



Civil society monitoring report on implementation of the national Roma integration strategies in Estonia

Focusing on structural and horizontal
preconditions
for successful implementation of the strategy

Prepared by:
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on implementation of the
national Roma integration strategy
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CONTENTS

EXECUTIVE SUMMARY	6
INTRODUCTION	8
GOVERNANCE AND OVERALL POLICY FRAMEWORK	9
Mainstreaming Roma inclusion across ministries and other national level public authorities	9
Mainstreaming Roma inclusion from the administrative level across the local authorities	10
Promoting empowerment and participation of Roma	11
Relevant mainstreamed and Roma-targeted inclusion programmes with the largest budgets	11
Accessible funding for Roma inclusion activities	12
Availability of reliable data on the situation of Roma	13
ANTI-DISCRIMINATION	14
Implementing the Racial Equality Directive	14
Educational and residential segregation	14
Discriminatory behaviour by police, misconduct by prosecutors or courts	15
ADDRESSING ANTIGYPSYISM	16
Institutional settings for fighting discrimination and addressing antigypsyism	16
Combating hate speech and hate crime	17
Combating antigypsyist rhetoric of politicians, public figures and media	18
Programmes and initiatives implemented for forming attitudes and discourses	18
RECOMMENDATIONS	20
BIBLIOGRAPHY	21

EXECUTIVE SUMMARY

Ever since Estonia restored its independence in 1991, the primary political focus of minority policy has been the integration of Russian-speaking people into Estonian society, which inevitably means that other ethnic groups have taken a back seat in this issue. Estonia has an overall integration development plan called 'Integrating Estonia 2020', which includes annual action plans. Over the years the plans have not mentioned the Roma community as a specific group that should be integrated into the general community.

Governance and overall policy framework

The local governments with larger Roma communities have not specifically supported them, nor do they have any relevant action plans for their inclusion. Local governments expect the central government to come up with a plan on how to better integrate the Roma community.

In 2015, the Minister of Culture established an Advisory Council for Roma Integration, where the issue has been taken up, but the council meets only twice a year, and its attendance level is poor. A major improvement to be pointed out is that in 2016 the Ministry of Culture for the first time applied for funding from the European Commission to better address the Roma integration issue. They received funding and started to empower the Roma community as a part of the project.

Over the years the Roma community has not been offered specific government financing. The calls for proposals for different projects have been of a general nature, where all NGOs can apply for funding, and the Roma community has not used the opportunity either due to being unaware of this or out of fear of bureaucracy and the responsibility as stated by representative of the Ministry of Culture.¹

All in all, it can be said that the biggest problem in Estonia is that integration is not aimed at a specific target group, but the same activities and opportunities are aimed at all groups – it is almost impossible to reach the Roma community in this manner.

Anti-discrimination

The act that prohibits discrimination in Estonia (beside of the Constitution of Estonia) is the Gender Equality Act adopted in 2004 and the Equal Treatment Act adopted in 2008, which expands the prohibition of discrimination to other grounds than gender, such as nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation. The position of the Gender Equality and Equal Treatment Commissioner² was also created when the Equal Treatment Act was adopted. The task of the Gender Equality and Equal Treatment Commissioner is to ensure that women and men, as well as representatives of various minorities have equal rights and opportunities in all areas of society. No cases of discrimination against the Roma have been reported to the Commissioner.

According to available information and interviewed experts, residential or educational segregation of the Roma community is not an issue in Estonia. The Roma community is small and scattered across the country, living among the general Estonian population. Placing Roma children in schools for students with special needs used to be a problem years ago, but this practice has stopped.

There is no information available on discriminatory behaviour by police, misconduct by prosecutors or courts. On two occasions, complaints have been made to the Chancellor of

¹ Interview with Ms. Saul, from Ministry of Culture, Chief Specialist of Cultural Diversity Department.

² Gender Equality and Equal Treatment Commissioner, for more details see: www.vollinik.ee

Justice about discriminatory treatment towards two persons of Roma origin during court hearings, but after investigation no discrimination was confirmed by the Chancellor of Justice.³

Addressing antigypsyism

There has been very limited research performed on existence and extent of antigypsyism in Estonian society. A few general surveys indicate that antigypsyism is a problem, but it is difficult to assess how systematic it is. Antigypsyism has not so far been recognised as a separate issue by the state, it is addressed within the general institutional settings for fighting discrimination, meaning the incidents of discrimination can be reported to the Gender Equality and Equal Treatment Commissioner, Chancellor of Justice or the Labour Dispute Committee. According to experts and reports, nobody has been punished for discriminating against the Roma in Estonia.

Although incitement to hatred is prohibited by law, it has been a problem in Estonia for many years that the Penal Code basically does not make it possible to hold the people who incite hatred accountable for their actions. Consequently, there are no reliable statistics regarding hate speech against the Roma. Similar issue arises concerning hate crime against the Roma, as the Estonian Penal Code does not include hate crime as a specific type of crime, nor bias motive as an aggravating circumstance. Although recently steps have been taken to collect data on hate crimes, there have been no registered hate crimes against the Roma.

³ Chancellor of Justice, *Overview of the Year 2017/2018*, available at: <http://www.oiguskantsler.ee/ylevaade2018/>

INTRODUCTION

In Estonia, the Roma community is relatively small – according to the National Population Register, there are 649 people living in Estonia who self-identify as Roma.⁴ According to the last census of population carried out in 2011 there are 456 Roma people officially living in Estonia. Unofficial data and international organisations suggest that the numbers are higher in reality and there are approximately 1,000-1,500 people of Roma origin in Estonia.⁵

The Roma living in Estonia do not travel inside the country and are mostly sedentary. The current Estonian Roma population has been formed through immigration after the Second World War from the Soviet Union, mainly from Russia and Latvia.

The Roma in Estonia have family ties in Latvia and also in Russia, so the community is not bound to state borders, and they largely communicate with Roma communities outside the country; yet self-identification as Estonian Roma (*Estonska Roma*) exists.⁶ 40 per cent of the Roma in Estonia hold Estonian citizenship, 38 per cent hold Latvian citizenship, 14 per cent hold Russian citizenship and 7 per cent who are stateless.⁷

Most of the Roma in Estonia state that their native language is the Romani language (65 per cent).⁸ Linguistically the Roma in Estonia can be divided into the *Lotfitka* (Latvian) and *Xaladytka* (or also called *Ruska*, Russian) dialect groups, similarly to the case of Latvia. The larger community in Estonia speaks *Lotfitka*. The Roma mostly identify themselves as either Latvian, Russian or Estonian Roma.⁹ Usually it is the Latvian Roma who have lived in Estonia for several generations and have started to identify themselves as Estonian Roma. 15 per cent consider that their native language is Russian and 10 per cent consider it to be Estonian.¹⁰

In the process of compiling this report, the authors interviewed two members of the Roma Integration Council – representatives of the Ministry of Culture and the Ministry of Education. Also, written information requests were sent to Valga Municipality and the Ministry of Culture. The authors also performed desk research into the relevant legislation and available reports and studies. It is important to highlight that the research performed to date on the Estonian Roma community has been sparse, therefore several of the studies referred to in this report date back up to 5 years and only reflect the opinion of a small sample of the Roma community. These include a 2014 study into education and employment of the Roma youth; 2013 study into the integration needs of the Estonian Roma community; 2018 study into the participation of the Roma in the Estonian society; 2018 survey among pedagogues who work with Roma children; and European Commission against Racism and Intolerance (ECRI) report on Estonia from 2015. Also, as it is often the most socially active and educated representatives of the Roma community who agree to take part in different surveys, it would be incorrect to make wide generalisations based on the results.

⁴ E-mail from Estonian Population Register (06.03.2018).

⁵ Baltic Research Institute, "Ülevaade romade olukorrast Eestis" (*Overview of the situation of the Roma community in Estonia*), 2013.

⁶ For more details see: http://romafacts.uni-graz.at/view_pdf.php?t=culture&s=c_3_7&l=en

⁷ E-mail from Estonian Population Register (06.03.2018).

⁸ *Ibid.*

⁹ Interview with Ms. Saul, from Ministry of Culture, Chief Specialist of Cultural Diversity Department.

¹⁰ E-mail from Estonian Population Register (06.03.2018).

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Mainstreaming Roma inclusion across ministries and other national level public authorities

As the Roma community in Estonia is small, no strategies or integration policy documents have been developed that would specifically target Roma inclusion.¹¹ In Estonia, integration policy is the responsibility of the Ministry of Culture, which also leads the development of the Roma policy.

Estonian integration policy is based on the development plan "Integrating Estonia 2020"¹². The general objective of the development plan is to achieve an Estonian society that is integrated and cohesive where people with different linguistic and cultural backgrounds participate actively in social life and share democratic values. The development plan is not very specific, and the Roma are only mentioned in one paragraph:

*"In terms of linguistic and cultural communities, it is necessary to give attention to the Roma in order to support closer contacts between them and the rest of society. In comparison with other European Union Member States, the Roma community in Estonia is small in numbers and does not represent a separate target group of the integration policy, but still requires additional attention in the areas of education, employment and social affairs."*¹³

The development plan "Integrating Estonia 2020" is accompanied by annual implementation plans for specific activities, there have not been any specific activities for the Roma community.¹⁴

In 2015, the Ministry of Culture established the Roma Integration Council for dealing with the issues of Roma integration and coordinating information. The Council is tasked with analysing the existing problems and proposing ideas to different stakeholders on how to improve the integration of the Roma in Estonia. The members of the council are representatives of ministries, representatives of the Roma community and representatives of municipal governments.¹⁵ The council generally meets twice a year, but unfortunately, attendance is not high, especially when it comes to the representatives of local governments.¹⁶

Latest survey from 2018 (not published yet) also indicates that public authorities have not reached the Roma community when it comes to introducing their work. A survey prepared in 2018 indicates that only 20 per cent of the respondents trusted the government and

¹¹ Following the EC's request, the Estonian Government submitted a document "National set of policy measures for Roma integration in Estonia" (https://ec.europa.eu/info/sites/info/files/roma_estonia_strategy_en.pdf) that clearly outlines that Estonia has no specific integration policy or measures for the Roma, as "the Estonian National Integration Strategy is built on the principle of equal treatment and on the basis of areas rather than ethnic groups." It explains that the Roma receive assistance and services on equal grounds with other groups. Although it elaborates a number of recommendations, they all remain very general, such as to "increase the level of employment" and "improve the health" of the Roma population, and no specific activities have resulted from those recommendations.

¹² Development plan "Integrating Estonia 2020", for more details see: <https://www.kul.ee/en/integrating-estonia-2020>

¹³ *Ibid*

¹⁴ Implementation plans available at: <https://www.kul.ee/et/arengukava-loimuv-eesti-2020-rakendusplaanid-ja-rakendusplaan-taitmise-aruanded>

¹⁵ Work of the Roma Integration Council, for more details see: <https://www.kul.ee/et/romade-loimumise-noukoda>

¹⁶ Interview with Ms. Saul, from Ministry of Culture, Chief Specialist of Cultural Diversity Department

the president to some extent. The answers to the question 'How much do you know about the manner in which the following institutions and groups operate?' revealed that ca 50 per cent of the respondents 'don't know anything' or 'rather don't understand' the role and activities of the government, the parliament and the president. Only 30 per cent of the respondents were interested in Estonian home affairs.¹⁷ This lack of interest has not been explained, but we can assume that it might be linked to the fact that the majority of Roma do not speak Estonian perfectly.

Mainstreaming Roma inclusion from the administrative level across the local authorities

The Roma ethnic minority do not reside in a specific region in Estonia but instead live all over the country. The largest groups are: 209 Roma in Valga (total population 16,664), 70 Roma in Tallinn (total population 448,758) and 68 Roma in Tartu (total population 10,676). In other municipalities there are less than 30 Roma.¹⁸

No local government has an integration strategy aimed at the Roma community. Valga, the local government with the largest Roma community, pointed out that their development plan and budgetary strategy for 2019-2023 states that multiculturalism is the strength of Valga. Yet, it includes nothing specific concerning the Roma and there is no action plan aimed specifically at them. The action plan does, in general terms, mention supporting geographical (village) and social (cultural) associations. During the last three years, the cultural development of the Roma community has not been supported from the cultural budget of Valga, as there have been no applications, which could indicate that the community is not aware of the possibility.¹⁹

The subject of creating a family centre for the Roma in Valga, where the community could meet, has been formed and discussed in the meetings of the Roma Integration Council for a long time now, but the municipality has decided not to support the idea until a reliable partner capable of managing the family centre has been found, as the municipality does not intend to create a new municipal body.²⁰ The Roma community itself is not interested in becoming a partner, as they lack administrative capacities.²¹ Valga Municipality has promised to find rooms for the family centre if the Roma community will find the person responsible for the centre's activities. The Ministry of Culture (possibly also the Ministry of Education and Research) is ready to help with both finding a person and financial support for the centre. The decision will be made in beginning of 2019 on how to move on with the idea.²²

A representative of the city government of Valga said that there is no need for special measures for the Roma on the local level and they should be treated equally to other ethnic groups. If something specific is to be done, it should be agreed upon at the State level. The municipality also finds that the State should take action to help solve the employment and social wellbeing issues of the Roma.²³

¹⁷ Karabeshkin & Derman "Eesti Romade kuuluvustunne ja osalemine ühiskonnaelus" (*The Roma community's participation in society*), 2018.

¹⁸ E-mail from Estonian Population Register (06.03.2018).

¹⁹ E-mail from Valga County Municipality (24.11.2018).

²⁰ *Ibid.*

²¹ Interview with Ms. Saul, from Ministry of Culture, Chief Specialist of Cultural Diversity Department.

²² E-mail from Ms. Saul from from Ministry of Culture, Chief Specialist of Cultural Diversity Department.

²³ E-mail from Valga County Municipality (24.11.2018).

Promoting empowerment and participation of Roma

There are three registered Roma NGOs in Estonia: *Lõuna-Eesti Romade Liit* (Southern Estonian Association of the Roma), *Kesk-Eesti Romade Liit* (Central Estonian Association of the Roma) and *Euroopa Romade Foorum Eestis* (European Roma Forum in Estonia), the last one is not led by Roma persons anymore (since 13 February 2018).²⁴

These NGOs should be representative organisations, but actually they have none or just a few active members and Roma community do not feel these organisations represent their interest.²⁵ All three of these organisations have not paid any state taxes within the last three months, which means they have not paid out any salary.²⁶ Also, none of the organisations own a webpage, *Euroopa Romade Foorum Eestis* (European Roma Forum in Estonia) has a Facebook page,²⁷ but it has not been active since 2016. Also, none of the above-mentioned organisations are members of the Network of Estonian Non-Profit Organisations, Estonian Equal Treatment Roundtable nor the Estonian Human Rights Organisations Roundtable.

According to a 2018 survey, the level of participation of the representatives of the Roma community in citizens' associations (apartment association, cultural society, youth club, charity organisation, trade union or political party) is also very low – only six people of 59 (11 per cent) said they participated in any associations.²⁸

One of the latest surveys indicates, however, that at least part of the Roma community is interested in increasing their participation in Estonian society. Approximately 80 per cent of the respondents wanted to know more about how society works. They were the most interested in project writing and management and getting to know the activities of other cultural communities in Estonia.²⁹ This shows that the ethnic group wants to do something themselves and contribute more to society, but distributed information generally does not reach the Roma community.

The biggest problem in Estonia is that integration is not aimed at a specific target group, but the same activities and opportunities are aimed at all groups. It is almost impossible to reach the Roma community in this manner, because the community is closed and faces distinct challenges arising from their actual and perceived cultural specificities. The state has received the same critique about the need for targeted measures from other organisations who represent different minority groups (for example refugees).

Relevant mainstreamed and Roma-targeted inclusion programmes with the largest budgets

In 2017, the Ministry of Culture started a project "Supporting the development of a network supporting the empowerment of Estonian Roma youth and women", which is financed by the European Commission (the cost of the project is 57,029.93 EUR, 5 per cent is to be co-financed by the state budget of Estonia). This is the biggest project aimed exclusively at the Roma community. The activities of the project have been carried out in 2017 and 2018.

²⁴ E-mail from Ms. Saul from from Ministry of Culture, Chief Specialist of Cultural Diversity Department.

²⁵ *Ibid.*

²⁶ For more details see: <https://www.inforegister.ee>

²⁷ For more details see: <https://www.facebook.com/Euroopa-Romade-Foorum-Eestis-1775820015983061/>

²⁸ Karabeshkin & Derman "Eesti Romade kuuluvustunne ja osalemine ühiskonnaelus" (*The Roma community's participation in society*), 2018.

²⁹ Karabeshkin & Derman "Eesti Romade kuuluvustunne ja osalemine ühiskonnaelus" (*The Roma community's participation in society*), 2018.

The objectives of the project were:

- to ascertain the stakeholders at the local level of Roma integration and to encourage cooperation between them;
- to identify 20 young Roma who are interested in participating actively in civil society and the supporting training (in topics: administrative organisation, civil society, establishment and management of civil society organisations, writing and implementation of projects, communication skills, cultural differences) in order to become the (local) spokespersons of the Roma community and/or supporters of the education of Roma children or so-called cultural translators between schools, local governments and the Roma families and community;
- empowerment of the existing Roma organisations;
- collection of information required for planning Roma integration activities; and
- promotion of cooperation between the Roma Integration Council and local governments.³⁰

The project also included the creation of a website to provide information that would support the integration of the Roma. Project description stated that original materials will be published on the webpage, also most important recommendations made by international organisations about the integration of the Roma. The description also promised that the webpage will be translated and made accessible. The webpage is located at www.eestiromad.com, unfortunately, it is available only in Estonian and does not provide most of the information promised. It just gives an overview of the project, the current situation of the Roma in Estonia and some articles from the last decade. As it is not sure that project will continue, there is no hint whether the webpage will be updated.

Within the project period there were four workshops for Roma youth, three workshops for young Roma activists, one seminar for teachers who are working with Roma children, two stakeholders' meetings, research about the participation of the Roma in the Estonian society and an event for Memorial of The Holocaust. Altogether there were 132 participants (mostly with Roma background) who participated in different events.³¹

Officials find that carrying out the activities aimed at the Roma community on a project basis is very difficult, because the period between the end of one project and the start of the next one is more than six months, during which the activity of the community wanes and everything has to start from scratch again.³² The Ministry has not decided whether to submit a new application for next year's funding.

Accessible funding for Roma inclusion activities

There are funds from which everyone can request support distributed by the National Foundation of Civil Society,³³ the Integration Foundation³⁴ and the Gambling Tax Council.³⁵ In general, the Roma organisations do not apply for the funds, according to the representative of the Ministry of Culture, it could be because of fear of the responsibility and the bureaucracy associated with projects.³⁶ Other non-Roma NGOs have little or no

³⁰ Ministry of Culture, Minutes of the Roma Integration Council Meeting, 23.01.2018. Available at: https://www.kul.rik.ee/sites/kulminn/files/1.12.2018_protokoll.pdf

³¹ For more details see: <https://www.eestiromad.com>

³² Interview with Ms. Saul, from Ministry of Culture, Chief Specialist of Cultural Diversity Department.

³³ National Foundation of Civil Society, for more details see: <https://www.kysk.ee/about-us>

³⁴ Integration Foundation, for more details see: <https://www.integratsioon.ee/en>

³⁵ The Estonian Government closed down the Gambling Tax Council in 2018 it is unsure how the funds are handed out in 2019.

³⁶ Interview with Ms. Saul, from Ministry of Culture, Chief Specialist of Cultural Diversity Department.

interest to apply for funding to carry out activities for the Roma community. If they do apply, it is mostly for conducting studies.

Availability of reliable data on the situation of Roma

Some surveys have been carried out over the years, which have mostly been coordinated by international organisations or NGOs. They have studied the inclusion of the Roma, the situation of Roma women,³⁷ the participation of young people in the labour market, and participation in social life.³⁸ Several overviews have also been prepared and certain information can be obtained from general sources on the website of Statistics Estonia and national surveys.³⁹

None of the surveys⁴⁰ are particularly detailed and cannot be used for generalisations, as the number of interviewed representatives of the community usually ranges between 10-60. Most of the surveys are too outdated to be relevant anymore. There is a serious lack of surveys that would give a general overview of the living conditions of the Roma people, the quality and accessibility of medical care, participation in the working environment and educational problems.

³⁷ Tali, Kollom & Velberg "Naised Eesti mustlaskogukondades" (Woman in The Roma community's in Estonia), 2007.

³⁸ Civitta Eesti AS, "Roma rahvusest noorte olukord Eesti Vabariigis: haridus ja töökeskkond" (The Situation of Roma Youth in Estonia: Education and Employment), 2014.

³⁹ For more details see: <https://www.stat.ee/en>

⁴⁰ Baltic Research Institute, "Ülevaade romade olukorrast Eestis" (Overview of the situation of the Roma in Estonia), 2013.

ANTI-DISCRIMINATION

Implementing the Racial Equality Directive

Although the terms 'equal treatment' and 'non-discrimination' were introduced to the Estonian legal system with the Constitution of the Republic of Estonia in 1992, the first act that prohibits discrimination was the Gender Equality Act adopted as late as in 2004. The Equal Treatment Act was adopted only in 2008 and it expands the prohibition of discrimination to other grounds as well, such as nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation.⁴¹

The position of the Gender Equality and Equal Treatment Commissioner⁴² was also created when the Equal Treatment Act was adopted. The task of the Gender Equality and Equal Treatment Commissioner is to ensure that women and men, as well as representatives of various minorities have equal rights and opportunities in all areas of society. The main competences of the Commissioner are to advise and assist persons upon filing of complaints regarding discrimination; providing opinions concerning alleged cases of discrimination; making proposals to the Government; publishing reports and taking measures to promote equal treatment and gender equality.⁴³

The Office has not received a single complaint concerning the Roma over the years.⁴⁴ Neither has the Office done anything specific to raise the awareness of the Roma community of equal treatment.

The Office of the Gender Equality and Equal Treatment Commissioner has been underfunded in Estonia since its establishment. The Office of the Commissioner wanted to participate in a procurement concerning the Roma in 2018 to start a project aimed at reducing the school dropout rate of Roma children, but could not do it due to a lack of resources.⁴⁵ Many NGOs have recommended for years now that the Government should increase the funding of the Office of the Commissioner to enable it to effectively fulfil its role. Mentioned case illustrates that it is still an issue.

Educational and residential segregation

In several of its older reports, European Commission against Racism and Intolerance (ECRI) has outlined the placement of Roma children to special schools as a problem in Estonia.⁴⁶ During ECRI's fifth monitoring cycle in 2015, the Estonian authorities confirmed that only one Roma child was in a special school, further to a medical diagnosis.⁴⁷ According to the interviewed experts, the practice of placing Roma children to special schools has stopped and educational segregation is not a problem anymore.⁴⁸

⁴¹ Võrdse kohtlemise seaduse käsiraamat (*Handbook of the Equal Treatment Act*), available at: https://humanrights.ee/app/uploads/2017/01/V6rdse20kohtlemise20kasiraamat_EST_veeb.pdf

⁴² Gender Equality and Equal Treatment Commissioner, for more detail see: www.volinik.ee

⁴³ Equal Treatment Act, § 16, English version available at: <https://www.rigiteataja.ee/en/eli/503052017002/consolide>

⁴⁴ Yearbooks of Gender Equality and Equal Treatment Commissioner, for more details see: <http://www.volinik.ee/avalikud-dokumendid/>

⁴⁵ E-mail from Ms. Grünbaum from Gender Equality and Equal Treatment Commissioner.

⁴⁶ ECRI, Country Monitoring in Estonia. Available at: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/estonia>

⁴⁷ ECRI report on Estonia (fifth monitoring cycle), adopted on 16 June 2015, p 27.

⁴⁸ Interview with Viivian Jõemets, Chief Expert of the General Education Department of the Ministry of Education and Research, 12.11.2018; Interview with Mall Saul, Chief Specialist of the Cultural Diversity Department of the Ministry of Culture, 25.10.2018.

As Roma communities are scattered around Estonia and there are no more than seven to eight (usually one to three) Roma children in schools, segregation on the basis of location is also not a problem in schools. The Estonian Roma community is fragmented and not living together in the same region or place, preferring to live separately in various locations in Estonia.⁴⁹ There have been no specific studies into the living conditions of the Roma, so assessing the access to clean drinking water and sanitation is not possible.

Discriminatory behaviour by police, misconduct by prosecutors or courts

The survey carried out in 2018 indicates that the institutions that evoked more trust in the Roma respondents (ca 40 per cent) were the police, the Defence Forces and the judicial system.⁵⁰

Two people contacted the Chancellor of Justice about issues concerning the Roma in 2017. In one instance, the complainant felt that a person close to them had been discriminated against in judicial proceedings because of their Roma origin. Allegedly, the prosecutor treated them badly in the courtroom, but the judge did not intervene. The court rejected the complaint, because the allegations made in the complaint gave no reason to conclude that the prosecutor proceeded from subjective motives or prejudices in the performance of their official duties. The materials of the proceedings did not contain anything to suggest that the court discriminated against the accused. Thus, the suspicion of discrimination was not confirmed by the Chancellor of Justice. The second complainant found that their father was mistreated because of his Roma origin. Listening to the recordings of the court hearings revealed that the judge treated all participants to the proceedings with respect and without bias.⁵¹

⁴⁹ Interview with Ms. Saul, from Ministry of Culture, Chief Specialist of Cultural Diversity Department.

⁵⁰ Karabeshkin & Derman "Eesti Romade kuuluvustunne ja osalemine ühiskonnaelus" (*The Roma community's participation in society*), 2018.

⁵¹ Chancellor of Justice, *Overview of the Year 2017/2018*, available at: <http://www.oiguskantsler.ee/ylevaade2018/>

ADDRESSING ANTIGYPSYISM

Institutional settings for fighting discrimination and addressing antigypsyism

It is difficult to assess the level of antigypsyism in the Estonian society based on the very limited existing research. The most recent public survey that touches upon this topic is from 2016, it revealed that Estonians would rather live near any other minority group than the Roma – 84% of the 619 respondents were against living in the same neighbourhood with the Roma.⁵² In addition, some surveys conducted among the Roma community have included a question about antigypsyism perceived by the Roma. In the 2018 survey, 81% of the respondents of Roma origin answered that they had experienced intolerance due to their ethnicity.⁵³ In the 2014 Roma youth study, most of the respondents found that the main obstacles to finding a job are the prejudices and discriminatory attitudes towards the Roma.⁵⁴

Antigypsyism is not recognised by the Estonian authorities as a specific problem, discrimination against the Roma is addressed within the wider framework of equal treatment, regulated by the Equal Treatment Act.⁵⁵ Compliance with the requirements of the Equal Treatment Act is monitored by the Gender Equality and Equal Treatment Commissioner.⁵⁶

Pursuant to Equal Treatment Act's paragraph 23, discrimination disputes are resolved by a court or a labour dispute committee, or by the Chancellor of Justice by way of conciliation procedure. The Chancellor of Justice conducts conciliatory proceedings based on petitions filed by persons who find that they are discriminated. Consent of both parties is needed for the conciliation procedure. The Chancellor of Justice makes a proposal to resolve the dispute and enter into an agreement. If conciliation proceedings are terminated or the Chancellor of Justice has stated failure to reach an agreement, the petitioner has the right of recourse to a court. An agreement approved by the Chancellor of Justice is final and cannot be contested in court.⁵⁷

Work-related discrimination can be reported to the Labour Dispute Committee.⁵⁸ The Committee publishes annual summaries of discrimination related cases, there have been no published cases where the applicant would have been of Roma origin and discriminated against based on that.⁵⁹

⁵² Saar Poll, "Rahvussuhted Eestis" (*Relations between different nations in Estonia*), 2016. Available at: http://www.saarpoll.ee/UserFiles/File/Rahvussuhted%20Eestis_Aruanne_FINAL.pdf

⁵³ Karabeshkin & Derman "Eesti Romade kuuluvustunne ja osalemine ühiskonnaelus" (*The Roma community's participation in society*), 2018.

⁵⁴ Civitta Eesti AS, "Roma rahvusest noorte olukord Eesti Vabariigis: haridus ja töökeskkond" (*The situation of Roma youth in Estonia: education and employment*), 2014.

⁵⁵ Equal Treatment Act § 1 (1), English version available at: <https://www.riigiteataja.ee/en/eli/503052017002/consolide>

⁵⁶ See section *Anti-Discrimination* of this report for more details on the Gender Equality and Equal Treatment Commissioner.

⁵⁷ Chancellor of Justice Act, § 35⁵ - § 35¹⁵, English version available at: <https://www.riigiteataja.ee/en/eli/509012018008/consolide>

⁵⁸ Official website of the Labour Inspectorate: <http://www.ti.ee/en/>

⁵⁹ Labour Dispute Committee statistics regarding discrimination cases 2007-2017: <http://www.ti.ee/est/meedia-trukised-statistika/statistika/toovaidlused/>

Combating hate speech and hate crime

Incitement to hatred is clearly prohibited in paragraph 12 of the Constitution of Estonia:

*"Incitement to ethnic, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law. Incitement to hatred and violence between social classes or to discrimination against a social class is also prohibited and punishable by law."*⁶⁰

However, it has been a problem in Estonia for many years that the Penal Code basically does not make it possible to hold the people who incite hatred accountable for their actions.⁶¹

Penal Code's paragraph 151 states: *"Activities which publicly incite to hatred, violence or discrimination on the basis of nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, or financial or social status if this results in danger to the life, health or property of a person is punishable by a fine of up to three hundred fine units or by detention."*

Namely, the present wording requires the existence of a threat to a person's life, health or property, but the reality is that most often hate speech occurs online and the existing wording requires finding a causal link between typing on a keyboard and an actual threat, which is difficult.

For example, the statistics in the yearbook "Crime in Estonia" compiled by the Ministry of Justice show that in the last 12 years only two crimes under the paragraph 151 of the Penal Code have been registered (in 2006 and 2015), and neither of them concerned Roma.

Many NGOs and international bodies have stated that there is a need for clearer rules on hate speech in Estonia or at least a clear legal definition of what constitutes hate speech should be created. Until then it is not possible to monitor the real situation regarding hate speech in Estonia.

Estonia is the only EU Member State that has not transposed the Framework Decision 2008/913/JHA into its legislation – the Estonian Penal Code does not include hate crime as a specific type of crime, nor bias motive as an aggravating circumstance.

However, as of 2016, hate crime exists as a case type in the police information system where all crimes are registered, to allow for the collection of data on hate crimes. The electronic system was updated in September 2016 to include three new case types: hate crime with bias against race, religion, ethnicity; hate crime with bias against sexual orientation or gender identity; hate crime with bias against other groups (e.g. disability or social status).

Recording hate crimes is not a priority for Estonian authorities – marking a crime as hate crime has no effect on the actual investigation or sentencing, it is mainly done for statistical purposes.⁶²

This results in low awareness on the topic of hate crime among the general public, which leads to under-reporting. Statistics in the yearbook "Crime in Estonia" reflect that in the last three years (2015-2017) only 26 hate crime cases were reported to the police.

None of the reported hate crime cases outlined in the yearbook have been against a person of Roma origin. As the Estonian Penal Code does not include hate crime as a specific type

⁶⁰ For more details see: <https://www.riigiteataja.ee/akt/633949>

⁶¹ For more details see: <https://humanrights.ee/2015/09/vao-poleng-peab-viima-kehtiva-karistusseadustiku-parandamiseni/>

⁶² Interview with the representatives of the Ministry of Justice, 13.11.2018.

of crime, nor bias motive as an aggravating circumstance, it is nearly impossible to combat hate crime specifically against the Roma community.

Combating antigypsyist rhetoric of politicians, public figures and media

As the Roma community in Estonia is small and they are not often seen on the streets, the politicians and public figures have not expressed their opinions on this topic. New immigrants seem to be the main topic – refugees and asylum-seekers, and incitement to hatred against them.

The media generally used the word 'gypsy' instead of 'Roma' when speaking about the Roma and media monitoring indicates that most of the news has a negative undertone.

In 2012 Tallinn University carried out media monitoring for minorities, which is the most extensive monitoring of its kind so far. The sample included all major Estonian newspapers and online media portals, and the media coverage of eight different minority groups was analysed (Asians, Jews, Muslims, African-Americans, disabled people, the Roma, sexual minorities and Russians). The results of the analysis indicated that whilst other minorities were covered in a positive light at least occasionally, the Roma were only reflected either negatively or neutrally – 56 per cent of the articles that covered the Roma showed them in a negative light, 44 per cent were neutral, and not a single article placed the Roma in a positive light.⁶³

No media monitoring of this kind has been carried out since, so it is difficult to assess whether the situation in covering the Roma has become better or worse. Browsing recent news articles reveals there have been a few positive articles connected to a photo project "We, the Roma".⁶⁴ However, there are also recent negative examples – in December 2018 an article was published about a person of Roma origin who was convicted of drug related charges, and the title of the article states that "yet another" Roma has been imprisoned for dealing drugs.⁶⁵

Programmes and initiatives implemented for forming attitudes and discourses

As previously outlined, very limited research exists into the attitude of the Estonian population towards the Roma. A public survey conducted in 2016 indicates that the attitudes are negative, as 84 per cent of the respondents were against living in the same neighbourhood with the Roma.⁶⁶

The state has not so far taken any action to raise awareness on the topic of tolerance towards the Roma. There have been a few social activists who have taken the initiative to increase tolerance towards the Roma and raise awareness about the problems Roma community faces. An example of this is a project called "Meie, Mustlased" (*We, The Roma*) by Annika Haas. In 2011, photographer Annika Haas started to explore the life of Estonian Roma through the camera lens. Project laid the foundation for a documentary photo exhibition "We, the Roma", which is currently travelling the world. The series "We, the Roma" won the Estonian Press Photo grand prix. Another part of the project was to give

⁶³ For more details see : https://www.slideshare.net/iowproject/in-other-words-meeting-in-tallinn-vhemuste-kujutamine-eesti-meedias-meediamonitooringu-phitulemused?fbclid=IwAR3I_aXjuWG9UyXqbPqjzMP0kVepWPKJvSchD1djfv5pNis70_3BE4ly2v8

⁶⁴ Postimees, *Pane tähele: see on EV100 kunstiprogrammi üks eripäraseim sündmus*, 24.05.2018. Available at: <https://ev100.postimees.ee/4492964/pane-tahele-see-on-ev100-kunstiprogrammi-uks-eriparaseim-sundmus>

⁶⁵ Tartu Postimees, *Nagu ema, nõnda poeg: veel üks Tartus uimastitega äritsenud roma läks vangi*, 18.12.2018. Available at: <https://tartu.postimees.ee/6479710/nagu-ema-nonda-poeg-veel-uks-tartus-uimastitega-aritsenud-roma-laks-vangj>

⁶⁶ Saar Poll, "Rahvussuhted Eestis" (*Relations between different nations in Estonia*), 2016. Available at: http://www.saarpoll.ee/UserFiles/File/Rahvussuhted%20Eestis_Aruanne_FINAL.pdf

cameras into the hands of the Roma children who depicted their surroundings through their own eyes.⁶⁷ The project was so successful that a book was published about it.⁶⁸

The impact of the project has not been scientifically analysed, but this photo exhibition and the work of Annika Haas has helped the Roma to receive some positive media coverage and draw attention to the problems that the community is facing every day. It has worked towards dispelling negative stereotypes and making the Roma community more relatable by providing small glimpses into their every day life.⁶⁹ Also, all the revenues from the book will go to support Roma children.⁷⁰

⁶⁷ For more details see: <http://romachildren.ee/en/projektist/>

⁶⁸ For more details see: <http://epl.delfi.ee/news/kultuur/fotod-ilmus-fotoraamat-eesti-mustlaste-elust?id=82261753>

⁶⁹ Postimees, *Pane tähele: see on EV100 kunstiprogrammi üks eripäraseim sündmus*, 24.05.2018. Available at: <https://ev100.postimees.ee/4492964/pane-tahele-see-on-ev100-kunstiprogrammi-uks-eriparaseim-sundmus>

⁷⁰ For more details see: <https://www.hooandja.ee/en/node/5110>

RECOMMENDATIONS

Governance and overall policy framework

- Annually allocate funds to the Ministry of Culture for the purpose of empowering the Roma community. The department of the Ministry of Culture that deals with the Roma currently receives 5,000 euros per year. This money is used for self-financing when project funding is requested from the European Commission. The state should give more support to activities aimed at the Roma every year in order to approach the issue strategically.
- Mainstream Roma issues among the activities of all the Ministries. Roma integration, both cultural and general, is currently dealt with and led by the Ministry of Culture. It would be more effective if Roma integration was managed in each Ministry by a department or a person who is aware of the specific problems of the Roma (the Ministry of Social Affairs, the Ministry of Education, the Ministry of the Interior).
- Create a state-wide Roma integration development and activity plan. As municipalities expect the state to have a broader plan for the integration of the Roma and are not carrying out any separate activities for the inclusion of the Roma themselves, the Government should try to come up with positive measures for integrating the Roma in social life both in terms of employment and in the school system.
- Local governments should strategically support the Roma communities on the local level. At present, local governments do nothing to support the Roma community separately. However, they know the people living in their communities better than anyone else and could help and support them directly.

Anti-discrimination

- Increase the funding of the Gender Equality and Equal Treatment Commissioner in order to provide them with resources to go in-depth with more issues.
- Scientifically study the Roma community's socio-economic problems and wellbeing.

Addressing antigypsyism

- There is a need for clearer rules on hate speech and hate crimes. We recommend a review of the relevant acts of law in the near future and adoption of the necessary amendments.
- Increase people's awareness of the Roma community and the issues they face. Carry out publicity campaigns about the Roma community, thereby raising the public's awareness.

BIBLIOGRAPHY

Baltic Research Institute, "Ülevaade romade olukorrast Eestis" [*Overview of the Situation of the Roma in Estonia*], 2013

Chancellor of Justice, *Overview of the Year 2017/2018*, available at: <http://www.oiguskantsler.ee/ylevaade2018/>

Equal Treatment Act, § 16, English version available at: <https://www.riigiteataja.ee/en/eli/503052017002/consolide>

Estonian Human Rights Report "*Human Rights in Estonia 2016-2017*". Available at: <https://humanrights.ee/en/materials/inimoigused-eestis-2016-2017/>

Estonian National Population Register, *Statistics regarding the Roma community in Estonia*, 2018

European Commission against Racism and Intolerance, *Report on Estonia (fifth monitoring cycle)*, 2015

Karabeshkin, L., Derman, N., "Eesti romade kuuluvustunne ja osalemine ühiskonnaelus" [*Participation of the Roma in the Estonian society*], 2018

Meiorg, M. Albrant. M. Papp. Ü.M. Võrdse kohtlemise seaduse käsiraamat [Handbook of the Equal treatment act], 2015. Available at: https://humanrights.ee/app/uploads/2017/01/V6rdse20kohtlemise20kasiraamat_EST_ve eb.pdf

Ministry of Culture, Arengukava "Lõimuv Eesti 2020" [*Development plan "Integrating Estonia 2020"*], published in 2012. Available at: https://www.kul.rik.ee/sites/kulminn/files/23748_en_proofreading_le2020_eng.pdf

Roma Children Photo Project. Available at: <http://romachildren.ee/en/projektist/>

Tali, Kollom & Velberg "Naised Eesti mustlaskogukondades" (*Woman in The Roma community's in Estonia*), 2007

The Constitution of the Republic of Estonia. Available at: <https://www.riigiteataja.ee/akt/633949>

The Roma Integration Council. Available at: <https://www.kul.ee/et/romade-loimumise-noukoda>

Yearbooks of Gender Equality and Equal Treatment Commissioner. Available at: <http://www.volnik.ee/avalikud-dokumentid/>

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