

*Permanent Representation of the Republic of Estonia
Geneva*

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The Permanent Mission of the Republic of Estonia to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit the enclosed communication from the Government of the Republic of Estonia in response to the joint communication of the UN Special Procedures AL EST 1/2023 from the 19th July 2023.

The Permanent Mission of Estonia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 14th September 2023



*To the Office of the High Commissioner for Human Rights
GENEVA*

Enclosure**RESPONSE of the Government of the Republic of Estonia****To the joint communication of the UN Special Procedures (AL EST 1/2023 of 19 July 2023)**

The Estonian government would like to thank the UN Special Procedures mandate holders for their letter addressed to the Minister of Foreign Affairs of the Republic of Estonia.

The Estonian government is pleased to submit its comments to the issues raised in the joint communication.

The Government highly values the work of the UN Special Procedures mandate holders in protection and promotion of human rights and fundamental rights. Estonia is a strong supporter of the United Nations, its founding values and principles and is committed to its international human rights treaty obligations. Freedom, democracy, human rights, including right to education, are the guiding principles of our constitutional order as well as foreign policy of the Government. Estonia highly values social cohesion and has introduced relevant national policies, including on education in minority languages and in culture, to ensure the welfare of the society, to minimise disparities and to avoid polarisation. With regard to the right to education, our aim is to promote equal opportunities in education for all individuals.

The Special Rapporteur on minority issues; the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the right to education have jointly expressed concern and asked clarifications about the legislative amendments on instruction in minority languages in Estonia. The Government is convinced that the measures taken in the context of the reform of its education system and of the transition to education in the State's official language in the public education system fully comply with Estonia's international commitments and obligations under international law.

Historical background of the general education system between 1945 and 1990

As an introduction, it is explained that in 1940, when Estonia was occupied by the Soviet Union, its system of education was forcibly reorganized to make it compatible with the Soviet totalitarian and centralized principles of education used as a tool for suppressing the Estonian language and culture. After the occupation by the Soviet Union, a massive immigration flow into Estonia took place, with immigrants coming mainly from Russia. During the years 1945–1989 the number of non-ethnic Estonians increased by 4.5 times, and their share in the total population rose from 8.5% up to 38.5%. The occupying power introduced two separated school systems in Estonia, creating segregation.

The Government maintains that the primary goal of the education reform is to increase coherence in society and avoid segregation, as well as to grant every graduate irrespective of their mother tongue and language of instruction equal opportunities in the society, primarily to facilitate better access to higher education and labour market.

Reform of the education system

The latest reforms of the education system constitute a final step in a long and gradual process that was set in motion in 1991 and shall be completed by 2030. After regaining independence on 20 August 1991, Estonia immediately initiated transition from a totalitarian regime to a

democratic system based on the rule of law and respect for human rights. The foundation for the comprehensive reforms was laid with the adoption of a constitution on 28 June 1992 by a referendum. In order to demonstrate its commitment to the rule of law and respect of human rights and fundamental freedoms, Estonian parliament already on 26 September 1991 decided to accede to the most important United Nations human rights instruments, including ICCPR and its Optional Protocol. Moreover, Article 123(2) of the Constitution provides that if laws or other acts of Estonia are in conflict with international treaties ratified by the Riigikogu, the provisions of the international treaty shall be applied.

According to article 6 of the Constitution, the official language of Estonia is Estonian. Article 37 § 4 of the Constitution stipulates that everyone has the right to be taught in Estonian. It further stipulates that the language of instruction in national minority educational institutions shall be chosen by the educational institution.

The Education Act adopted in 1992 introduced the principles for organising the education system. Under section 4(2) of that act, the state and local governments were entrusted with the obligation to ensure that opportunities exist for the acquisition of education in Estonian at all levels of education in public educational institutions and universities.

The actual transition to Estonian language instruction in the previously parallel Russian language schools of the public education system was envisaged as a gradual process. In the Basic and Upper Secondary Schools Act of 1993 it was decided that the transition in public (state and municipal) upper secondary schools was to take place from 1993 to 2000. In 1997 that act was amended and the transition was to begin no later than 2007–2008 academic year. Starting from 2007 every year one additional subject was to be taught in Estonian so that by 2011–2012 academic year all public Russian medium upper secondary schools were to have at least 60% of studies in Estonian. 40% of the instruction could be carried out in Russian. By 1 September 2013 the transition to the Estonian language of instruction was completed, and all public upper secondary level Russian language schools, which had not yet done so, had introduced Estonian as the language of instruction in at least in 60% of the studies.

The present changes therefore build upon a long experience and form part of a step-by-step transition process in the public education system. All interested minority groups and individuals have been able to participate in various stages of that process over the years, from policy making and implementation levels to specific decision-making at governmental and municipal levels, including challenging individual acts of public authorities before national and international jurisdictions. The education reform has therefore over the decades offered ample opportunities to the minorities to participate in the dialogue with municipal and state authorities and voice their views and concerns, as well as challenge the State and municipal policy and actions.

Compliance with international obligations

The Government notes that the international instruments do not contain a (self-standing) right to acquire publicly financed education at all levels in a minority language. For example, under Article 27 of the ICCPR persons belonging to ethnic or linguistic minorities shall not be denied the right to enjoy their own culture and use their own language. Article 27 contains an obligation not to hinder the enjoyment of minority culture and language. It does not oblige the

State parties to establish and maintain, within a publicly financed education system, separate minority language schools offering a full curriculum at all levels of education in that language. Neither article 27 nor any other article in the Covenant has the effect of guaranteeing a child or their parents the right to obtain instruction in any language of their choice and provided by public authorities or with their support. Conferring on everyone within the jurisdiction of a State party an unlimited right to obtain education in the language of their own choice at the expense of the State would lead to unattainable and unreasonable results, as it would be open to anyone to claim any language of instruction. In any event, it remains possible to acquire education in the Russian language in private schools at all levels of education in Estonia as there exist private schools with Russian as the language of instruction. There are no obstacles to opening new private schools. Private education enjoys partial public funding.

The human rights instruments, as well as practice of human rights treaty bodies do not recognise an absolute right to obtain, and any corresponding obligation on public authorities to provide, education in specific language or language of one's choice in public education systems. Estonia has increased the proportion of the official language as the language of instruction in public education system, and is setting a sufficient transitional period for the arrangements to take effect. That enables education establishments, personnel, students and their parents to adapt and properly implement the changes in practice, thus strengthening the overall availability, accessibility, acceptability, and adaptability of the education system and curriculum. Persons belonging to national minorities maintain their right to preserve and develop their identity and culture.

Detailed information about legal framework and key data

The provisions of minority language and cultural studies and the minimum preconditions for undertaking such studies by a school are set in the Regulation of the Government of the Republic "[Conditions and procedure for creating opportunities for language and cultural studies](#)", which entered into force on 1 September 2010.

§ 3. Establishment of language and cultural studies

(1) The school organizes language and cultural education as an optional subject for students acquiring basic education for at least two lessons per week, if the parents (guardians) of at least ten students with the same mother tongue have submitted a written request to the school director.

(2) If less than ten applications have been submitted for organizing the same language and culture education, the school decides on the provision of language and culture education in cooperation with the municipality or city government.

The minimum preconditions are set as a general principle, accompanied by flexibility to adapt to different circumstances. The regulation offers opportunities to replace the classes of the first foreign language (A foreign language) with the learners' native language classes:

§ 5. Teaching the mother tongue as a foreign language

(1) If the student's mother tongue is one of the A or B foreign languages taught at the school, a school with an Estonian language of instruction allows the student to learn his mother tongue as an A foreign language, and as a B foreign language in a school with another language of instruction.

(2) If there are at least ten students in the foreign language group whose mother tongue is offered by the school as a foreign language, the school may form a separate language study group from them.

Being fully committed to the right of learners with a different native language than the official language to learn and use their mother tongue, a framework and methodological materials are being developed, to best support the process of transition to Estonian-language learning and for organizing the teaching of native language in best possible ways.

The general principle of the Ministry of Education and Research is to support the preservation of the home language of the learner with a different native language and to protect the rights of learners to participate in their own culture. In Estonia, the school organizes language and culture education for children with a different mother tongue in basic school to support the preservation of the student's national identity, to ensure the development of mother tongue skills and the acquisition of knowledge about national culture, history, and traditions. The school organizes language and culture education as an optional subject for students acquiring basic education if at least ten students with the same mother tongue or home language of communication request so.

Furthermore, the strategic partner of the Ministry of Education and Research is the Estonian Association of National Minorities' Sunday Schools. The goal of this organization is to preserve the national identity and the national language and culture, ensuring native language education for children with a different home language. The state supports the activities of hobby schools of national cultural societies, whose activities are related to the preservation and development of the language and culture of national minorities, by providing operational support. In 2022, the Ministry of Education and Research supported the learning of Arabic, Armenian, Azerbaijani, Georgian, Kabardian, Korean, Mari, Roma, Finnish, Tatar, Ukrainian, Uzbek, Belarusian and Russian languages and culture.

The transition to Estonian-language education is set to begin in kindergartens and in grade 1 and grade 4 in 2024 (not in all grades 1 to 4) with the aim of completing the process by 2030. Every next year grade 1 students will enter into Estonian language education. Students entering grade 2 and grade 5 in 2024 will continue studies in Russian.

In schools with Russian as the language of instruction that have been merged with other schools, parents were able to choose the language of instruction (e.g., Haapsalu Nikolai School, Keila Basic School). The decision to close or merge schools is a municipal decision, oftentimes a consequence of changing demographics and lack of students. This affects schools regardless of their language of instruction (see fig. 1). In the example of Kallaste (in 2017, the city of Kallaste was indeed merged with several other administrative units to create the municipality of Peipsiääre), the aim has been to reorganize the school network to ensure its efficiency – as of today, instruction in Peipsiääre municipality is available both in the Estonian and Russian language.

As concern the situation in Keila, it is clarified that Keila Basic School (with Russian as the language of instruction) was not closed; it was merged with Keila School. Following the merger, the number of learners following instruction in the Russian language has remained over 100.

In Kohtla-Järve, there were two upper secondary schools providing education according to the 60/40 model (in use across Estonia since 2012), and Järve upper secondary school of Kohtla-Järve with Estonian as the language of instruction.

Regarding Kiviõli, it is stated that Kiviõli is a part of Lüganuse municipality starting 2017 (a result of the merger of Lüganuse and Sonda municipalities and city of Kiviõli). In 2021, there were no municipal mergers. In the school network, the only change in recent years has been the closing of Sonda School (its language of instruction was Estonian) in 2022, because of lack of students.

The closure of schools in Estonia has been a process taking place over the last 30 years due to changing demographics. In this process, Estonian-language as well as Russian-language schools have been closed, with Estonian-language schools in large numbers. Over the last five years 23 Estonian schools and 4 Russian schools have been closed or merged with larger Estonian schools, however, retaining their Russian-language instruction curricula.

Lang. of instruction	School administration	2018	2019	2020	2021	2022
Estonian	Private	41	40	38	40	41
	Municipal	374	373	367	358	351
	State school	31	30	29	32	36
Estonian/English	Private	2	2	2	2	2
	Municipal	2	2	2	2	2
Estonian/Finnish	Private	1	1	1	1	1
Estonian/Russian	Private	5	6	6	7	7
	Municipal	45	45	46	47	46
	State school	3	3	3	3	3
English	Private	3	4	4	4	4
English/French	Private	1	1	1	1	1
Russian	Private	3	3	3	3	3
	Municipal	21	20	19	17	17
Total		532	530	521	517	514

Fig. 1: data on the total number of schools 2018-2022, according to language of instruction

The results of the OECD PISA study show that Russian-language education scores behind Estonian-language education by one school year on average (bearing a total difference of 42 points). It must be noted that PISA tests in Russian-language schools have been undertaken in the native language, yet, there is significant gap in academic achievement compared to Estonian-language schools. The gap is also evident in national school examination results. This gap in academic achievement paired with low levels of Estonian language knowledge are serious impediment for children from minority communities to pursue continued education in upper-secondary or higher education levels.

The causes of the gap in academic achievement lie in lack of qualified teachers in the Russian language as well as lack of Estonian language knowledge of teachers teaching in Russian-language schools. The latter results in the low levels of participation of Russian-language school teachers in in-training courses for in-service teachers.

The Estonian Human Development Report 2016/2017 has demonstrated that language-based segregation causes division in society, which leads to perceived inequality. For example, while most graduates from Estonian-language basic schools continue in high school, young people who

have graduated from basic schools with Russian as the language of instruction are less likely to continue their studies in high school, vocational education and later, in higher education.

The 2020 integration monitoring indicated that only 12% of parents with a home language other than Estonian want their child to receive only Russian-language education. In recent years, it can be clearly seen that the number of students with a native language other than Estonian is increasing in Estonian-language educational institutions (an average increase of over a thousand students per year in basic schools). Hence, we can confirm that the transition to Estonian-language education is in line with the preferences of parents, as indicated by monitoring evidence.

Thus, the transition to Estonian-language education is undertaken to support equal opportunities of all learners and to ensure every learner's right to receive high quality education, while offering ample support for native language and culture instruction both within the school as well as through extracurricular hobby school activities.

Estonia is highly devoted to its international obligations and human rights commitments, noting the importance of native language and culture knowledge in the development of the child and of their cultural and social identity.

Estonia is fully committed to its duties under international human rights treaties, including the ICCPR and the CRC provisions, with which the Constitution of the Republic of Estonia and the Equal Treatment Act, among other key legislation, are in accordance with.

In line with the ICCPR, discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status is prohibited by law. There are no restrictions to minorities' right to enjoy their own culture, to profess and practice their own religion, or to use their own language. Support for national minorities' cultural and linguistic activities is coordinated by with the Ministry of Culture and the Integration Foundation, to ensure enabling provision of the conditions for persons belonging to national minorities to maintain and develop their culture and cultural activities, and to preserve the essential elements of their identity, namely their religion, language, traditions, and cultural heritage.

In line with the aims stipulated by the CRC, the [Basic Schools and Upper Secondary Schools Act](#) para 3 states the fundamental values of general education schools:

§ 3. Fundamental values of general education schools

(1) General education schools support the mental, physical, ethical, social and emotional development of students. Conditions for the balanced development of the abilities and self-realisation of students and for the materialisation of their research-based worldview are created.

(2) The values arising from the ethical principles specified in the Constitution of the Republic of Estonia, the Universal Declaration of Human Rights, the Convention on the Rights of the Child and the fundamental documents of the European Union are considered important.

(3) The socialisation of the new generation is based on the traditions of Estonian culture, common European values, and the recognition of the main achievements of world culture and research. People who have acquired general education are able to integrate into society and contribute to the sustainable social, cultural, economic and ecologic development of Estonian society.

As stipulated by the Article 30 of the CRC, the rights of children belonging to minorities to enjoy their own culture, to profess and practice their own religion, or to use their own language, are in no way restricted. In addition to native language and culture, education in schools through

extracurricular hobby school activities will also continue in Russian after the transition to Estonian-language education.

According to the Regulation of the Government "[Conditions and procedure for creating opportunities for language and cultural studies](#)", all students whose mother tongue is different from the language of instruction have the right to receive 2 lessons a week of learning their mother tongue and culture.

Thus far, as the language of the largest minority, the study of Russian as a mother tongue has been equated with the study of Estonian as a mother tongue, with a weekly number of 5-7 hours in the first grade, later 4-5 hours until the end of basic school. The lessons of Estonian as a second language have been compulsory for learners starting from the first grade, 2 hours a week in the first grade, then 4 hours a week until the end of basic school.

From September 1, 2024, all students with a mother tongue other than Estonian will have the opportunity to study their native language and culture for at least two lessons a week in the basic school level. During the next 7 years, the learning of Estonian as a second language will be organized based on whether the class learns fully in Estonian or partly in another (e.g., Russian) language. When studying in another language, it is mandatory to study Estonian in the first grade of school for 4, then 5 hours a week. In classes with the Estonian language of instruction, the number of lessons in the first grade is 5-7 hours per week, in the second and third grades 3-5 hours per week. The number of Estonian language lessons depends on the Estonian language curriculum chosen by the student and/or offered by the school.

The table provides data on the total number of schools 2018-2022, according to language of instruction.

1. Lang. of instruction	School administration	2018	2019	2020	2021	2022
Estonian	Private	41	40	38	40	41
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The transition to Estonian-language education is set to begin in kindergartens and 1st and 4th grades in 2024 with the aim of completing the process by 2030. Private schools can decide whether to undertake the transition or not, but they must follow national curricula and ensure that their students achieve the necessary learning outcomes, including Estonian language skills, that will ensure access to the next level of education. Please also note that private schools are eligible for state financing under specific clauses.

In this regard, participation processes in preparatory phases as well as informing the concerned parties following the launch of the action plan for the transition have been diverse. In the preparatory phases of drafting the action plan for transitioning to Estonian-language education, the basis of the draft were key strategic documents (Education Strategy 2021-2035, Estonian Language Strategy 2021-2035, Ida-Virumaa Development Strategy 2019-2030+), proposals of the 2020 Estonian Language Study Committee of the Parliament of Estonia, proposals of the working group for the transition to Estonian-language education, relevant analytical and statistical data, stakeholders' proposals from meetings held in Autumn 2021. A total of 170 proposals were made by stakeholder groups, of which many have been considered in the action plan.

To provide exhaustive information on the content of the action plan, a great number of information meeting formats have been undertaken to provide local governments, schools, parents, and other stakeholders opportunities to discuss the implications of the planned transition. Such meetings have taken place, for example, in October 2022 with the participation of the Minister of Education and Research and Ida-Virumaa local government leaders and heads of schools. A separate meeting for heads of school of Narva, led by the Minister of Education and Research, took place in October 2022. In May and June 2023, eight meetings in Ida-Virumaa (in May 2023, Sillamäe, Narva, Jõhvi, Kohtla-Järve) and Tallinn (in June 2023, in Tallinn Pae Secondary School, Tallinn Tõnismäe Science School, Tallinn Mustamäe School of Humanities, Maardu Gymnasium) took place with the participation of Ministry of Education and Research officials and the Language Immersion Parents' Union. These meetings were open to the public and aimed to answer parents' and other stakeholders' questions regarding the transition to Estonian-language education. Additionally, meetings with trade union representatives have also taken place. The action plan is a developing document in nature, and proposals concerning relevant stakeholders can also be included over time if they arise and help to better achieve the goal.

In the preparations of the new syllabus of native language and culture classes, its draft was sent out to principals of hobby schools for national minorities to provide feedback. Out of 34 schools involved, three suggestions/comments were sent to the Ministry. The syllabus is currently under development, and efforts are made to include the suggestions as much as possible.

As regards to the consultations seeking feedback prior to the legislative amendments, it is emphasized that in the drafting of the action plan for the transition to Estonian-language education, the draft relied *inter alia* on proposals of the working group for the transition to Estonian-language education and stakeholders' proposals from meetings held in Autumn 2021 (University of Tartu, University of Tallinn, Integration Foundation, Ministry of Culture, Ministry of Interior, Estonian Kindergarten Teachers' Union, the coordinating assembly of Ida-Virumaa educational institutions Hariduskopter, the language specialists' network Keelepööre, the Association of Estonian Education in Virumaa, the Association of Teachers of Estonian as a Second Language, Narva College of the University of Tartu, Estonian School Leaders' Association), which resulted in 170 proposals by the stakeholders, of which many have been considered in the action plan. The

developing nature of the action plan has to be reiterated, and proposals concerning relevant stakeholders can also be included over time if they arise and help to better achieve the goal.

In the preparations of the new syllabus of native language and culture classes, its draft was sent out to principals of hobby schools for national minorities to provide feedback. From 34 schools involved, three suggestions/comments were sent to the Ministry. The syllabus is currently under development, and efforts are made to include the suggestions as much as possible.

To conclude, the Government trusts that the above information is of assistance to the Special Rapporteurs in clarifying the legislative amendments in the instruction of minority languages in Estonia. The Government remains at the disposal of the Special Procedures should there be a need for any additional information and stands ready to assist the Special Procedures in their work.