

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Resolution ResCMN(2006)1 on the implementation of the Framework Convention for the Protection of National Minorities by Estonia

*(Adopted by the Committee of Ministers on 15 February 2006
at the 956th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”);

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by Estonia on 6 January 1997;

Recalling that the Government of Estonia transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 16 July 2004;

Having examined the Advisory Committee’s second opinion on Estonia, adopted on 24 February 2005, and the written comments of the Government of Estonia, received on 22 July 2005;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Estonia:

a) Positive developments

Estonia has taken a number of steps to improve the implementation of the Framework Convention following the adoption of the first opinion of the Advisory Committee in September 2001 and the Committee of Ministers’ resolution in June 2002. In various key sectors, the authorities have addressed shortcomings in legislation and practice while stepping up their dialogue with representatives of national minorities and civil society.

As regards naturalisation, certain positive measures have been introduced to make the process more accessible and streamlined, and there has recently been an increase in the rate of naturalisation.

Estonia has introduced important flexibility to the legislation concerning language of instruction in secondary schools by making it possible for schools to apply for an exemption from the requirement to introduce Estonian as the main language of instruction as from 2007.

Estonia has addressed certain problems contained in its language-related legislation, including by eliminating the language proficiency requirements for electoral candidates and by extending the validity of language proficiency certificates for occupational purposes.

The obstacles to the posting of minority language private signs have been reduced through changes in the practice of the Language Inspectorate.

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour.”

b) Issues of concern

The number of persons without citizenship remains disconcertingly high. Despite positive measures taken to facilitate naturalisation, the language tests and other factors are still an obstacle for many.

The envisaged transfer to Estonian as the main language of instruction in secondary schools, involving at least 60 percent of instruction in Estonian, has not yet been adequately prepared by the authorities, including as regards teacher training and procedures for seeking exemptions from the said transfer.

New legal provisions on optional classes on minority languages have not yielded substantial results in basic schools. In addition, the initiatives to facilitate contacts between pupils from different communities have not yet been implemented widely enough in various levels of education.

Despite some improvements in the related administrative practices, the Language Act still contains elements that are problematic from the point of view of the Framework Convention, including as regards private signs.

The state language proficiency requirements in employment do not fully take into account the present practical situation in all affected sectors, such as law-enforcement, and in the geographic areas concerned.

Persons belonging to national minorities, in particular young women, in Ida-Virumaa, and elsewhere, continue to be disproportionately affected by unemployment.

The proportion of persons belonging to national minorities employed in public service is relatively low, in particular in higher levels of administration.

The National Minority Cultural Autonomy Act remains unchanged despite the fact that it is generally considered to be ineffective.

Estonia has improved guarantees against discrimination in some sectors, but the proposed comprehensive legislation in this sphere has not yet been adopted.

2. Adopts the following recommendations in respect of Estonia:

In addition to the measures to be taken to implement the detailed recommendations contained in chapters I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- take further positive measures to facilitate and encourage naturalisation, including through increased free-of-charge state language training;
- intensify training and other efforts required for the transfer to Estonian as the main language of instruction in secondary schools and establish clear procedures for seeking exemptions from the said transfer;
- review the functioning of the legal provisions on optional classes on minority languages in basic schools;
- take further measures to facilitate contacts between pupils from different communities;
- take steps to ensure that the Language Act is fully in line with the Framework Convention, including as regards private signs;
- review the state language proficiency requirements in various sectors of employment so as to ensure that they are realistic, clear and proportional;

- pursue further efforts to address the disproportionately high unemployment rate amongst persons belonging to national minorities by launching regional development initiatives and measures to fight direct and indirect discrimination in the labour market;
 - enhance the recruitment of qualified persons belonging to national minorities in public service;
 - address shortcomings in the National Minority Cultural Autonomy Act by drawing up, in consultation with those concerned, legislation that is more inclusive and takes better into account the present-day concerns of persons belonging to national minorities;
 - complete the work to draw up comprehensive legislation against discrimination.
3. Invites the Government of Estonia, in accordance with Resolution (97) 10:
- a.* to continue the dialogue in progress with the Advisory Committee;
 - b.* to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.