sup>34</sup>.

### Level of unemployment among ethnic Estonians and non-Estonians (age 15 – 74), 1996 - 2006<sup>35</sup>

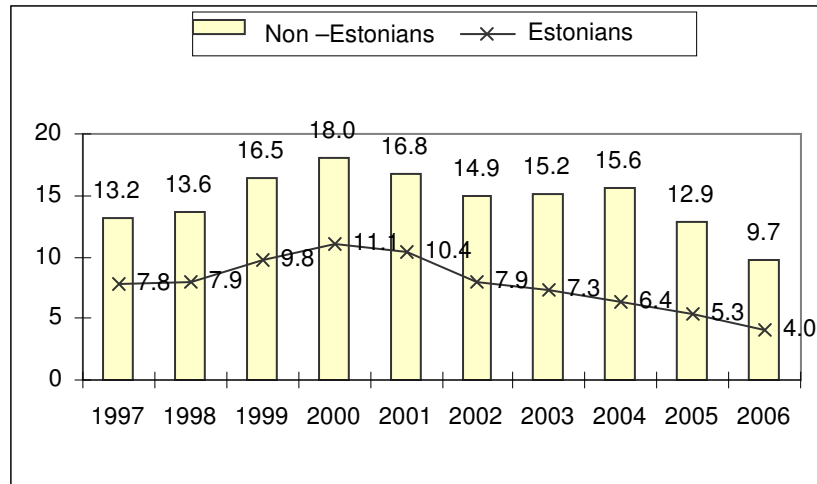
<sup>31</sup> Saar Poll data

<sup>32</sup> [www.stat.ee](http://www.stat.ee)

<sup>33</sup> [www.stat.ee](http://www.stat.ee), also interview with J. Helimae from 20.02.2008

<sup>34</sup> [www.stat.ee](http://www.stat.ee)

<sup>35</sup> Statistical Department, Research of Estonian Labour Force, 2005



One of the main reasons for such a gap could be the State language proficiency requirements for many positions, and Estonian citizenship. The latter estimation, however was proved not to be influential in several research studies carried out in 2007<sup>36</sup>.

In addition to this, the Estonian labour market continues to be ethnically divided. For example, many non-Estonians are forced to work in unstable occupations. State policies often contribute to a worsening of the situation, so that in addition to racism and discrimination on an individual level, minorities face various structural barriers that inhibit their access to the labour market.

In 2007 actions taken by the Language Inspectorate adversely affected the non-Estonian population. Russian school teachers as well as taxi drivers were investigated for their Estonian language proficiency<sup>37</sup>; the latter being predominantly Russian-speaking, who in most cases could not get another reasonably paid job due to their low level of Estonian. The language requirements for these two categories are especially arguable and had been questioned repeatedly in public discussions and in the media. Other groups such as municipal officials, medical staff etc have also been checked for language proficiency.

It is also worthwhile noting that there are cases when ethnic Estonians become victims of ethnic discrimination. One of such cases is described below.

#### **Case 1:**

A woman of Roma origin is applying for a chef position. On the phone she was told that the position is still open and is invited to come for an interview. When

<sup>36</sup> Unequal Treatment on Grounds of Individual or Social Characteristics: Attitudes, Experiences and Awareness of the Population in Estonia, M. Lagerspetz, K. Hinno, S. Joons, E. Rikmann, M. Sepp, T. Vallimäe, Tallinn 2007

<sup>37</sup> <http://www.keeleinsp.ee/?menu=30&news=513>

she arrived and the employer sees that she is Roma, it turns out that the position is already filled<sup>38</sup>.

**Case 2:**

An Estonian woman, a highly qualified philologist, started a new job as an Estonian language teacher in one of the private colleges where the owners are of non-Estonian origin. Despite her requests her working schedule was very inconvenient, moreover she received less working hours than promised. She later discovered that a week after she was hired the owner offered an equal position to a Russian woman having no professional training at all and who was fired from the previous job because of constant conflicts with students. The working schedule of a new colleague was more attractive, moreover she received more working hours<sup>39</sup>.

## 5.2 Housing

As in previous years, information regarding discrimination in housing is not officially collected nor is the situation specifically monitored by any NGO or public body. Therefore it is rather difficult to evaluate whether big problems in the housing sector exist.

Throughout 2007 there have been no complaints regarding access to housing. Housing is regulated at a municipal level by special decrees adopted by City Councils. Currently, the author of the report has no evidence or any reason to assume that discrimination on ethnic grounds can be a case when distributing municipal flats.

Mortgages for purchasing residential property are widely available and often at very preferential rates, however they are available only for those with rather high levels of income and stable employment. While in theory there are no specific provisions that would prevent minorities from applying for mortgages, these requirements exclude minorities since, due to barriers in access to employment, it is often difficult for them to secure stable employment and high incomes<sup>40</sup>. Some banks require a permanent residence permit<sup>41</sup> in order to apply for a mortgage (and other loans). This fact prevents many non-Estonians from receiving loans and improving their living conditions.

During 2007 there were no complaints with regard to housing of Roma, neither were there any complaints with regard to housing in the Illuka reception Centre or prisons.

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<sup>38</sup> "Roma women within their community", research by M. Tali, K. Kollom, M-L. Velberg, EHI Civil Society Research and Development Centre, Tallinn, 2007

<sup>39</sup> LICHR database

<sup>40</sup> Estonian National Action Plan for Social Inclusion 2004

<sup>41</sup> Äripank; Written communication no. 1-8-2/930 of 17 September 2007



According to data available at LICHR the main concern with regard to housing at the moment, regards the so-called “Union of flats” (these are organisations registered as NGOs representing the owners of the flats of tenement houses or several houses. Their aim is to represent the owners and manage heating, water supply, repairs etc., and deal with the bills. The unions are managed by an elected management board and have annual meetings where the running issues are discussed and planned). In several applications the clients of LICHR complained about not having any translation in Russian during the annual meetings where management, including financial and loan issues are being discussed and decisions are taken. And secondly, Russian-speaking owners are often denied to run for election to the Board of Administration of those unions.

### **Discrimination in Housing**

#### **Case 1:**

Inhabitants of a multi-flat house in Pärnu harass and insult their neighbours of non-Estonian origin. They often tell them to “go home to Russia”, “go home to Chernobyl”, call them “Russian pigs”, tire out flowers that they plant near the doors saying that “these are Russian flowers, we do not want Russian people nor flowers here” etc..<sup>42</sup>

#### **Case 2:**

During a Union of flats ‘meeting in a house located in Pärnu the Russian-speaking owners/members requested to have a translation of the main points discussed during the meeting, which during previous years was decided by the majority of dwellers and therefore deemed to be legal and available. However in 2007 they were refused such a possibility, despite the previous decision. Moreover, those people who requested the translation were insulted and told to “go back to Russia and speak Russian there”<sup>43</sup>.

#### **Case 3:**

A Roma woman had moved to the city and rented a room in a hall of residence. She reported that her neighbours were being rather aggressive and tried to prevent her from using the common kitchen and toilet without any reason<sup>44</sup>.

## **5.3 Education**

Throughout 2007 there were no significant changes with regard to discrimination in education. As in previous reporting periods there is no official data with regard

<sup>42</sup> Database of LICHR, written statement by a client from 15.06.2007

<sup>43</sup> Database of LICHR, written statement by a client from 15.06.2007

<sup>44</sup> “Roma women within their community”, research by M. Tali, K. Kollom, M-L. Velberg, EHI Civil Society Research and Development Centre, Tallinn, 2007

to cases of unequal treatment in access to any level of education. Chancellor of Justice received no complaint with regard to this issue during the year.

However, some tendencies should be underlined and will be identified further.

Currently, public education in Russian is available in nursery schools and primary schools. Higher and professional education is available with certain restrictions and conditions.

According to the State integration programme 2000 – 2007, the reporting year was to become the starting year of the transition of an upper-secondary school with Russian as language of instruction into schools where 60% of the subjects are taught in Estonian. In previous years the Minister of Education (now former) Ms. Mailis Reps, allowed for a longer period of transition if applied by a school Board of Trustees. The new Minister of Education, Mr. Tonis Lukas (during his previous service as minister already known for his nationalistic methods), annulled such possibility. He motivated this decision by a need to start the transfer as soon as possible in order to give Russian-speaking children more chances on the labour market. He also believes that the process should be speeded up and therefore fulfilled before the deadlines<sup>45</sup>.

However those were not the only radical changes in education. It had often been reported in the media that the schools that go beyond the scope of the reform and start transferring classes into Estonian as the language of instruction, also for lower classes, should receive a financial benefit for such an “initiative”. They will not even have to report where and how this benefit was spent<sup>46</sup>. At the same time, as of 2007, only one subject - Estonian literature - has to be taught in Estonian.

It must be highlighted that the reform itself is not so popular among the population it applies to i.e. non-Estonians. In the course of a sociological study carried out by the prominent Estonian sociologists the following results were received.

In 2007 only 31% of the Estonian Russians support the reform and 62% are against. The information regarding the reform available is very limited and therefore does not allow better understanding of the process. The majority of respondents mentioned that the main threat they see in the reform itself, is that the level of knowledge received by the pupils after the reform will become rather low (73%). The level of proficiency in Estonian language will indeed improve (62%), however the level of proficiency of the mother tongue will decrease (60%). At the same time the Estonian respondents are convinced that the reform will be positive as it will first of all improve the level of proficiency of the state language among young people (94%), will improve the opportunities on the labour market

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<sup>45</sup> [www.news.etv24.ee](http://www.news.etv24.ee), 15.05.2007

<sup>46</sup> [www.news.etv24.ee](http://www.news.etv24.ee), 15.05.2007

for young non-Estonians (90%) and will enable young non-Estonians to participate in society more actively. Interestingly the Russian-speaking respondents were not too optimistic about having better opportunities on the labour market after studying at school with Estonian as the language of instruction<sup>47</sup>.

The second issue of concern is the closing down of secondary schools, the Russian-speaking secondary schools in particular. In 2007 several schools had been closed down due to the lack of pupils. One of such schools is Pushkin's Gymnasium in Tartu which was very famous for its high ranking shown at state exams and upon entering university. This is mainly caused by the overall demographic situation in Estonia and applies equally to both Estonian and Russian schools. However it seems that the latter are closed down more easily and without too much concern. It is also true that many parents do send their children to Estonian schools to achieve both better knowledge of the state language and diminish the inconveniences of further transition to Estonian as the language of instruction in upper-secondary classes. However when closing the schools, the authorities forget to check the statistics of the years to come which highlight that in several years the number of pupils, especially Russian-speaking pupils, will increase significantly and will simply not be able to go to school<sup>48</sup>. Moreover it is probably not so wise to close down the very strong schools, if not to say, the elite schools, which have a long standing tradition of providing good quality education to its students.

What is especially worrying in this situation is the fact that the Minister of Education, Mr. Tõnis Lukas, had repeatedly stated that Estonia does not need so many upper-secondary schools and that it was not wise to have both Russian and Estonian speaking upper-secondary schools as the state cannot afford it. The state needs more professional workers and not just those with high education<sup>49</sup>.

In the course of 2007, discussions about the so called Katariina College started. The aim of the initiative is to create a college attached to the University of Tallinn where it will be possible to receive higher education in Russian. The idea belongs to the prominent Russian politicians; however, it was met with aggression from Estonian colleagues and non-Estonian opinion leaders. The Minister of Education was rather against the idea; according to him such a college should not be opened as it threatens the future of the Estonian language and development of the Estonian national culture and will not be useful for the self-identification of the Russian speakers<sup>50</sup>.

It is important to point out that in 2007, Minister of Education Mr. Tõnis Lukas, appointed a person responsible for the development of the programme aimed at

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<sup>47</sup> Interethnic affairs and perspectives of integration in Estonia, Iivi Proos & Iris Pettai, EAI, 2007

<sup>48</sup> Communication with the NGO "Russian School of Estonia", V. Kanchukov, 17.04.2008

<sup>49</sup> [www.news.etv24.ee](http://www.news.etv24.ee), 15.05.2007

<sup>50</sup> <http://rus.delfi.ee/archive/article.php?id=17407372&categoryID=17184136&ndate=1194818400>

educating young people through patriotism and civil self-consciousness. Mr Lukas claims that it is important to develop such values in the young generation because it will help to improve the human rights culture and develop an initiative among youngsters. The person appointed for this initiative is a well known rock-musician and homophobe Mr. Tarmo Kruusimäe, who is already currently working for the Estonian UNESCO Youth Centre as project coordinator for the civic education project. The Minister highlighted that this person is a great patriot of his country and therefore is the most suitable for this position<sup>51</sup>.

## **Racism in education**

### **Case 1:**

A Russian-speaking parent paid a great deal of attention to the contents of one of the books required by the Estonian schools for the 7-th year of education. The book is available in school libraries and is in the list of recommended literature approved by the Ministry of Education of Estonia. The book is a compilation of jokes many of which are of racist and gender intolerant contents. Such as (this is a translation of a quote, I have chosen rather innocent ones): *“How to put 25 Chinese into one car? One should just through a piece of bread into it”, “What animals are most widely spread in Estonia? Russians”, “Why do Russians wear straw hats? Because the dung must be covered with straw”, “Can a woman survive on 30 crores per day? Yes, if she eats in credit and undresses for cash.”* And many others.

The media investigated the case and tried to interview the author who could not understand what was wrong with the jokes. The Ministry of education first refused to comment; and later on when the case was made public and was highly discussed; the media apologized for the book and tried to find an excuse on how it got on the list of recommended literature<sup>52</sup>.

### **Case 2:**

The youth NGO dealing predominantly with the extra-curriculum education of youngsters in the area of human rights, tolerance, anti-discrimination etc, received a grant from the Ministry of Education for operating its programmes during the year. The grant was decided by the previous Minister of Education. When the new Minister was appointed he immediately annulled the decision and took the money from the NGO claiming that they are intolerant towards the state simply on the ground that one of the members of the organisation was arrested during the Bronze night events, and therefore assumed that he was affiliated with the Russian (from Russia) organisation NASHI which Estonian authorities consider to be extremist towards Estonia and against demolishing the Bronze monument<sup>53</sup>.

<sup>51</sup> [www.etv24.ee/index.php?2584439&print=1](http://www.etv24.ee/index.php?2584439&print=1), 09.08.2007

<sup>52</sup> LICHR database, MK Estonii, 20.10.2007

<sup>53</sup> Communication with the leaders of the NGO Siin (member of ENAR-Estonia).

## 5.4 Health

As in previous years, the information regarding discrimination and racism in access to health services is not collected in an official way by any of the state bodies. There is, therefore, a significant gap regarding information detailing the situation of racism and discrimination in the healthcare system.

The healthcare system in Estonia is available to all those who have health insurance or are able to pay for the services disregarding their ethnical background<sup>54</sup>. There are no reasons or evidence to assume that unequal treatment is being exercised.

However, there are serious problems with regards to the language of communication between the doctor and the patient. According to the existing regulations the medical personnel should speak Estonian language and is not obliged to understand and communicate in any other language including Russian. Translation services also do not exist in this sphere. It is up to the medical personnel to decide if they want to speak other languages with their patients. The main concern regards young specialists, who already have no knowledge of the Russian language. Furthermore, medical personnel are themselves reluctant to admit that there is a problem.

At the same time representatives of the Roma community report cases of unequal treatment in the area of health services. In particular they mentioned a case when emergency care was denied after they heard that the patient was of Roma origin<sup>55</sup>. However, it is not possible to state that these cases are widely spread or that there is a general tendency to such behaviour.

### **Discrimination in access to health**

#### **Case 1:**

A young woman went to the Hospital's emergency unit complaining about headaches after she fell down and hit her head and neck the day before. The woman started talking to the doctor in Estonian, however her Estonian was rather basic making it rather difficult for her to express herself. Her health condition preventing her from concentrating, she started speaking in Russian. The doctor became rather angry and instead of proceeding with her health examination started to blame the woman for not being able to talk in the state language. She claimed that since the woman was living in Estonia she was obliged to talk in Estonian and then refused to speak Russian with her patient. They ended up talking in both languages – patient in Russian, doctor in Estonian. The patient

<sup>54</sup> [www.haigekassa.ee](http://www.haigekassa.ee)

<sup>55</sup> "Roma women within their community", research by M. Tali, K. Kollom, M-L. Velberg, EHI Civil Society Research and Development Centre, Tallinn, 2007

however became very nervous which affected her health even more. She finally received the medical treatment needed.

The representatives of the hospital commented on the case “According to the Estonian Constitution the state language is Estonian. If possible the aid in the hospital is provided also in foreign languages, such possibility depends on the knowledge of the doctor in question, but it is not obligatory”. The chief of the department also commented that the patient received the help needed which was the main thing and that this case could be a result of the doctor being tired<sup>56</sup>.

## 5.5 Policing and racial profiling

Unlike previous years when not say much could be said about policing and racial profiling, when it was generally presumed by human rights experts that such problems did not exist in Estonia and that there was no evidence to assume otherwise, the situation changed drastically during 2007.

First of all, the experiences of members of minority communities, especially visible minorities, confirm that Estonian society is rather intolerant towards them, including state and municipal officials and the police. A particular issue of concern is the stereotype that ethnic minorities are ‘collectively responsible’ for the majority of crimes and disorders in Estonia. It is during the Bronze night events that non-Estonians were first blamed for all the hooliganism, thefts and marauding during the riots. The authorities were expressing this opinion widely to the media and everywhere else. Only after witnesses starting testifying that in reality there had been plenty of ethnic Estonians among those who were breaking the glasses and shop windows to steal expensive clothes and jewellery as well as robbing kiosks and news-paper stands, the stress on ethnic background was less strong. Among those arrested during the first night of robberies approximately 1/3 are ethnic Estonians<sup>57</sup>.

Members of the Muslim community (the new-Muslim = new-immigrants) also report being under special supervision from the authorities as soon as they arrive in the country. They have even mentioned being followed by security services at the times of high-level country visits and being constantly suspected, even by the old-Muslim community in being involved in some terrorist movements and groups<sup>58</sup>. According to the Security Police’s Annual Report, the interest of certain Muslim terrorist organizations such as Jamaat Tabligh in Estonia is growing. In 2007 an Estonian citizen was arrested in Uzbekistan from where he was about to leave for the conflict in Afghanistan to support the Taliban movement<sup>59</sup>.

<sup>56</sup> Daily “Molodezh Estoni”, Kljatva Gippokrata na estonski maner, 20.02.2007

<sup>57</sup> <http://rus.delfi.ee/archive/article.php?id=15696574&categoryID=309647&ndate=1177621200>

<sup>58</sup> Interview with the member of the Muslim community, April 2008.

<sup>59</sup> [http://www.kapo.ee/Aastaraamat\\_2008\\_EST\\_27.05.2008.swf](http://www.kapo.ee/Aastaraamat_2008_EST_27.05.2008.swf)

At the same time visible minorities report a lack of willingness of the police to initiate cases of racially motivated crimes, especially offence and sometimes violence, but also having prejudice towards people of other colour or religion and undesired to search for justice in cases when both new-immigrants and locals are involved and not simply blame newcomers for everything<sup>60</sup>.

Even more serious cases have occurred during the Bronze Night events. It had often been reported and proved that the police was using power and special instruments against peaceful protestants. Further on witnesses report using excess power against all those who were in the streets disregarding their activities (including those people waiting for the public transport, going home etc) when peaceful meeting transferred into riots. Many people were arrested, severely beaten up and handcuffed without any investigation. At the same time there are reasons to assume that most of those persons who were first arrested, and who later on turned out to be of Estonian origin, were released immediately. The rest, however, had to stay in D-terminal and other places for many hours without toilets, medical help, water or food.

Quite a significant number of complaints had been filed by the human rights defenders against the actions of the police. In most of the cases the investigation was not even started by the Prosecutors' office.

The freshest statistics have recently been presented on 4 July 2008 in the information note of the Baltic News Service (BNS). BNS says that according to the statistical data of the Police Department, the Chancellor of Justice received 54 applications. Eight criminal investigations were initiated. In five investigations the prosecutor did not find *corpus delicti*. In three investigations *corpus delicti* could be presumed. However, no policemen were tried in court. In addition the Police Control Office delivered six decisions not to commence criminal investigations.

We believe that the abovementioned three investigations with probable *corpus delicti* were terminated for impossibility to identify the person having committed the crime. According to the information in our possession this is the case for at least two investigations (out of three).

At the end of November 2007 the UN Committee Against Torture adopted its Conclusions and Recommendations with regards to Estonia in which it says "the Committee remains concerned by allegations of brutality and excessive use of force by law enforcement personnel, especially with regard to the disturbances that occurred in Tallinn in April 2007, well documented by a detailed compilation of complaints"<sup>61</sup>.

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<sup>60</sup> Interview with the member of the Muslim community, April 2008

<sup>61</sup> CAT, 39-th session, Geneva 5 – 23.11.2007, CAT/C/EST/CO/4, 22,11,2007

## EXAMPLES OF NGO GOOD PRACTICE

The **Legal Information Centre for Human Rights** oversees a **hotline for victims of police actions**. The project is aimed at any individual who has been unlawfully detained or against whom the police used excess power during the Bronze Night events. Project activities include: telephone and internet consultations, in-house provision of legal aid for those who wish to take legal action, support by addressing various state institutions with enquiries and complaints where necessary.

### 5.6 Racist violence and crime

Cases of ethnically or racially motivated crimes are rather rare in Estonia, however there is a growing tendency towards this, especially with regard to events that have taken place since May 2006 and particularly in 2007. During 2007 the police did not report any investigations undertaken under the article 151 of the Penal code<sup>62</sup>.

It is important to mention that the media, especially the Russian language media, covers conflicts between Estonian and Russian-speaking groups as well as other immigrant groups quite often. For example in January 2007 the media reported about a case that took place in Tartu (the majority of such cases originate from this student city). A group of young Russian-speaking people all belonging to the youth organisation of the Russian party were attacked by a group of skinheads. The Russian-speakers were severely beaten and later that same evening one of the victims received a letter with threats on the chatroom 'rate.ee'<sup>63</sup>.

During the so-called Bronze night events, a 20-year-old Russian man was killed and his friend was severely beaten by a group of young people. It so happens that close to the bar where the murder took place, skin-heads and ultra-right nationalists usually meet and therefore it is assumed that the murder was committed by one of the skinheads<sup>64</sup>. The police first arrested several suspects who in reality belonged to this group, however later released them for having too little evidence against them.

The Estonian police has still not made any progress with the investigation, no one has been arrested.

Black people also suffer harassment and physical abuse in Estonia and report that the police or security personnel in private establishments (such as nightclubs) do not take any action to protect them<sup>65</sup>.

<sup>62</sup> Communication with the State Prosecutor's Office, 10.01.2008 nr. RP-2-9/08/2, Communication with the Ministry of Justice, 21.01.2008.

<sup>63</sup> 'In Harku one can be beaten up because of ethnic origin', *Vesti nedeli den za dnem* newspaper, 21.08.2006

<sup>64</sup> <http://news.ntv.ru/109220/>

<sup>65</sup> LICHR database



## RACIST VIOLENCE AND CRIMES

### Case 1:

An afro-American student was visiting the city of Tartu. He went to the local night club and on his way back to the hotel was attacked by a group of young people. First they started to verbally abuse him referring to his origin and skin colour, then pushed him and beat him up. He managed to escape. A complaint has been filed to the police; however the case was not investigated for an unknown reason<sup>66</sup>.

### Case 2:

A young Portuguese man went to Estonia as a volunteer to work for the Day-care centre for people with disabilities in Valga city (small city on the south). One day he started receiving e-mails insulting him because of his origin and forcing him to leave Estonia. Later he felt that someone was constantly following him. One day he heard someone behind him claiming that they knew where he lived and would make him disappear. The police did not proceed in any investigations claiming there was not enough evidence. He eventually decided to leave the city being scared for his health and life<sup>67</sup>.

## 5.7 Access to goods and services in the public and private sector

There exists no official research or data regarding unequal treatment to access to goods and services as well as no legal provisions regulating this area or any specific legislation that would possibly tackle this issue.

Sociological studies conducted in previous years identified some tensions in the area between ethnic Estonians and non-Estonians<sup>68</sup>.

During 2007 the Chancellor of Justice reported that no complaints regarding access to goods and services were received<sup>69</sup>.

The media and NGOS however report different trends.

Roma community leaders report intolerant behaviour with regard to access to goods and services. In most cases this applies to the behaviour of shop assistants and security personnel, who often without any reason pay special attention to people of Roma origin, they start following clients when they choose

<sup>66</sup> Written complaint to the LICHR, spring 2007

<sup>67</sup> Delfi, 21.11.2008

<sup>68</sup> Klara Hallik, Vadim Poleshchuk, Andrus Saar, Aleksei Semjonov, [Estonia: Interethnic Relations and the Issue of Discrimination in Tallinn](#), Tallinn, 2006; ISBN 9985-9542-3-8

<sup>69</sup> Legal Chancellor, written communication no. 5-3/080063 of 10 January 2008

the goods or are rather impolite and not eager to help if requests arise<sup>70</sup>. Such cases most often arise because of the stereotypes that all Roma people are thieves and criminals.

**DISCRIMINATION IN ACCESS TO GOODS AND SERVICES IN THE PUBLIC AND PRIVATE SECTOR**

**Case 1:**

The media reported that the owner of one of the newly opened restaurants, Mr. Martin Helme – the son of a prominent Estonian politician, would have told his waiters not to serve clients that speak Russian, however no restrictions applied to those ordering in English, since the latter had never occupied Estonia<sup>71</sup>.

The request has been made to the Chancellor of Justice, who however refused to deal with the issue on the ground that there is no concrete victim of these statements and therefore this institution has no mandate to deal with this case<sup>72</sup>.

## **5.8 Media, including the internet**

The media is rather influential in Estonia, especially for middle aged people or the elderly. Therefore it is extremely important to involve this source to the awareness raising and shaping of public opinion.

In general it is possible to say that Estonian media, especially printed media is rather indifferent to the issue of racism and equal treatment. If the Russian-speaking media is interested in the interethnic issues and racism, then the Estonian-speaking media is more in favor of gender equality and disability cases. When addressing these issues however, the journalists try to be informative and express no personal opinions.

In most of the cases when racism is addressed it applies to international news and very rarely to local news. The Russian-speaking media however is more open to publishing stories of local people and providing commentaries to the concrete cases.

It should be mentioned that after the Bronze night events the situation with regard to the media had changed significantly. On one side the publishers, predominantly Russian-speaking, that were addressing the issue from the perspective of their readers, i.e. supporting the idea that the government was wrong and that the police had used excess powers, encountered problems with

<sup>70</sup> "Roma women within their community", research by M. Tali, K. Kollom, M-L. Velberg, EHI Civil Society Research and Development Centre, Tallinn, 2007

<sup>71</sup> "Eesti Ekspress", 23.08.2007

<sup>72</sup> Communication with the Chancellor of Justice, 3.11.2007, Nr. 14-17071647/0707171, no. 5-3/080063 of 10 January 2008

the authorities, and in some cases were even forced to change editors-in-chief to those who would be more tolerant to the actions of the government<sup>73</sup>.

At the same time, the same events initiated a dialogue in the media with regards to discrimination, and the instruments and mechanisms of protection that could be developed.

A particularly worrying situation is the internet, especially sections where commentaries are allowed and available. Often such commentaries are provocative and extremely aggressive. The majority of comments address Russian-speakers in a very insulting and aggressive way. The media is also extremely aggressive towards homosexuals. In some cases comments are targeted towards Jews, Afro-Americans, Asians and Muslim.

Racism can also be identified on other internet websites, such as rate.ee and orkut.ee, which are chatrooms that are often used by young people predominantly of Estonian origin<sup>74</sup>.

Roma also mentioned that the media can be considered as a source of stereotypes towards their community, it often labels them with various crimes, supports their exclusion etc. One of the main mistakes of the local Media is that it completely fails to present the views of the Roma community and to inform the public about their lives, traditions, and problems. Sharing this information could significantly improve the situation of the community and contribute to erasing existing stereotypes<sup>75</sup>.

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<sup>73</sup> Weekly "DEN ZA DNEM", Velika zenzura da dura!, 22.06.2007

<sup>74</sup> [www.just.ee](http://www.just.ee) (research memo)

<sup>75</sup> Roma women within their community", research by M. Tali, K. Kollom, M-L. Velberg, EHI Civil Society Research and Development Centre, Tallinn, 2007

## 6. Political and legal context

2007 was an important year for Estonian society from many perspectives. First of all, the Parliamentary elections that took place in March. Unfortunately for ethnic non-Estonians a rather extreme rightwing and nationalistically tuned party won the elections and formed the coalition with even more far-right parties; both previously known for their harsh attitudes towards immigrants and minorities.

The changes brought by this coalition, affecting first of all ethnic minorities, were imminent and started almost right after the cabinet of ministers was formed and approved. As during previous years and as predicted for these elections, the non ethnic party received many places in Parliament, moreover very few non-Estonians parties received a seat in Parliament<sup>76</sup>.

Currently, Estonia lacks a detailed programme or legislation that would provide efficient protection from racism and discrimination on the grounds of race, ethnicity, religion etc. Despite the fact that authorities recognise this gap, they do not take enough action to tackle this issue. However, during 2007 some serious changes have taken place, slightly moving us to the direction of getting appropriate legislation. In 2007 the Ministry of Justice had prepared a draft of the Equal Treatment law which aims to combat discrimination and establish the institute of Commissioner on Equal Opportunities and indeed to finally comply with the requirements under the EU Directives. Throughout 2007, the Parliament managed to go through two readings and accepted that the act should be adopted. However, it was not adopted on 7 May 2008.

A number of initiatives had been carried out within the context of the European year of equal opportunities 2007. Several studies on ethnic affairs and discrimination on the grounds of ethnic background, including linguistic issues have been carried out and published. Despite the fact that not all the spheres of the lives of ethnic minorities were covered by these studies and that the information received was definitely insufficient, it should be highlighted that it was the first time that such initiatives were taken by the state, which was an important step forward.

Despite the fact that Estonia participated in the 2001 World Conference Against Racism in Durban, South Africa, no action plan for fighting racism has been adopted or even discussed before 2007. Local municipalities have not developed any strategic programme in this area nor are there any special programmes to facilitate integration for migrants. The only measures for minorities and migrants are the State Integration Programme and Strategy for Social Protection and Social Inclusion and certain projects such as the New Migrants project for example run by the quasi-official Non-Estonians Integration Foundation.

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<sup>76</sup> <http://www.riigikogu.ee/index.php?id=31555>

In 2007 the City of Tallinn started to elaborate its own municipal programme of integration of ethnic minorities, including new immigrants, for which it called together experts that have knowledge and practice of working with such issues. Among those are leaders of ethnic minority communities, human rights experts, journalists, NGO activists, lawyers, sociologists and researchers who have something to say in this regard. The municipality also allocated certain financial remedies to be distributed among key actors in order to carry out projects aiming at the realisation of the integration programme.

Another important issue that influenced (and still does) the interethnic affairs in Estonia and dialogue regarding equal treatment, are the Bronze night events or April Riots that took place on April 26 – 28 in Tallinn. The interest towards discrimination of ethnic minorities appeared for the first time ever.

## **6.1 Anti discrimination**

### ***Political developments:***

Despite the fact that not many developments took place and that there was very little political discourse, 2007 was an extremely important year in the fight against discrimination in Estonia. First of all the attention to the issues and its importance had finally been recognised, and several initiatives were undertaken, such as the draft Equal Treatment Act and the Tallinn City Integration Programme. A lot still has to be done, however it is now possible to say that changes have begun.

Unfortunately, no changes were made to the limited mandate of the local Equality Body, the Chancellor of Justice, which remains limited to the conciliation procedure which has not proven effective in addressing cases of discrimination. Regrettably, the Chancellor of Justice stated that the mandate should not focus solely on the promotion of equal treatment as this is a very vulnerable issue and might undermine their independence<sup>77</sup>. In this context, it is important to note that according to the Chancellor of Justice Act the institution is obliged to promote equal treatment<sup>78</sup>.

No specific awareness-raising activities were carried out by authorities or State institutions during the reporting period, though it is possible that some authorities participated in events organised by NGOs in an official capacity.

The Supreme Court of Estonia did not have a chance to interpret the equal treatment provisions that are guaranteed by the labour Contract Act within the scope of the Race directive. It was also reported by the Labour Dispute Commission that during the year 2007, no complaints regarding discrimination on the grounds of ethnic background or race were launched in front of them<sup>79</sup>. The

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<sup>77</sup> Legal Chancellor; Written communication no. 5-3/0608588 of 5 January 2007.

<sup>78</sup> Oiguskantsleri seadus, RT I, 1999, 29, 406, article 35 /16 chapter 5

<sup>79</sup> Written Communication with the Labour Inspectorate, no. 1-05/17675-1www

Chancellor of Justice reported having received two requests regarding unequal treatment of ethnic minorities that require a conciliation procedure<sup>80</sup>.

Several high level visits of UN, PACE and CoE experts took place during the reporting period. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Doudou Diène, visited Estonia in autumn 2007, met with authorities, experts and civil society activists and later in 2008 published a report on his observations on the situation in Estonia. It is important to note that after Mr. Diène mentioned that racism might be a problem in Estonia, especially regarding linguistic issues, he immediately became a subject of aggressive debate in the media and by authorities. Member of Parliament, Mr. Jurgen Ligi, claimed that it was “ridiculous that some negro is teaching Estonians how to live and protect their language. If Russians will be allowed to speak their language what will then happen to the Estonian language? UN and other structures should go further and send us more Negros with such ideas then all potential Estonian racist would become racists”<sup>81</sup>.

Amnesty International continued to pay special attention to Estonia with regard to minority issues and especially linguistic discrimination and harassment of authorities towards human rights defenders acting in support of ethnic minorities.

Special concern lies on the amendments to the Estonia Language Act that entered into force March 1, 2007. New developments extend even more powers to the Language Inspectorate, which is known as the country’s language proficiency watch dog. If previously its mandate was limited to monitoring of language proficiency of employed people and fulfillment of linguistic norms both priorly announced and unannounced, now it received the right to recommend the employer to dismiss the employee if his/her language proficiency is insufficient or does not correspond to the one mentioned in the certificate and that the person fails to re-sit the new proficiency exam to prove the knowledge<sup>82</sup>. It also excluded the article regarding the old categories of language proficiency which would make equal old and new categories. This article was simply excluded from the amended act and not yet copied to any other. According to the Minister of Education, the system is still in place and old categories are valid, therefore there is no need to re-sit the exam unless it is prescribed by the Language Inspectorate. However, not all employers especially those representing state companies and institutions have the same opinion<sup>83</sup>. The LICHR had received a number of complaints stating that the employer requires its employees to re-sit the exam in order to receive new categories refusing to accept the old ones without any good reason for that.

Several studies have been carried out in the context of the European Year of Equal Opportunities 2007 and can be regarded as the state’s first initiative to

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<sup>80</sup> Written Communication with the Chancellor of Justice, no. 5-3/080063 of 10 January 2008

<sup>81</sup> [www.novosti.etv24.ee](http://www.novosti.etv24.ee), 01.10.2007, Jurgen Ligi lifeblog

<sup>82</sup> <http://www.amnesty.org/en/library/info/EUR51/001/2007/en>

<sup>83</sup> Writtent communication with the Ministry of Education, 08.05.2007 nr 2.1-12/62

actually have such studies carried out. One of the reports focused on Roma women within their community, the second focused on minority women on the labour market and a third one dealt with unequal treatment due to social background. The studies did identify the same trends that minority civil society leaders and other sociologists had been mentioning previously, but which for some reason did not appeal to the authorities and therefore had no significance since they were “wrong or unfriendly-to-Estonia sources”.

Also several studies regarding the integration and reasons of the Bronze night riots were carried out by the prominent sociologists and made public.

***Legal developments:***

The main legal development of 2007 is indeed the discussion of the draft act on Equal Treatment that was prepared by the Ministry of Justice in 2006 and sent to the Parliament for adoption in early 2007 (the procedures started in May 2007). It was believed that the act would be adopted by the end of the year; however, by December 31 it only went through one reading and was then sent for the second reading.

The draft aims first of all, to comply with the requirement of full transposition of the EU Directives 2000/43/EC and 2000/78/EC, which so far has not been done. In summer 2007 the European Commission started the infringement procedure against Estonia since Estonia was not fully complying with the requirements of the “Race” Directive. The reasoned opinion and formal requests have been sent to Estonian authorities in order to clarify what steps were enacted and why the necessary provisions are not yet adopted.

The draft introduces the concept of equal treatment on various grounds, except gender and nationality (citizenship), in all spheres of public life<sup>84</sup>. The draft also introduces the creation of the institute of Equal Treatment Commissioner that would be mandated to initiate investigations in cases of unequal treatment on its own initiative, deal with complaints from people, advice on policies and legal developments etc.

Despite the importance of the act, both for reporting to the European Commission and for getting legal grounds to fight discrimination, the draft was rejected in Parliament during the third (final) reading in May 2008 by one extra vote against.

***NGO assessment:***

Similarly to previous reporting years NGOs are not very active in fighting against racism and promoting tolerance in Estonian society. Despite the fact that the NGO community is rather big in Estonia, only very few work on racism and are independent from state opinion. Secondly, the state and municipal funds for human rights activities are very limited and are usually granted to the “right

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<sup>84</sup> Võrdse kohtlemise seaduse eelnõu, 67 SE I

NGOs” dealing with “real issues” i.e. issues that are, according to official perception, true for Estonia. Racism despite its existing manifestations and scaring development is an issue non-grata in Estonia. Even the funds distributed to the activities in the framework of the European Year of Equal Opportunities 2007, were granted to the so-called GONGOs<sup>85</sup> (excluding researches) that by no means will reveal that any cases exist.

However, few existing NGOs do fulfil important jobs in combating racism and promoting equal treatment. One of the main tasks that is dealt with is awareness raising about racism and equal treatment and available mechanisms of protection against discrimination. It is important to note that only NGOs are involved in such activities, which makes it even more important to be carried out efficiently. The input of other actors including the state and trade unions is insufficient if non-existent. A variety of methods are used for that, including work with the media, publications, legal aid and hotline services, trainings for young people and work with certain target groups that are most vulnerable to suffer from structural discrimination and unequal treatment.

More importantly NGOs provide monitoring and research studies aimed at studying the situation and serving for its improvement. At the same time they serve to pressurise the authorities to participate in the discussion and get involved in changing the existing legislation; and more importantly, the attitudes. LICHR had managed a hotline for the victims of police brutality and injustice during and after the “Bronze night” events. A number of complaints had been failed and submitted to various institutions. Legal analyses of the cases, decisions of the court and replies from the State Prosecutors office was made and later published together with other documents and manifestations of victims and witnesses.

A number of NGOs, including ENAR-Estonia members took active participation in drafting the Tallinn Integration Programme that would become an effective supplement to the State Integration Programme and address wide target groups and indeed involve a number of activities aiming at combating discrimination of ethnic minorities and immigrants.

The Tallinn Centre for Human Rights Information became a national coordinator for the project funded by the EC carried out by Human European Consultancy, MPG and IDM in all EU member states. The project intended to improve the capacity of NGOs and Trade Unions to deal with discrimination issues, provide them with appropriate tools and facilitate building partnership among NGOs and Trade Unions.

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<sup>85</sup> Pro-Governmental NGO



## 6.2 Migration and integration

### *Political developments*

Estonia does not have a definition of 'migrant' as such. Officials consider that it is necessary to introduce such a definition. Estonian legislation does define the concept of a third-country national and an alien but does not make any difference with regard to the reasons behind the third-country national entering Estonia. What is important is that the person is legally entitled to stay on the territory of Estonia<sup>86</sup>.

There is no special programme aimed at migrants and especially new-migrants including refugees and no changes or discussion were initiated in 2007. Some provisions of the Estonian Integration Programme 2008 – 2013 can be applied to the new-immigrants, but this is definitely insufficient.

2007 was the last year to complete the State Integration Programme 2000 – 2007. The new Integration Strategy 2008 – 2013 will follow and has been prepared and adopted.

Similarly with the first programme the basis of the new one lies in the Constitutional principles including respect and equal treatment of all people residing in Estonia regardless of their ethnic background and origin.

The second stage of integration was believed to be the next step towards the creation of a single society in Estonia by the implementation of a social - economic aspect. The new integration strategy has this aspect in mind, however the main instrument of achieving this continues to be proficiency in the Estonian language, i.e. the measure which was predominant in the first programme and widely criticised by researchers and specialists.

The new programme should be implemented in three fields<sup>87</sup>:

- educational and cultural. The main stress is emphasised on language training and creating opportunities to start language training as early as possible, i.e. starting from kinder-garden
- social and economic. Again the employee targeted measures involve language training. Importantly however the employers will have a possibility to learn about diversity management – the issue that is absolutely un-popular at the moment and practically non existent
- legal and political. Involve awareness raising about equal treatment and mapping of the current situation. The measure foresees that more people will be able to pass the Citizenship exam which is a prerequisite for Estonian citizenship. Importantly the authorities

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<sup>86</sup> Written communication with the Ministry of Internal Affairs, on 11.01.07 nr 11-2-1/13483, Ministry of Foreign Affairs on 15.01.2007nr 8.3/563

<sup>87</sup> Estonian Integration Strategy 2008 - 2013

plan to “force” Russian-speakers watch Estonian news programmes instead of the ones broadcasted from Russia by Satellite systems. The author of the report considers this measure being stressed after the events of the Bronze night which were believed by authorities to be tuned by the wrongly provided information of the Russian channels.

It is important to note that the Integration Strategy was elaborated by a group of experts. All those who had something to say could do so via the internet at [www.osale.ee](http://www.osale.ee). However the author of the report believes that the expert group was rather unbalanced, some of its members having rather little knowledge about integration as such, processes taking place in Estonia, evaluation of the previous programme etc. There were very few representatives of the Presidential Roundtable on Ethnic minorities (a group launched in 90-ies and aiming to discuss the needs of ethnic minorities in Estonia and shaping the related policies. There were very few members of civil society working with minorities and absolutely no representatives of new-immigrant community. And what is even more important, very few experts, sociologists, those people who have been working with integration issues, studied the changes taking place in the society in this regard and attitudes of the society, evaluating previous programme.

Despite the fact that there have been many positive changes included into the Integration Strategy, it is not possible to say that it is addressing the real needs of the non-Estonians and that it will be much more efficient than the previous programme. It once again fails to address the needs of the new-immigrants and especially visible minorities, particularly those arriving from the countries other than the republics of the former Soviet Union.

There are very few CBPs<sup>88</sup> that are taken into consideration and grounded by concrete actions applicable to the new-immigrants.

Language knowledge as already mentioned is another core problem for the minorities residing in Estonia. Estonian is the only state language despite a large linguistic minority residing in Estonia. Language proficiency, sometimes ungrounded, is required for all those who work in the public domain. There is no obligation to speak any other language. The use of language is being supervised by a specialised body, the Language Inspectorate, established in order to inflict penalties for not using the official language in the public domain or lack of proficiency of the person under supervision<sup>89</sup>.

The existing language policies seriously impact on the opportunities available for migrants that come to Estonia. These do not only apply to employment but also to access to services and goods, healthcare system and communication. New-immigrants, whose mother-tongue is not Russian, find themselves in particularly

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<sup>88</sup> Common Basic Principles

<sup>89</sup> In The Rights of Migrant Workers in EU, Shadow report on Estonia, by Julia Kovalenko, EPMWR, Brussels 2007

vulnerable positions. There are plenty of language courses organised for Russian speakers also within the programmes of professional retraining, however, non-Russian speakers have extremely limited language courses or courses that are extremely expensive. New-immigrants have reported that when they asked responsible authorities to find a possibility to cover their expenses for the language training they were refused such assistance and recommended to apply to their employers<sup>90</sup>.

Despite the existing linguistic policy which has been problematic since 2006 when it brought a new discourse on the protection of the Estonian language that should be introduced in the constitution, an appropriate decision took place in 2007. As a result the mandate of the Language inspectorate was broadened and aimed mainly to protect the Estonian language. It is therefore feared that once finalised, the language requirements will become even stricter and hard to meet.

With regard to CBP they are hardly ever discussed (or according to the opinion of the author of the report) taken into consideration at least for the moment. Estonia does not have many migrants and is not very eager to have them therefore the steps aiming at the creation of better conditions for migrants are taken rather reluctantly.

### ***Legal Developments***

The main legal development concerning integration and migration entered into force on February 1, 2007 and is an amendment to the Aliens Act. It is aimed to enable victims of trafficking in human beings and witnesses to receive temporary residence permits in Estonia in case they agree to act and witness against criminals. In case such permit is received the person also receives a right to work without any additional procedures<sup>91</sup>.

### ***NGO Assessment***

NGOs continued to take an active role in discussing and participating in the development of the new Integration programme 2008 – 2013 and methods of its realisation. They also provided studies and analyses of the results of the Integration Programme 2000 – 2007 despite the fact that their opinion is not always taken into consideration by the authorities. Special studies have been carried out with regard to the Bronze night events, which are believed to be a good indicator of the success (in our case unsuccessful) of the integration process.

A very important project started in 2006, and continued in 2007 by the quasi-official organisation Non-Estonians Integration Foundation, who developed a programme and started training courses free of charge for those who wish to apply for citizenship and would like to undergo a course of Civics in order to

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<sup>90</sup> Interview with the representatives of the new-immigrants NGO, autumn 2007

<sup>91</sup> RT I, 2007, 9, 44

prepare for the Civics exam, which is a part of the requirement for the naturalisation process.

Moreover the Non-Estonians Integration Foundation is continuing to carry out a project targeted at new migrants and especially children to help them integrate at school (described above)<sup>92</sup>.

Another important project is also run by the quasi-official organization Migration Foundation, who is supporting in total 60 new-immigrants and returnees that are searching for a job in Estonia and are unemployed. The activities of the project are aiming to integrated such people and provide them with counseling regarding the labour market and its opportunities, as well as Estonian language proficiency training. Secondly the project aims at informing the Estonian society that it is our reality to host people of other cultures and who speak various languages<sup>93</sup>.

## **6.3 Criminal justice**

### **6.3.1 Racism as a crime**

#### ***Political developments:***

The main political development that took place during 2007, influencing the lives of many non-Estonians, is the conflict that was brought by the decision of the government to demolish the Bronze monument (Monument to the Soviet Soldiers that fought against fascists) in Tallinn. Despite numerous promises made by the Prime minister Mr. Ansip that the monument would stay at its place at least until May 9, works near the monument started on April 26, which brought hundreds of people to the monument. The events started with peaceful, rather silent manifestation, when people were simply standing, continued with police brutality when they started to scan that the "(Government and Prime minister) are fascists" and ended up with riots and looting in which both non-Estonians and Estonians participated. One person was killed, presumably by skinheads, hundreds were arrested and brought to D-terminal where they had to stay overnight regardless of what they were doing in the streets of the city centre.

It had often been reported that racist attacks took place in various parts of the city and also other regions of Estonia during several days after the riots. Particular intolerant situations were reported at the workplace, where people of different backgrounds had to work together. Sometimes tension would take place when accessing goods and services; however it is not possible to say it was widely spread. The relations between Estonian and Russian-speaking communities have been very difficult and tense up to now.

Data collection regarding hate motivated crime is performed by the Police, however it only registers those cases that were investigated. There are reasons

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<sup>92</sup> [www.meis.ee](http://www.meis.ee)

<sup>93</sup> Written communication with the Bureau of the Minister of Population, 13.06.2008 nr. 3-4/08-03627

to believe, however, that not all cases are being reported and not all cases are investigated under the related articles. In the year 2007 the Police did not investigate any cases that would fall under the scope of the articles 151 – 155 of the Criminal Code<sup>94</sup>.

As was the case for the previous reporting year, no high scale national debate took place in Estonia with regard to the EU Framework Decision on Racism and Xenophobia. The media did not report on the document, or on the Estonian opinion concerning the document.

According to the information received from the Ministry of Internal Affairs no special courses aiming to train the police and security police officers about racist crimes, intolerance etc were organised in 2005 – 2007, however some policemen did participate in various courses organised by other structures or abroad<sup>95</sup>. The Academy of Internal Protection that educates young policemen and others also reported to have no special courses regarding hate crimes and racism within their curricula. Interethnic affairs are being addressed within the general course of Ethics and Sociology<sup>96</sup>.

***Legal developments:***

No legal developments took place in 2007.

Racism and hate crimes are being criminalised by the Penal Code art. 151 – 152. After amendments to the Code that entered into force in 2006 it became more difficult to punish those who publicly incite racially motivated hatred or racially abuse. If in 2005 several cases were initiated by the police and security police together under article 151, 152, then after the Code was amended no cases were initiated neither in 2006, nor 2007.

***NGO Assessment***

The NGO community took active participation in actions aiming to avoid the conflict. Further on LICHR had been providing legal aid to the victims of police brutality and lack of justice and informing national and international communities about the real events and reasons of the conflict.

NGOs also provide legal aid and support to the victims of racist attacks and racially motivated insults and hatred, assist in filing the complaints and supervise if the police are taking actions in order to investigate such cases and punish the violators.

**6.3.2 Counter terrorism**

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<sup>94</sup> Police Board; Written communication no. PA\_2.1-20.2/5648 of 12 January 2007.

<sup>95</sup> Communication with the Ministry of Internal Affairs, 04.05.2008 nr 3.3-2-1/5049

<sup>96</sup> Communication with the Academy of Internal Protection, 30.06.2008, 0-5/2150-2

There have been no major developments with regard to counter terrorism in Estonia during the year 2007. Main provisions with regard to terrorism can be found in several articles of the Penal code<sup>97</sup>.

In 2007 the document “Main streams of Estonian Security Policy 2015” was prepared and sent to the Parliament for adoption (first reading took place 10.06.2008). The document provides for certain definitions, fixes priorities and identifies eight main directions of the security policy in Estonia<sup>98</sup>. One of the directions is – a more secure state, which among other issues addresses the diminishing of illegal migration, improvement of the state ability to counteract the actions of special agencies of other states and spies, and improve the capacity to prevent terroristic attacks<sup>99</sup>. The explanation note to the document also identifies who is responsible for what and what actions should be taken in order to achieve the certain aim. Interestingly enough, it also mentions Russia as one of the states whose special services work on the territory of Estonia and who is an “enemy state”. Also it mentions that foreign special services use Estonian and international organisations to influence the situation in the country<sup>100</sup>.

At the same time, the state does not officially see any country or group as a real threat to Estonia and have repeatedly argued that Estonia is not a target country for terrorists. Again more and more high ranking politicians and authorities label the Russian Federation as being unfriendly and threatening Estonian security as well as mentioning certain NGOs as acting in support of non-Estonians as ones governed by Moscow without any reason or proof.

The April events were also numerous mentioned as guarded by Moscow, the Security Police Report however mentions them only as inspired by Russia.

At the same time special attention is paid to Muslims residing in Estonia, especially new-Muslim i.e. those arriving from countries other than the former Soviet republics, and various Muslim organisations that try to launch branches in this country.

Similarly to the previous years the Security Police continues to see any NGO acting to support non-Estonians residing in Estonia, especially by providing legal aid on migration issues, unequal treatment etc. and indeed those who dare to state to be a threat to the state and its constitutional order. Such organisations are mentioned in the annual reports of the Security Police as acting against the constitutional order or in 2007 in particular “under Manipulations with the compatriots by the Russian Federation”<sup>101</sup>.

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<sup>97</sup> Criminal code, RT I 2001, 61, 364, RT I 2002, 86, 504

<sup>98</sup> Riigikogu TPPS eelnõu 263 SE otsus, 11.10.2007

<sup>99</sup> Riigikogu TPPS eelnõu otsus, 11.10.2007, p.21, 22, 23

<sup>100</sup> Seletuskiri eelnõu juurde, 11.10.2007, p. 21, 22, 23

<sup>101</sup> [http://www.kapo.ee/Aastaraamat\\_2008\\_EST\\_27.05.2008.swf](http://www.kapo.ee/Aastaraamat_2008_EST_27.05.2008.swf)

NGOs can take little action to stand against such trends, however even in this difficult situation they try their best to prevent shaping negative public opinion on the Muslim community and the portraying of an enemy from any state without any good reason for that by providing articles for the media and publication and making the voice of Muslim community visible.

### **6.3.3 Racial profiling**

Racial profiling has not been an issue for Estonia during the year 2006, however in 2007 there are reasons to claim that this phenomenon also became an important issue for this country.

For the moment Estonia does not have any programme or legal act that would enable or support racial profiling. Neither is there any discourse in the society or from authorities regarding this issue.

However, during the Bronze night events and following the incidents the cases of racial profiling can be identified.

Similarly there are claims from the representatives of visible minorities, especially those who do not speak Estonian or Russian, or those who have limited proficiency, that they have been subject to profiling or unequal treatment because of their ethnic background.

### **6.4 Social inclusion**

Estonia does have a National Strategy for Social Protection and Social Inclusion 2006 – 2008. The national report has been published in 2006.

National minorities are mentioned separately in this strategy as they belong to one of the risk groups vulnerable to social exclusion and therefore need more close attention. The state tries to strengthen the integration of national minorities through various fields of policy. The first State Integration Programme 2000 – 2007 was carried out until 2007, its main emphasis being on language training and education. The new Integration programme 2008 – 2013 was prepared in 2006 and pays more attention to socio-economic integration and therefore these programmes aim at reducing unemployment. Close attention is being paid to HIV/IDS prevention.

Secondly, it is believed that employment is the best instrument of protection against poverty and social exclusion; therefore several projects are aimed at promoting various opportunities for non-Estonians on the labour market. The projects are run in cooperation with municipalities, NGOs, training institutions etc. Apart from language training these projects also envisage professional

counselling, identifying the needs of certain labour markets, cooperation with employers, professional trainings etc<sup>102</sup>.

No separate funding is allocated for the actions addressing ethnic minorities, however it is theoretically possible to receive grants through the Council of Gambling taxation for the actions addressing equal treatment, services to elderly, children and people with special needs etc. In 2007 several projects of such kind were supported, none of them however was targeted solemnly and directly to ethnic minorities, but included this group as one of the targets<sup>103</sup>.

No major **legal developments** in the area of social inclusion took place in 2007. **NGOs** have not taken any serious action with regard to the issue of social inclusion.

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<sup>102</sup> Communication with the Ministry of Social Affairs, 28.05.2008

<sup>103</sup> Communication with the Ministry of Social Affairs, 28.05.2008



## 7. National recommendations

Some of the recommendations that are underlined below have been mentioned in previous reports and by various international bodies. It is important to highlight them once again in this report and to urge the state to take rapid action.

We recommend:

### 7.1 General

- To organise visible large scale awareness-raising campaigns aimed at introducing anti-discrimination measures and protection mechanisms as required by the EU, by using various methods and paying special attention to the media in order to inform politicians, authorities, employers, young people and the general public about equal treatment
- To carry out detailed research of the situation of ethnic minorities, including the Roma and new-immigrants including new-Muslim.
- To create a system of discrimination-related data collection covering all aspects of life.

### 7.2 Anti discrimination

- To adopt detailed anti-discrimination legislation that would correspond to the requirements of the EU Directives and take into consideration recommendations made to Estonia by various international bodies.
- To create an institute of Commissioner on Equal Treatment of Ethnic minorities and to improve the mandate of the Chancellor of Justice enabling him to be involved in the conciliation procedure.
- To study practises of the Legal Chancellor's Office to identify reasons for low interest (especially minority members) towards available mechanisms of protection from racism (including conciliation procedures, effective remedies, compensations for victims of racism etc).
- Implementing official positive action measures to promote the full participation of ethnic non-Estonians in all spheres of employment and education.
- To adopt an anti-racist programme based on the Durban Document.
- To allocate funds for civil society involved in anti-racist activities.
- To develop and launch a curriculum regarding racially motivated crimes within the policemen training programme and retraining.

### **7.3 Migration and integration**

- To regularly monitor official ethnic and integration policies from the equality perspective.
- To monitor the official linguistic policies in order to protect minorities from unfounded and disproportionate control over the use of languages at work, in public places, and in contact with public administration. Naturalization of non-citizens shall be as simple as possible and possibly not include language exams.
- To adopt special programmes aimed at refugees and new-migrants incorporating the CBPs.

### **7.4 Criminal justice**

#### **7.4.1 Racism as a crime**

- To amend local legislation in order to provide a possibility to tackle hatred speech, insult and other abuses even if they only cause moral damage.
- Creating a comprehensive system of monitoring and investigation of ethnically and racially motivated crimes, backed by specialised training of police officers on the permanent basis.
- Comprehensive protection against all types of incitement to ethnic hatred (and particularly against public hate speech) should be restored in criminal law, and special attention should be paid to potentially dangerous right-wing radical groups;

#### **7.4.2 Counter terrorism**

- End the labelling, without proper evidence of organisations, persons, and even states, as a threat, as well as attempts to discredit them on national and international level.
- To stop harassing NGOs for their activities aimed at providing support and legal aid to the ethnic minority population and stop considering their activities to be a threat to the independence of the state.

#### **7.4.3 Racial profiling**

- To stop the practice of racial profiling and to punish those officials, who are responsible for using excess power and racial profiling during the Bronze night events of 2007.

#### **7.4.4 Social inclusion**

- To carry out awareness-raising campaigns aimed at groups at risk regarding the possibilities created for them by the state, for them

created by state training and retraining possibilities in the language understood by them (presumably Russian).

- To implement the Social Participation and Social Inclusion Strategy to its full, and pay special attention to ethnic minorities and in particular those belonging to the risk groups vulnerable to other forms of discrimination, for example people with disabilities, women etc..
- To pay special attention to HIV/AIDS and drug addiction among non-Estonians.
- To take active steps to prevent human trafficking especially as it affects non-Estonian women who have problems with employment and remuneration for their work.
- To pay special attention to the training and retraining of the unemployed, especially long-term all over Estonia. Retraining should provide people possibility to find job, i.e. address those professions that are in demand.

## 8. Conclusion

As outlined in the report and similarly to previous years Estonia still lacks understanding of the importance of addressing the issues of racism. The actions taken by the state in order to combat discrimination are clearly limited and insufficient. Despite positive trends the country still lacks detailed research regarding the state of ethnic minorities and immigrants residing on its territory. The awareness of the general public with regard to what is discrimination and what mechanisms of protection are available is rather low. This results from the state's unwillingness and uninvolvedness with awareness-raising campaigns, but also disappointment in the justice system.

However, 2007 can be considered to be an extremely important year for Estonia. It has brought both positive and negative developments and finally led to a dialogue between two communities, raising the issue of racism to the public discourse.

Despite the hopes surrounding the Equal Treatment Act that was under discussion in Parliament throughout the year, which, had it been adopted, would have brought Estonian legislation in line with EU requirements, it failed in May 2008. Secondly the amendments to the Language Act enabled the Language inspectorate to have even more powers over those ethnic minorities that are occupied in employment.

The April riots or Bronze Night events were the culminating point when it was clear that integration in Estonia had failed and that two communities were living separately. It also identified the real attitudes of the state over ethnic minorities and their beliefs, inability and unwillingness to initiate dialogue between power holders and ordinary people. The events also served as proof of lack of access to justice and failure of integration. However, the events brought up the issue of discrimination of minorities and passiveness of the state.

Tallinn City had launched a group of experts that developed a Tallinn Integration Programme, which aims to improve the interethnic affairs within the city community.

Despite the fact that civil society NGOs dealing with the issue of racism are limited in numbers, have very limited funding, and are under permanent threat of sanctions from the state, their activities and influence can not be omitted. The NGOs serve as one of the main sources of information regarding cases of racism and try their best to bring cases of strategic litigation to courts. Moreover, most of the awareness-raising campaigns aimed at various target groups are run predominantly by the civil society.

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## 10. Annex 1: List of abbreviations and terminology

<b>AI</b>	Amnesty International
<b>CBP</b>	Common Basic Principles
<b>EC</b>	European Commission
<b>GONGO</b>	pro-Governmental NGO
<b>LICHR</b>	Legal Information Centre for Human Rights
<b>CAT</b>	UN Committee against Torture

### TERMINOLOGY

Immigrants in Estonia – there are two groups of immigrants in Estonia, the long-term immigrants which is used rarely due to the fact that this group does not consider its members to be immigrants. Consists predominantly of those who arrived in Estonia during the Soviet times due to the so to say forced migration of labour force and specialists and those who arrived on other reasons. And also those belonging to this group often have several generations residing in Estonia (from Empire times). They have long-time strong connections with the state.

The second group is – new-immigrants, i.e. those who arrived in Estonia after 1991. Often they are visible minorities as they originate from African and Asian countries.

The same applies to the term of old-Muslim and new-Muslim.

GONGO is a Non-Governmental Organisation, which however is either created under supervision of the state and aims to promote official position of the state especially at the international level or/and is supervised by the state. The main aim of such organisations is to represent official opinion of the state at international level and often providing unbalanced information in order to advertise state.



european network against racism

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