

Analytical Report PHARE RAXEN_CC
Minority Education

RAXEN_CC National Focal Point Estonia

Eesti Pagulasabi

by Tatjana Evas
Alesandr Dusman, Merle Haruoja,
Karin Suidre and Raivo Vetik

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Table of Contents

1. Executive Summary.....	4
2. Introduction.....	6
3. Legislation and Policies	6
4. Minority Schooling in 'practice'	12
5. Good practices in the Estonian national context	16
6. Critical Remarks and Recommendations	18

Table 1 Consolidated Budget for Sub-programme of the State programme " Integration in Estonian society 2000-2007" for the years 2000-2003.	12
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Table 2 Number of students participating in the language immersion programme 2000-2002.	16
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Annex 1 Main legal acts in the area of education and minority protection	
Annex 2 Statistical data.	

1. Executive Summary

During the last decade minority education in Estonia proved to be a very complex issue raising considerable public and political debate. The complexity of the issues related to the minority education stems from the historical circumstances leading to the current demographic and ethnic composition of the Estonian population. According to the data of the last official population census 33 % of the population in Estonia belongs to ethnic minorities.¹ The largest ethnic minority constituting 25,6 % of the population in Estonia are Russians with Russian language being their mother tongue. The official data suggests that for 33% of the Estonian population Estonian is not their mother tongue.² Although the knowledge of the Estonian language among ethnic minorities increases continuously the percentage of ethnic minorities with fluency in Estonian remains rather low.³

The initiation of a series of nation-wide education forums in the mid-1990s was an important development in Estonian education as a whole and in particular from the standpoint of the minority issue. Of the four priorities in educational policy as described by the Estonian Education Forum of 1996, one dealt directly with the question of Russian language schools. Its intent was to guarantee a unity of instruction by means of a unified national curriculum. At the Estonian Education Forum the following year, a special panel discussion was devoted to the subject of education in non-Estonian languages. The terms “integration,” “multicultural education,” and “a multicultural society” were used for the first time in connection with education in minority languages. Following the intensive discussion of the role and place of minority education in Estonia various integration policies and development strategies have been designed. The most important of these is the State integration programme “Integration in Estonian Society 2000-2007” developed by the government.⁴ The State integration programme focuses primarily on the younger generation through a restructuring of the educational system and intensive Estonian language learning.⁵

One of the first priorities of educational reform was the unification of the Estonian and Russian language school systems.⁶ Further curricula reform was introduced significantly increasing the number of the Estonian language lessons in Russian language schools. Currently the Estonian language is compulsory from the second grade and teaching some

1 The last official population census was carried out in 2000. The results of the 2000 population census are available at the official web page of the Statistical Office of Estonia at <http://www.stat.ee>.

2 If not indicated otherwise the statistical data in the Executive Summary section of the report adopted from the official web page of the Statistical Office of Estonia available at <http://www.stat.ee> (last accessed on 15.03.2004).

3 Ibid, footnote 1.

4 The State Programme “Integration in Estonian Society 2000-2007” approved by the Government of Estonia on March 14, 2000 available at <http://www.riik.ee/saks/ikomisjon/programme.htm> (last accessed at 15.03.2004).

5 For the budgetary allocation of resources within the Integration programme see for example action plans for sub-programmes of State Programme “Integration in Estonian society 2000-2007” for the years 2000-2003 Approved by the Government of Estonia on February 27, 2001 available at <http://www.riik.ee/saks/ikomisjon/> (last accessed on 15.03.2004).

6 During the Soviet period the schools in Estonia had either Estonian or Russian as language of instruction. Estonian language schools had 11 years curricula but Russian language schools had 10 years curricula.

subjects in Estonian language will gradually become compulsory in the Russian language schools. Beginning at latest in the 2007/08 school year Estonian shall be the language of instruction in upper-secondary schools (at least 60% of all instruction), and from all teachers in all schools a high level of proficiency in Estonian will be required.⁷

The proponents of the educational reform argue that the transformation to the increasingly monolingual education system will guarantee equality of opportunity in the access to the Estonian state universities and on the labour market among ethnic groups. The argument is based on the hypothesis that if minority youth acquired secondary education in Estonian language, they would enjoy equal treatment with the native Estonian-speaking youth. The secondary education in the Estonian language is seen as the only possible guarantee of equality for further educational and labour market opportunities. This argument is strongly opposed by the representatives of national minorities. In their view, the above-mentioned reform will in fact even further exacerbate the existing differences on the labour market, as the monolingual system of education without adequate resources will effectively undermine the level of educational attainment of minorities, further limiting their opportunities on the labour market.

The national legislation in the area of education is generally very progressive reflecting values of the democratic society. The right to education is guaranteed by the Constitution.⁸ Moreover the Education Act, the framework legislation regulating the principles of the organisation of the educational system, inter alia, provides that one of the goals of the Estonian educational system is to promote a development of national minorities, the Estonian economic, political and cultural life and the preservation of nature in the global economic and cultural context.⁹

At the same time in the legislation specifically related to schooling of ethnic minorities and protection from discrimination is problematic. The legal definition of “national minority” adopted by the state is very restrictive and excludes more than 60 % of the representatives of ethnic minorities residing in Estonia.¹⁰ The Estonian State has been called in numerous occasions by the international monitoring bodies to re-consider the adopted definition but so far this has not been done. Russian, the native language of more than 30% of the Estonian population considered to be a foreign language according to the law and does not enjoy special protection by law.¹¹ The Constitution and the Education Act guarantee everyone right to receive instruction in Estonian language only.¹² In spite of the important legislative steps recently taken by the Government to mitigate the ambiguities related to the possibilities of ethnic minorities to receive education in native language the situation remains unsatisfactory. The proposed educational reform of

7 Põhikooli- ja gümnaasiumiseadus (Basic Schools and Upper Secondary Schools Act), RT I 1993, 63, 892 Article 9 (1), (1¹) and (1²) available at http://www.legaltext.ee/et/andmebaas/tekst.asp?loc=text&dok=X30049K8&keel=en&pg=1&ptyyp=I&tyyp=SITE_X&query=education (last accessed on 15.03.2004).

8 Eesti Vabariigi Põhiseadus (Constitution of the Republic of Estonia), RTI 1992, 26, 349.

9 Eesti Vabariigi Haridusseadus (in this report translated as Education Act) RT I 1992, 12, 192, Article 2 (2).

10 For further discussion please refer to page 6 of the present report.

11 Keeleseadus (Language Act) RT I 1995, 23, 334 available at http://www.legaltext.ee/et/andmebaas/ava.asp?tyyp=SITE_ALL&ptyyp=I&m=000&query=language+act&nups.x=20&nups.y=9 (last accessed on 15.03.2004).

12 Eesti Vabariigi põhiseadus (The Constitution of the Republic of Estonia), RT 1992, 26, 349, Article 37 (4); Eesti Vabariigi Haridusseadus (The Education Act) Article 4 (2).

secondary education leading to the gradual transformation to the Estonian language of instruction in all schools in Estonia starting from the academic year 2007 needs to be continuously reassessed with the aim to ensure that the reform does not lead to the negative results that would further exacerbate the existing problems.

There is no legislation at present prohibiting discrimination in and access to education. Thus effective measures in the area of non-discrimination, including enacting of legislation to ensure that everyone residing in Estonia enjoys all the rights set in the laws without discrimination, are urgent. The ratification of the international convention prohibiting discrimination in education is desirable.

Among the positive examples of the minority schooling in Estonia are the development of the extensive network of Sunday schools organised by cultural societies, Estonian language and culture summer camps supported by EU PHARE funds and language immersion programmes developed on the basis of the Canadian and Finnish experience and with the financial support of the respective governments and EU.

2. Introduction

The present analytical report addresses the issue of education of representatives of ethnic minorities in Estonia. The main focus of the report is on the largest ethnic minority in Estonia – Russians. The aims of the research are to provide an overview of the legislation and policies and to identify the most pressing issues related to the current situation with the education of Russian minority in Estonia. To this end, the report discusses the legislation related to education and anti-discrimination, national programmes and practice in the area of minority schooling and positive example of the minorities education. Conceptually the report has three main parts. Following the Introduction (Chapter 3), the first part of the report addresses the national legislation in the area of education and anti-discrimination (Chapter 4). The second part (Chapter 5), considers the national programmes in education sector specifically targeting ethnic minorities adopted during the past 10 years including State Integration Programme “Integration in Estonian Society 2000-2007” and discusses the current difficulties related to the education of minorities. Finally the third part (Chapter 6) provides an overview of the positive practices which are developing in Estonia in the context of minority schooling outside of the compulsory secondary education. The report concludes with critical remarks.

3. Legislation and Policies

The Constitutional right to education as well as the aims of the educational system were established shortly after the regaining of independence and reflect the values of democracy.¹³ According to the Education Act, the fundamental principles of education shall be based upon the recognition of universal and national values, of the individual, and of the freedom of religion and conscience.¹⁴ It is also important from an ethnic relations standpoint to note that the law places great value on the creation of “favourable

¹³ The Constitution of the Republic of Estonia entered into force on 29 July 1992, the Education Act entered into force on 30 March 1992.

¹⁴ Ibid, footnote 9, Article 2 (2).

conditions for the development of ... minorities ... in the context of global economy and culture".¹⁵

The Constitution guarantees the right to education.¹⁶ Article 37 of the Constitution provides that "Everyone has a right to receive instruction in Estonian. The language of instruction in national minority educational institutions shall be chosen by the educational institution."¹⁷ Thus, the Constitution guarantees the right to education an instruction in Estonian. National minorities (not ethnic minorities!) may be granted a privilege to receive education in their native language. Consequently although the right to education is guaranteed to everyone the language of education, i.e. language of instruction guaranteed by the Constitution is only Estonian.

The definition of 'minority' in Estonia is of extreme importance. In depositing instruments of ratification for the Framework Convention for the protection of National Minorities (FCNM) Estonia declared that it understands term 'national minority' as including *citizens* of Estonia who reside on the territory of Estonia; maintain longstanding, firm and lasting ties with Estonia; are distinct from Estonians on the basis of their ethnic, cultural, religious or linguistic characteristics; are motivated by a concern to preserve together their cultural traditions, their religion or their language, which constitute the basis of their common identity.¹⁸

As has been pointed out above the Constitution provides that educational institutions of national minorities, but not of ethnic minorities, may chose the language of instruction other than Estonian. The Law on Cultural Autonomy of National Minorities also allows only persons belonging to a recognised national minority to establish cultural self-governing to promote their constitutional rights in the field of culture, and to establish minority cultural and educational institutions.¹⁹

One of the negative effects of the declaration to the FCNM is that approximately 60% of ethnic minorities in Estonia (who are stateless or citizens of other countries)²⁰ do not fall under the legal definition of national minorities adopted by the state and thus according to the law cannot enjoy special treatment provisions established by the Constitution and Law on Cultural Autonomy of National minorities. ²¹ In practice, ethnic minorities residing in Estonia currently may enjoy education in Russian language, however, this is not guaranteed by law.

¹⁵ Ibid, footnote 9, Article 2 (3) 1).

¹⁶ Eesti Vabariigi Põhiseadus (Constitution of the Republic of Estonia), RT I 1992, 26, 349, Article 37.

¹⁷ Ibid, footnote 16, Article 37 (4).

¹⁸ **Declaration by the Republic of Estonia contained in the instrument of ratification, deposited on 6 January 1997 to the Framework Convention for the Protection of National Minorities**, Treaty No. 157 :

Framework Convention for the Protection of National Minorities available

at <http://conventions.coe.int/Treaty/EN/cadreprincipal.htm> (last accessed on 15.03.2004).

¹⁹ Vähemusrahvuse Kultuuriautonomiam Seadus (Law on Cultural Autonomy of National Minorities), RT I 1993, 71, 1001, Article 5.

²⁰ According to the 2000 Population Census, 13% of the Estonian population are stateless (official term: "undetermined citizenship") and 7% of the population are citizens of other countries; among them 351,178 ethnic Russian in Estonia only 141,907 have Estonian citizenship. The Statistical data is available at web page of the Statistical Office of Estonia at http://gatekeeper.stat.ee:8000/px-web.2001/Dialog/varval.asp?ma=PC225&ti=POPULATION+BY+ETHNIC+NATIONALITY%2C+MOTHER+TONGUE+AND+CITIZENSHIP&path=../_Databas/Population_census/08Ethnic_nationality._Mother_tongue._Comm_and_of_foreign_languages/&lang=1 (last accessed on 15.03.2004).

²¹ De facto, it may be said that in majority of cases the State in developing programmes direct to the minorities all representatives of ethnic minorities regardless of citizenship.

The restrictive definition of 'national minority' as including only citizens of Estonia has been extensively criticised by the OSCE High Commissioner for National Minorities, the United Nations Committee on the Elimination of Racial Discrimination (CERD) as well as by the European Commission against Racism and Intolerance and the Advisory Committee on the Framework Convention for the Protection of National Minorities. For example, CERD in relation to the narrow definition of national minority stressed that "such a narrow definition may limit the scope of the State integration programme and have the effect of transforming a policy of integration into a policy of assimilation."²² Consequently, the scope of the legal protection of Article 37 of the Constitution as well as of Article 5 of the Law on Cultural Autonomy of National Minorities in respect of the right of ethnic minorities to education in their mother tongue is ambiguous. By narrowly defining national minorities the above mentioned provisions leave the majority of ethnic minority representatives permanently residing in Estonia outside of special protection. Thus, the part of Russian speaking minority who has Estonian citizenship (~40%) in fact may rely on the provisions of the Constitution and Law on Cultural Autonomy in demanding their right to education in minority language, but the Russian speaking population without Estonian citizenship (~60%) cannot.²³

The Estonian educational system consists of pre-school education, basic education, general secondary education, vocational education and higher education.²⁴ Pre-school education is organised through the network of kindergartens, compulsory education through primary and secondary schools and "gümnasium" (upper secondary), vocational education, and post-secondary education through universities and at other post-secondary institutions. Some schools (general education schools, vocational schools and institutions of higher learning) are funded by private capital, although the majority of schools are funded by state or local government budgets.²⁵ According to the latest available statistical data in the academic year of 2002/2003, the number of general education schools of the daytime study was 636, of which 65 are nurseries-primary schools, 52 are primary schools, 279 are basic schools and 240 are secondary and upper secondary schools.²⁶ Among the 636 general education schools of daytime study 525 are Estonian-speaking, 89 are Russian-speaking, 21 are both Estonian- and Russian-speaking and one is Estonian- and Finnish-speaking schools. In addition to daytime study schools 15 schools provide the evening/distance learning form of study, of which eight are Estonian-speaking, six Estonian/Russian-speaking and 1 Russian-speaking. Moreover, there are 20 evening/distance learning departments in schools of general education of the daytime study form (nine are Estonian-speaking, five Russian-speaking, six Estonian/Russian-speaking). Most schools are funded by municipal or state budgets (572 and 32 respectively) and 32 schools are funded by private capital.

²² *Concluding observations of the Committee on the Elimination of Racial Discrimination : Estonia*. 01/11/2002. A/57/18, (Concluding Observations/Comments) paras.344-366.

²³ *Ibid*, footnote 20.

²⁴ Please refer to Annex 1 for the list of legal acts in the area of education.

²⁵ More detailed information on the educational system in Estonia is available at the official web page of the Estonian Ministry of Education and Research available at <http://www.hm.ee/uus/hm/client/index.php?135262301322041021> (last accessed on 15.03.2004) or at the <http://www.unesco.org/iau/cd-data/ee.rtf> (last accessed on 15.03.2004).

²⁶ All statistical data referred to in this paragraph adopted from the official webpage of the Estonian Ministry of Education and Research available at <http://www.hm.ee> (last accessed on 15.03.2004).

The Law on the Pre-school Institutions protects the right of all Estonian children to receive Estonian language pre-school education.²⁷ No guarantees of minority-language classes exist for Russian-speaking population or other minorities. The Law on the Pre-school Institutions provides for a possibility to establish classes in other languages through decision of the local self-governing council.²⁸ Consequently the law does not establish any preferential treatment for the establishment of the pre-school education institutions in the language of ethnic minorities and the right to education in minority language in pre-school institutions is not guaranteed by law. Moreover according to the Article 8 (3) of the Law on the Pre-School Education bilingual pre-school groups are prohibited.

Currently it is possible to acquire pre-school, primary, secondary, vocational and higher education either in Estonian or Russian languages.²⁹ Following the adoption of the **Basic Schools and Upper Secondary Schools Act**³⁰ 1993 the attempt is made starting from the academic year 2007/2008 to gradually transform public funded educational system to one language – Estonian.³¹ Representatives of ethnic minorities and international community have criticised the reform.³² Reflecting the concerns in April 2000 the Act was amended so that 60% of the subjects are to be thought in Estonian where remaining 40% of classes could be thought in another language at the upper secondary level, and any language may be used at the basic education level although Estonian language instruction must also be given.³³

Concerns have been expressed that the new provisions on the education system, particularly the deadline of 2007, are unrealistic and that there is too much uncertainty connected with their implementation.³⁴ For example, there is a severe lack of trained and competent teachers of the Estonian language in the Russian language schools, and it is not clear what will happen to the surplus of teachers teaching various subjects in Russian once the increased teaching in Estonian is introduced.³⁵

State-funded higher education in minority languages is very limited. Only and extremely limited number of programmes in state universities are fully or partially provided in the minority language. At the state universities, ethnic minority students comprise only 10%

27 *Koolieelse lasteasutuse seadus* (The Law on the Pre-school Institutions) RT I 1999, 27, 387.

28 *Ibid*, footnote 27, Article 8 (1).

29 The total number of pupils studying at the basic school level in general education school in the academic year 2002/2003 is 165,486 of whom 125,704 pupils study in Estonian-speaking schools/classes, 39,774 in Russian-speaking schools/classes and 8 pupils in Finnish-speaking classes; <http://www.hm.ee/uus/hm/client/index.php?135262301328541054> Ministry of Education and Research (last accessed on 15 March 2004).

30 *Põhikooli- ja gümnaasiumiseadus* (Basic Schools and Upper Secondary Schools Act) RT I 1993, 63, 892 .

31 Initially it was planned to start the reform in 2000, however later by relevant amendments extended to 2007.

32 See for example, European Commission against Racism and Intolerance, Report on Estonia made public on 26 January 1999, CRI (99) 2, para 19, available at http://www.coe.int/t/E/human_rights/ecri/ (last accessed on 15.03.2004).

33 Amendments to the Basic Schools and Upper Secondary Schools Act of 04.04.2000 entered into force 04.05.2000, RT I 2000, 33, 195.

34 European Commission against Racism and Intolerance, second report on Estonia, adopted on 22 June 2001 and made public on 23 April 2002, CRI (2002) 1, paras 45-46.

35 *Ibid*, footnote 34, para 46.

of the student body. The situation is 'remedied' by a number of private institutions that provide higher education in minority languages. However, many of the state-licensed private universities do not have state accreditation of their programmes. Local employers do not value the degree received in small private institutions without state accreditation to the same extent as the degree received at the state universities. Postgraduate degrees in minority languages are nearly non-existent. This may explain the fact that already now statistical data indicates that ethnic minorities are four times less likely to acquire a master or doctorate degree.³⁶

Among the positive legislative initiative in the area of minority education is the adoption of **Regulation 154** by the Government of Estonia on 20 May 2003.³⁷ The regulation aims to clarify the existing ambiguity regarding the right of ethnic minorities to receive education in their minority language at the publicly funded educational institutions. The Regulation stipulates that school shall organise the studying of the language and culture as an elective course in the amount of at least two hours per week for pupils whose mother tongue is different from the language of instruction in the school.³⁸ The precondition for the organisation of such an elective course is at least ten applications in writing from the parents or legal guardians of the children to the director of the school requesting the organisation of courses in the particular language.³⁹ The Regulation does not provide for any restrictions to the languages that may be requested to be taught as an elective subject in the school. As long as there are ten applications from the parents whose mother tongue is different from school language of instruction (i.e. Romani, Georgian, Armenian, or any other language) the school must organise the course in the respective language. It remains to be tested how well this provision will work in practice and whether public schools will have sufficient resources to provide studying of any language including languages not widely used in Estonia.

The Regulation 154 also provides that if there are less than ten applications from parents requesting the organisation of courses in one particular language and culture the decision on whether or not to organise the provision of the minority language as an elective course shall be made by the unit of the local municipality together with the school concerned. ⁴⁰

In addition to national legislation the legal framework on minority education is defined by international obligations Estonia undertook in relation of protection of human rights. Estonia is a party to a number of international conventions guaranteeing right of individuals to education and or a right to be protected from discrimination.⁴¹ According to the Article 123 of the Estonian Constitution "If laws and other legislation of Estonia

³⁶ Population Census 2000, data available at <http://www.stat.ee> (Table: population by educational attainment and ethnic nationality).

³⁷ Regulation 154 of the Government of the Estonian Republic, " Conditions and procedure for creation of opportunities for learning native language and culture for pupils acquiring basic educations in schools where language of instruction is other than the native language of the pupil" RT I 2003, 44, 302.

³⁸ Ibid, footnote 37, Article 3 (1).

³⁹ Ibid, footnote 37, Article 3 (2).

⁴⁰ Ibid, footnote 37, Article 3 (2).

⁴¹ International Covenant on Civil and Political Rights and Optional Protocol allowing individual complaints as well as International Covenant on Economic, Social and Cultural Rights. Estonia is also a party to the Convention against all forms of Racial Discrimination, Convention of the Right of the Child, the European Convention Human Rights and Fundamenal Freedoms, the Revised European Social Charter and European Framework Convention on National Minorities.

are in conflict with international treaties ratified by the Riigikogu (Estonian Parliament), the provisions of the international treaty shall apply”.⁴² Thus, the Constitution provides for a legal ground of the direct applicability of the provisions of international law in national courts of Estonia.⁴³

Estonia is, however, not a party to the UNESCO Convention Against Discrimination in Education, the 1954 Convention Relating to the Status of Stateless Persons, the European Charter on Regional or Minority Languages or the European Convention on Nationality. Consequently, the international instruments specifically targeting the issues of discrimination in education remain outside of the treaties ratified by Estonia. This raises legitimate question on the national legislation in the area of anti-discrimination.

On the national level in Estonia the general principle of equality and the prohibition of discrimination are provided in the Constitution.⁴⁴ Without giving a definition of discrimination, Article 12 (1) of the Constitution provides that all persons are equal before the law and that “no one should be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status or on other grounds”.⁴⁵ The broad prohibition of discrimination provided by the Constitution is not limited to any specific area of activity and includes, *inter alia*, the prohibition of discrimination in education.

Apart from the Constitutional provision Estonia still does not have an anti-discrimination legislation, and no detailed discrimination related provisions in Civil and Administrative Codes exist either.⁴⁶ Moreover there is no system in place for monitoring and registering reports of violence and discrimination against minorities.⁴⁷ Consequently, national law provides for equal treatment and non discrimination in education as an enforceable legal principle only to a very limited extent. Therefore there is an urgent need for the adoption of the strong anti-discrimination law that would address the existing gaps and bring the existing national law in compliance with the international law and *acquis communautaire*. The protection of individuals from discrimination in education is further complicated by the absence of any legal definition of discrimination on the national level, absence of principles of reverse ‘burden of proof’ and victimisation and lack of national body specifically designated for the promotion of equal treatment.⁴⁸

42 Ibid, footnote 12.

43 There is a considerable legal debate in the Estonian legal community as to the interpretation of the Article 123 of the Constitution.

44 Ibid, footnote 12, Article 12 (1).

45 Ibid, footnote 44.

46 United Nations Committee on the Rights of the Child, Thirty-second session, CRC/C/15/Add.196, para 23; Concluding observations of the Committee on the Elimination of Racial Discrimination: Estonia. 01/11/2002, A/57/18, paras.344-366.; Advisory Committee on the Framework Convention for the Protection of National Minorities ACFC/INF/OP/I(2002)005.

47“Minority Protection in Estonia. An Assessment of the Programme Integration in Estonian Society 2000-2007”,

Monitoring the EU Accession Process: Minority Protection, Open Society Institute, 2002, available at http://www.eumap.org/reports/2002/content/07/233/2002_m_estonia.pdf (last accessed on 15.03.2004).

48 There is *no specialized body* for the promotion of equal treatment in Estonia. Although Legal Chancellor has a mandate to deal with discrimination on the grounds, amongst others, of race, ethnic origin, and language the official statistics for 2002 and in first half of 2003 contain no details of complaints by individuals in relation to discrimination in employment.

In summarising the special legislation and educational policies in the area of minority schooling it may be stated that in general Constitution guarantees a right to education in Estonia irrespective of ethnic background. Furthermore, the educational system according to the law is established on the principles of respect for the culture of national minorities. The right to education is however guaranteed only in Estonian language. Citizens of Estonia who are considered as national minorities within the meaning of the Estonian law may request for the provision of the education in minority language – this concerns currently 40% of the ethnic minorities permanently residing in Estonia. According to the recently adopted Regulation 154 of the Government the parents of the children whose mother tongue is different from the language of instruction in school may request from the school the establishment of an elective course providing for a possibility to study language and culture in the amount of at least two hours per week. There is no national legislation specifically protecting minority representatives from discrimination in education. Moreover, Estonia is not party to number of the international conventions protecting national minorities from discrimination in the area of education. The monitoring bodies of the international conventions to which Estonia is a party to, in the area of minority education continuously stress the concerns related to the narrow definition of the national minority, the educational reform of 2007 and the absence of the non-discrimination guarantees in the Estonian legislation.

4. Minority Schooling in ‘practice’

Compared with the rapid changes in many fields of the Estonian society reforms in the Estonian educational system were brought about fairly slowly. Although the framework legislation on education was adopted relatively early it was not until the late 1990s when a broad consensus emerge around the concept “Learning Estonia”, developed by the Academic Council convened by the President of the Republic of Estonia, “Estonian Education Strategy” compiled by the Ministry of Education and “Estonian Education Scenarios 2015” designed by the task force of the Committee of the Education Forum. The most important policy document in the area of minority education is “Integration in Estonian Society 2000-2007” which was adopted in 2000.⁴⁹

The analysis conducted by the Ministry of Education in 1997 identified both positive and negative tendencies in non-Estonian-language schools in Estonia. Among the strengths, the analysis noted the existence of a long-term development plan with clearly defined goals and methods. The development plan was based on scientifically supported positions, taken from sociological studies, particularly those conducted under the national research program VERA.⁵⁰ Other positive aspects included the developing practice of placing non-native Estonian language children into the Estonian schools. The analysis also acknowledged the positive effect of the institution of the compulsory Estonian-language learning in all Russian language schools, starting from the second grade; the increasing number of Estonian-language nursery schools and the increase in number of non-Estonian students in Estonian schools.

⁴⁹ Ibid, footnote 4.

⁵⁰ VERA is the Estonian inter-university research group established in 1996 by native of the Ministry of Education. The research group includes prominent sociologists of Estonia.

Among the problematic issues identified by the Governmental analysis were the negative attitude of the directors of non-Estonian schools to the undergoing changes in the Estonian society because of their view that those changes would lead to assimilation; the low qualifications of the Estonian-language teachers and outdated textbooks.

Moreover the analysis pointed out that the educational inequality has increased in the transitional years in Estonia narrowing even further options for children from less financially secure families. According to the statistical data the economic position of non-Estonian families is worse than that of Estonian families. economic hardships directly affect the possibilities for integration of non-Estonians into Estonian society.

According to a study carried out in 1997 by TNS Emor, the largest full service marketing research and consulting company in Estonia, the non-Estonian families are financially less secure than Estonian families. Twenty eight percent of all ethnic Russian families lack both economic and psychological resources for educating their children and thereby supporting their integration into Estonian society, since the greater part of their energy is expended on ensuring living from day to day.⁵¹

The State Integration Programme “Integration in Estonian Society 2000-2007” from 2000 aims at addressing the problematic issues identified in the 1997 analytical report concerning Russian language schools in Estonia. The state Integration Programme contains five sub programmes, one of which focuses on ‘education’, and another on the ‘education and culture of ethnic minorities’.⁵²

To develop, co-ordinate, implement and evaluate the activities of the sub-programme ‘Education’ the Centre of Educational Programmes (the Centre) was established in July 2001 on the basis of a co-operation agreement between Estonian Ministry of Education and the Integration Foundation.⁵³ The sub-programme Education has very broad and far reaching aims and tasks including, elaboration of language teaching methodologies, curricula and teaching materials for pupils whose mother tongue is not Estonian. It also covers, *inter alia*, language immersion programmes, establishment of the regional networks for the continuing education of teachers of Estonian as a second language, development of curriculum and teaching materials supporting Estonian-language subject teaching.⁵⁴

Through its PHARE Estonian Language Training Programme the European Union has greatly contributed to the implementation of the Integration Programme especially in the area of education and language training. The EU PHARE Estonian Language Training Programme (PHARE Programme) was launched with the aim to support the acquisition of the Estonian language by non-Estonians and supporting integration in the Estonian society.⁵⁵ The PHARE Programme is continuously implemented since 1998. During the PHARE Programme I (1998-2000) 265,909 EUR were provided for the supply of

51 Vihalemm, P et. al. (1997) , Return to the Western World, Tartu: Tartu University Press, p 61.

52 Ibid, footnote 4.

53 Integration Foundation official web page available at http://www.meis.ee/index.php?lang=eng&main_id=109,134 (last accessed on 15.03.2004).

54 Ibid, footnote 53.

55 Detailed information on the PHARE programme available at the official web page of the Integration Foundation available at <http://www.meis.ee/phare/new/index.php> (last accessed on 15.03.2004). All information related to the PHARE programme in this section of the report is adopted from the Integration Foundation web page indicated above.

teaching aids for Estonian language training in Russian intermediate schools, 212,868 EUR for support of language acquisition and integration camps, 62,000 EUR for the establishment of the language laboratories in two pilot schools and 50,000 EUR for the intensive instruction of Estonian to students at teachers' colleges and universities.

The EU PHARE Programme II (2001-2003) contributed approximately 540,000 EUR to the development of teaching materials for Russian comprehensive schools, 256,000 EUR for continuing education for teachers and 408,000 EUR for the extracurricular Estonian language study in summer camps. In the reporting period, EU PHARE Programme III (2003-2005) with the overall budget of 3,137,000 EUR is being implemented. Among the projects supported by the PHARE III are the development of teaching materials, language learning camps, continuous education of teachers and the improvement of the teaching of the Estonian language in vocational schools.

In addition to the EU PHARE funding numerous seminars to discuss the issue of education of ethnic minorities in Estonia was supported by the Delegation of the European Commission in Estonia, Untied States, United Kingdom, Dutch, Finish and Canadian embassies in Estonia, as well as by Friedrich Naumann and Soros Foundations.

Consolidated budget for sub-programmes of State Programme "Integration in Estonian society 2000-2007" for the years 2000-2003⁵⁶

Sub-programme	Source	Budget (in '000 kroons)			
		2000.a.	2001.a.	2002.a.	2003.a.
I. Education	State budget	14276,2	13126,6	22891,8	23432,8
	Foreign aid	12681,5	10555,5	18174,1	7900,2
	TOTAL	26957,7	23682,1	41065,9	31333
II. The education and culture of ethnic minorities	State budget	2873,7	2830	3665	2830
	Foreign aid	521	1348	750	750
	TOTAL	3394,7	4178	4415	4265

Although the adoption of the State Integration Programme was considered a positive step for social dialog by general public and international experts, the notions and concept of integration developed in the Programme was intensively criticised by ethnic minority community and with caution assessed by international community experts. The main criticism of the State Integration Programme is that the understanding of the integration is on a borderline of becoming in fact a policy of assimilation.⁵⁷ This, however, is not viewed to diminish the positive effect of the EU PHARE Language Training Programmes.

A survey of difficulties which Russian language schools faced in the period of the educational reform of 1997 revealed that the three most urgent problems of the Russian language schools are the unclear identification of the development perspectives of Russian language education in Estonia; the level of teaching of the Estonian language, the supply with adequate teaching materials and the future of the graduates from Russian

⁵⁶ The table is adopted from the official page of the Minister of Population Affairs, available at <http://www.rahvastikuminister.ee/en/home/plans/integrationprogram.html> (20.01.2004), In the reporting period, 1 EUR was approximately 15,65 Estonian kroons.

⁵⁷ For criticism of the State Integration Programme see for example, Aleksei Semjonov "Estonia: Nation Building And Integration. Political And Legal Aspects. Copenhagen Peace Research Institute Working Paper Nr. 8/2000 available at <http://www.copri.dk/publications/WP/WP%202000/8-2000.doc> (last accessed on 20.01.2004).

language schools.⁵⁸ In spite of a number of positive measures in the area of minority education and the extensive reform of the Russian language schools problems identified in 1997 remain unsolved and urgent today.

Another issue that remains outside the scope of sufficient attention of authorities in practice is the educational possibilities for smaller ethnic minority groups. In addressing the issue of minority education in Estonia the discussion continues to focus on two broad categories of pupils/schools – Estonian and Russian ones. As it has been specifically pointed out in the latest report by Mr. Alvaro Gil-Robles, the Commissioner for Human Rights, on his visit to Estonia, “increased attention should also be placed on the preservation of the distinct identities and cultures of the numerically smaller minorities, including those who might use Russian as their mother tongue, but do not belong to the Russian minority.”⁵⁹ Unfortunately the information on the educational situation of smaller ethnic minority groups is still lacking. From the data available from the Ministry of Education and Research it is unclear whether attempts have been made on either state or municipal level to address the needs of the small minority groups. The report of the Commissioner for Human Rights refers to the information acquired from a representative of the Roma community who mentioned the insufficient recognition of the Romani culture or language in Estonia and the need for improving access to education by Roma children.⁶⁰

The scale of the reforms in the area of minority education is significant and if implemented would notably change the existing system of education for ethnic minorities. However, a group of sociologists who analysed the educational reform of 1993-2000 came to the conclusion that “... the transitional period had brought too many problems to Russian schools in Estonia.”⁶¹ The educational reforms scheduled from 2000-2007 would change the existing system of the provision of education in minority languages even more dramatically. Regrettably, it is not yet a common practice in the Estonian national policy making to pay adequate attention to the role of continuous monitoring and ex-post evaluation of the major national policy instruments including in the area of minority education. Thus the danger remains that the proposed reform might bring even more problems instead of providing solutions of the identified problems. In this respect it is necessary to ensure the continuous analysis of the real impact of the ongoing educational reform on the Russian language schools. The results of the implemented programmes should be carefully assessed and national educational and integration policies timely re-evaluated accordingly.

58 For the discussion of the results of the survey please see Hiie Asser, Tiia Pedastsaar, Karmen Trasberg, Larissa Vassilchenko “From Monolingual to Bilingual Russian Schools in Estonia 1993-2000: Problems and Perspectives in the book “The Challenge of the Russian Minority. Emerging Multicultural Democracy in Estonia.” pp 237-253.

59 Council of Europe, CommDH(2004)5, Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Estonia 27th-30th October 2003 for the attention of the Committee of Ministers and the Parliamentary Assembly, published on 12 February 2004, available at <http://www.coe.int> or

[HTTP://WWW.EUMAP.ORG/LIBRARY/DATAB/DOCUMENTS/1076938975.14/004_5_E.DOC](http://WWW.EUMAP.ORG/LIBRARY/DATAB/DOCUMENTS/1076938975.14/004_5_E.DOC).

60 Para 25 *ibid*, according to some estimations, there are approximately 1000 Roma in Estonia, while in the 2000 population census, 542 persons, including 263 Estonian citizens, declared themselves as the Roma.

61 Hiie Asser, Tiia Pedastsaar, Karmen Trasberg, Larissa Vassilchenko “From Monolingual to Bilingual Russian Schools in Estonia 1993-2000: Problems and Perspectives in the book “The Challenge of the Russian Minority. Emerging Multicultural Democracy in Estonia.” pp 237-253.

In order to diminish possible sensations of frustration regarding the perspectives of the Russian language schools and the education in the minority languages it would be desirable to provide more information on the national programmes and initiatives which are taking place both at national and local levels. At present, there is very limited information available in Russian language explaining the ongoing changes in the educational sector. The official Internet page of the Ministry of Education has no information in Russian language at all. The information in Russian language on the Internet page of the Integration Foundation is outdated and contains evident spelling mistakes. Although there is no legal obligation on behalf of the state institutions to provide information in any language except Estonian, the availability of the Russian language information would contribute to the establishment of “favourable conditions for the development of the minorities”- one of the aims proclaimed by the Education Act.

5. Good practices in the Estonian national context

The functioning of the Sunday schools operated by representatives of ethnic minorities, the organisation of the Estonian language summer camps for the non-Estonian speaking children and introduction of the language immersion programs are among the positive example in the area of minority schooling.

The statistical data reveals that currently there are over 180 ethnic cultural societies, communities, and organisations registered in Estonia with over 100 ethnic groups being presented by those organisations.⁶² Both national and ethnic minorities are involved in the work of the cultural non-profit non-governmental organisations (NGOs). NGOs substantially contribute to the development of ethnic identities and cultures of the respective ethnic groups through variety of cultural, educational and religious activities. Moreover the activities of cultural NGOs increase the awareness among the ethnic Estonian population about the existence of the multitude of ethnic groups with rich cultural heritage residing in Estonia.

Estonian state provides continuous financial and other assistance to registered non-profit organisations. The support is provided through various programmes organised by Ministry of Education and Science, Ministry of Culture, Minister of Population Affairs, Integration Foundation and units of local self-governments.

One of the strongest ethnic communities in Estonia (besides the Russian speaking community) is the Jewish Community of Estonia with the well established and continuously running educational programme. At Tallinn Jewish School ethnic Jews have a possibility to acquire in addition to the state secondary education the knowledge of the Hebrew, geography and history of the Jewish people as well as Jewish traditions and culture. The state of Israel renders enormous support to the school by providing textbooks, material on teaching methodology and training for teachers. Addressing the situation of minority education in Estonia the Advisory Committee welcomed private initiatives which foster the education of persons belonging to the national minorities. Specifically referring to the positive example of the Tallinn Jewish School, the Advisory Committee stated that “initiatives in this sphere – which in some cases constitute the only

62 Collection “National Culture Organizations and Unions” 2001, Tallinn, Estonia.

forum for the teaching of the language of persons belonging to the numerically smaller minorities – merit increasing support”.⁶³

In addition to the culturally rich secondary education provided for Jewish pupils the Jewish school is excellent in providing extracurricular activities to the students interested. Moreover during winter and summer holidays the school organises possibilities for pupils to participate in the Jewish youth camps in Estonia and abroad very often at substantially reduced costs or even free of charge.

Unfortunately, other bigger ethnic communities, for example, Ukrainians, Belorussians and Finns do not provide for the possibility to acquire secondary education with an ethnic component due to various reasons. At the same time, as a positive trend the rapid development of a diverse network of Sunday schools operated by ethnic NGOs shall be acknowledged.

Sunday schools, in the reporting period around 40, provide for various possibilities for both children and adults to maintain and learn the language, culture and traditions of the native ethnic groups. For example, Sunday schools maintained by Tatar societies serve mostly linguistic and religious aims. The Tatar language is well preserved and widely used by the Tatar community. A similar situation may be found within the ethnic communities of Armenians, Azerbaijani, Georgians, Lithuanians and Latvians. Finnish and German cultural societies are strongly oriented to the creation of opportunities for an effective language learning with the aim of preparing for possible emigration to the ethnic mother land.

It is impossible to give full account of the existing great variety of the diverse cultural Sunday schools in Estonia, as they each pursue complex and unique priorities, objectives and aims. The expectations from Sunday schools, the range and scale of activities are also unique to every cultural society. The great diversity both in organisation of the Sunday schools and the role such schools play in the development and maintenance of the respective culture triggered a considerable debate about how to develop an effective system of the state support for the Sunday schools. Following the extensive discussion in 2002, the state framework programme for financial support of cultural societies and Sunday schools was adopted. It is to be hoped that the adoption of the state programme will contribute even further to the development of the effective network of the Sunday schools.

Estonian language summer camps partly financed through the EU PHARE Programme and partly through parents of the participating students generally receive a very positive feedback. The participation in summer camps gives the Russian-speaking youth the possibility to acquire knowledge of the Estonian language, culture and traditions in an intensive way. The summer camps are usually organised in the rural areas where the proportion of the ethnic Estonian population is very high. Participating Russian-speaking children are placed in Estonian speaking families and get additional language and culture training by qualified specialists.

The language immersion programme developed in Estonia with the financial support of the EU PHARE programme and the governments of Canada and Finland proved to

⁶³ Advisory Committee on the Framework Convention for the Protection of National Minorities ACFC/INF/OP/I(2002)005.

be a positive innovative approach to the schooling of minority children in Estonia. The Estonian language immersion programme is based on the practical examples and methodological innovations developed in Canada and Finland . The Programme in Estonia is relatively new. The project started in the academic year 2000/2001 in four Russian language schools in Kohtla-Järve, Narva and Tallinn with 134 pupils of grade one participating. Since then the number of students is progressively increasing every year.

Number of students participating in the language immersion programme⁶⁴

2002/03	222 students in grade one 194 students in grade two 134 students in grade three	10 classes (48.5% boys, 51.5% girls) 9 classes 5 classes
2001/02	194 students in grade one 134 students in grade three	9 classes (48.5% boys, 51.5% girls) 5 classes
2000/01	134 students in grade one	5 classes (51.1% boys, 48.9% girls)

It is too early to discuss the overall success of the language immersion programme in Estonia. However the academic results of the pupils participating in the project and the extremely low dropout rates (approximately 1%) indicate that the efforts taking in the establishing and running of the language immersion programme in Estonia are rather successful. One of the important aspects of the Programme is scrutinising the development of the methodological and teaching materials in order to ensure they meet the specific needs of the participating teachers and students. The great attention to the planning and methodology is probably one of the key elements contributing to the success of the programme.

It is desirable that the state ensures in future that the positive and successful examples of the education of ethnic minorities as evidenced from the Sunday school programmes, language summer camps and the language immersion programme are continued and adequately financed.

6. Critical Remarks and Recommendations

Sociological surveys point out that the undergoing educational reform and the implementation of the State Integration Programme are not without pitfalls. In fact current difficulties faced by the Russian language schools are the socio-economic position of their graduates, increasing fear and dissatisfaction of the ethnic minority community with the educational reform. The ongoing political debate on the role of the minority education is one factor which shows that the national policy on minority education is still in the stage of conceptualisation. Moreover, commonly accepted grounds and principles need to be found among ethnic groups. By the end of the reporting period there has not existed a climate of understanding for minority schooling in the Estonian society.

⁶⁴ Table adopted from the official internet page of the Language Immersion Centre available at http://www.kke.ee/index.php?lang=eng&pages_ID=31&menus_ID=1&active_link_ID=52&mark=0 (last accessed on 20.01.2004).

In this respect it is desirable to continue the dialog among the public authorities, research institutions, NGOs and general public in order to develop national concept on the future of the education in minority languages.

Major concerns about the development of the national programmes in the area of minority schooling is that the issue has been drawn into the centre of political debate and that the state failed to adequately involve national minorities in the policy-making process. Also, the ex-post evaluation of the implemented programmes was insufficient.

The minority educational policy as any policy related to the issue of minorities in Estonia remains to be too strongly politicised and often discussed in an extremely emotional manner when strong nationalistic feelings prevail over reasonable considerations and existing research findings. Usually in referring to people whose mother tongue is other than Estonian the term “non-Estonians” is used.

It is desirable to provide for more cultural sensitivity in developing and drafting programs related to the ethnic minority group.

In developing national policies in the area of minority education the concerns and the views of ethnic minorities are not taken into consideration in a sufficient degree. The percentage of ethnic minorities employed in the public service and the state supported foundations, for example Integration Foundation is extremely small. This leads to situations in which from the very beginning there is a misconception of the issue. Consequently, national programmes in the area of education of minorities, including the language training, are defined through the view of the majority and fail to take into consideration the views of the minority. This in turn might lead to problems in the policy implementation stage when the drafted policy document does not produce the impact foreseen initially.

More active involvement of ethnic minorities in all stages of the policy planning and development is essential to the successful progress in the educational reform and integration processes taking place in the Estonian society.

The effective monitoring and evaluation of the programmes based on the quantitative and qualitative criteria is not yet a common practice in Estonia. For example, in the area of Estonian language training for minorities, which are highly subsidised by foreign donors and the state, a thorough evaluation of the actual results would be helpful, as state reports like the Integration Monitoring Report 2003 remain unsatisfactory. The failure of the ex-post evaluation could lead to the development of policy instruments which are based on misconceptions and thus might not lead to successful results.

In the area of **legislation** there is a strong need to adopt an anti-discrimination law effectively protects ethnic minorities in case of discrimination in education and in access to education. It is advisable to re-consider the definition of "national minority" as advised by international monitoring bodies so that 60% of the ethnic minorities would not be excluded from legal protection.

Given the substantial proportion of the native Russian speakers in the Estonian educational system, an in-depth study of the possible effects of the proposed educational

reform of 2007 on this ethnic minority group is needed. It is also essential to evaluate whether available financial and human resources will allow to effectively implement the goals the reform of 2007 aims to achieve. The danger remains that the lack of teachers competent to provide Estonian language instruction to native Russian speaking pupils will lead to a decline in the quality of education received by ethnic minority children. Moreover, low competency in the Estonian language and an inability to follow the educational program in their mother tongue may lead to higher dropout rates among minority students. Altogether, the reform may increase ethnic tensions, as the hostility of ethnic minority groups towards the majority grows.