

Linguistic Rights in Estonia (2005)

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Background

a. The importance of language in nation-building

Since the 13th century Estonia has been occupied by Germans, Danes, Swedes and Russians. The official language was German, and from the end of the 19th century on Russian. Teaching in secondary schools and universities was in Latin, German and later in Russian. Estonian was mainly spoken, studied, read and written by local peasants. In the 19th century there was an uprising of the Estonian culture. To some extent it was the reaction to the official russification. University and other education in Estonian only became available in the 20th century after establishing an independent state. Before the Second World War, Estonia was a relatively mono-linguistic country with 95% Estonian speakers. Other national minorities were Russians, Germans, Swedes and Jews. Most of the Swedes and Jews left Estonia during the war.

On 1 January 2002, the population of Estonia amounted to 1,361,242 people of whom 68% were Estonians and 32% were representatives of other nationalities. The largest ethnic minority is Russian, amounting to about 25%. Other ethnic minorities who have come from the territory of the former USSR to live in Estonia usually speak Russian at home. Until the 1990s, Russian was taught in all schools and this was the language for communication between different ethnical groups. Now people learn different languages and there are more cases, where even adult people do not have any common language, for instance migrant workers from EU do not understand Russian and Estonian and elderly Estonians and Russians do not understand English.

b. The formal recognition of the various languages and their status

The state language of Estonia is Estonian (para 6 of constitution). There is no chapter in the constitution to regulate non-discrimination on ethnical or language bases. Estonian is the official language of public institutions. Institutions in the regions of language minorities may also use the local language in their internal communications. All services and information should be provided in Estonian, but institutions and companies try to use Russian, English and Finnish in addition to this.

c. An overview of current debates¹

There are some proposals that Russian (mainly from elderly people) or English (from younger people and scientists) should be the second official language. On the other hand there have been some cases, where some service or information is available in Russian, English, Finnish, Swedish or some other language and not in Estonian.

Language rights in compulsory education

In the Estonian education system one can choose the place of instruction on the basis of the language of instruction. In general education schools the language of instruction is usually Estonian or Russian. At the same time, there are a number of schools where some subjects are taught in other languages (e.g. English, German, French).

¹ Government of the Republic of Estonia (2004), *Development strategy of the Estonian language 2004-2010*.

In the academic year 2004/2005 the total number of general education daytime schools in Estonia was 611, incl. 60 nursery-primary schools, 43 primary schools, 271 basic schools, 238 secondary and upper secondary schools. Russian is the language of instruction in 4 nursery-primary schools (13% of total 103), 14 basic schools (5% of total 271), 63 upper secondary schools (26% of total 238) and in 21 schools with Estonian and Russian language instruction.

In the present school year the number of pupils in Russian-based general education schools is 42,530 which is 23% of the total number (181883) of pupils in Estonia. In Estonian-based schools study nearly 4900 pupils with more than 20 other different home/mother tongues, including 4600 with Russian home/mother tongue. Russian-based schools study nearly 600 pupils with 10 different mother tongues². This number is increasing, in 2004/2005 in Estonian-based gymnasiums, 5% of students studied with Russian as a mother tongue, in forms 7-9 this number was 7%, in forms 4-6 10% and in forms 1-3 15%. Sometimes it is not based on the free choice of parents but is the result of closing down of local Russian schools.

An instruction of the minister of education regulates the conditions for admission to schools. A school may determine whether a student knows the language of the school well enough. During the Soviet period it was a kind of self-defence against russification and Russian students. They were sent to Russian schools although these schools might be more far away. As a result most of Estonian-based schools are not used to teach students, who cannot speak Estonian.

In Estonian society where the size of non-Estonian nationality groups varies from a couple dozen people to a community of several hundred thousand, the right to education in one's native language can be applied in different ways and on different scales: in Sunday schools, through optional subjects in general education schools, through the language of instruction in a private school and the same in municipal schools at the request of the local government³.

Parents have a right to choose a school which suites their expectations. If there is no such school nearby, an individual curriculum for such a student should be worked out. Schools do not get extra payment for such curricula and as a result these curricula are not widely spread. In some schools, an introductory course of Estonian, additional courses of Estonian and work assistant teachers, who help to translate may be organised. Our experience has shown, that at least a half-year special course of Estonian is needed. Parents have this right only in the municipality where they officially live. Sometimes they want to put their children to schools of other municipalities, but then they have no right to demand that their children should be admitted.

Teaching Estonian as a second language

The Estonian general education system fosters the integration of young people of various ethnic groups into Estonian society. National curriculum is followed on all levels of general education irrespective of the language of instruction. The school curricula define the specific characteristics arising from the language of instruction of the school and the level of proficiency in Estonian.

The national curriculum sets out the requirements regarding the teaching and learning conditions, including the requirement that a school graduate of a non-Estonian-language basic school should acquire adequate knowledge and a sufficient level of proficiency in Estonian that enables them to act independently in the language environment and to continue their studies in an Estonian-language educational institution. Pursuant to the document approved by the Government of the Republic of Estonia on 5 August 2004 "Development strategy of the Estonian language (2004-2010)" the graduates of non-Estonian-language basic schools have to acquire the Estonian language on the level

² EHIS (2005) *Õppurite register*. Üldhariduskoolide õpilased emakeele järgi.

³ Integration of Non-Estonians into Estonian Society: targets UN Development Programme, 1999.

B2 (intermediate level) so they can make appropriate decisions for continuing their studies after the basic school despite the school's language of instruction and their native language.

The Republic of Estonia shall guarantee the teaching of the Estonian language in all non-Estonian public educational institutions and non-Estonian study groups⁴.

Estonian language is a compulsory subject in all kindergartens for 5 year old children, under the Framework Curriculum for Kindergartens⁵, but Estonian may also be taught earlier.

In a school or class where instruction is not given in Estonian, compulsory Estonian language instruction begins in the first year.⁶ As a result in such schools English and other foreign languages are taught later and in a smaller amount than in Estonian-based schools, where Russian is a usual foreign language.

By year 2007, the curricula and organization of study of non-Estonian language basic schools shall ensure all graduates of basic schools a level of Estonian language skills which enables them to continue studies in Estonian⁷ in 60% of subjects, including Estonian.

To graduate a basic school with some other language of learning, students have to pass a compulsory examination of Estonian as the second language. In Estonian-based schools, students have to pass 2 compulsory (maths and mother tongue) and one voluntary examination, in other schools all three examinations are compulsory.

Different models for teaching Estonian

The extent to which conditions for linguistic-cultural and political-legal integration of students into society are ensured through the curriculum and supporting activities is important in the development of non-Estonian schools. Proceeding from the linguistic-cultural aspect, one has to find opportunities for ensuring the students' command of Estonian at the necessary level by the end of the basic school and the upper secondary school and for ensuring development of the national culture, in consideration of the surrounding linguistic environment and students' language skills. For that purpose various language programmes and education models have been looked for and tested. Currently, the following fully developed education models, and models currently being developed, can be distinguished in non-Estonian schools:

1. Early total language immersion in nursery schools
2. Partial language immersion (bilingual teaching and learning)
3. Early total language immersion in basic schools
4. Late total language immersion
5. Subject-teaching in Estonian (the number of subjects varies a lot – in academic year 2002/2003, in 80% of Russian language schools)⁸.

If a non-Estonian student takes up studies in the first grade of an Estonian school, it is called the submersion model. Some schools have developed a corresponding support programme (pre-school, during the primary school). Non-Estonian students also take up studies in Estonian schools during the basic school stage. That is called the self-initiative transition model. Non-Estonian students compete for a place in Estonian upper secondary schools along with their Estonian peers. In two Estonian schools (Tallinn Laagna Upper Secondary School and Kohtla-Järve Upper Secondary School) there are special classes for Russian students who receive in-depth training in the Estonian language.

The educational possibilities for the pupils with non-Estonian home language/native language⁹.

⁴ Para 4 of the Education Act

⁵ 'Integration of Non-Estonians into Estonian Society: targets', *UN Development Programme*, 1999.

⁶ Subsection 9 (2) of the Basic Schools and Upper Secondary Schools Act.

⁷ Subsection 52 (1) of the Basic Schools and Upper Secondary Schools Act

⁸ EMOR (2004) Eestikeelne aineõpe vene õppekeelega koolides: hetkeolukord ja vajadused.

a) in an Estonian-language school:

- a few non-Estonians in Estonian-language classes, language of instruction is Estonian	Tallinn, Tartu, Pärnu and other places where the non-Estonian community is small
- a class for pupils speaking Russian as home language in an Estonian school	Laagna Upper Secondary School in Tallinn, Järve Upper Secondary School in Kohtla-Järve
- Russian-speaking pupils in the same form with Estonian-speaking pupils after a 1-year long preparatory form	Aseri Upper Secondary School
Late language immersion for Russian-speaking children	Hansa Upper Secondary School in Pärnu, Laagna Upper Secondary School in Tallinn, Sillamäe Estonian Basic School

b) in a Russian-language school:

- Russian-language teaching and Estonian as the first foreign language	17 schools of which 4 are schools for children with special needs; 4 schools with two languages of instruction
- some subjects are taught in Estonian and Estonian language lessons	54 schools
- bilingual teaching through all stages of study	Annelinna Upper Secondary School in Tartu, Russian Upper Secondary School in Haapsalu
- early immersion: in the first forms the study process is prevailingly in Estonian, the proportion of Russian-language teaching increases year-by-year until it reaches about 50%	7 schools
- late immersion: since form 6 the study process is partly and in forms 7-8 completely in Estonian and in form 9 50% of the study process is in Estonian, except lessons of native language	18 schools

Other languages in schools

The A-foreign language is the first foreign language, the learning of which begins in the first stage of study. Learning the B-foreign language begins in the second stage of study. In a school where the language of instruction is Russian or another language, the A-foreign language shall be Estonia. A-language for Estonian based schools may be English, German, French or Russian. In Russian based schools these (except Russian) are B languages. In Estonian schools there may be also other B languages (Finnish, Swedish, Spanish, Japanese, Chinese and others). Students, whose native language is some of those languages, are recommended to choose it as their A or B (for Russian-based schools) language.

As most of ethnic groups are relatively small, they cannot open their own schools or have their language as a foreign language. Basic schools have to organise special courses of native language and culture, if there are enough applications from parents from this and other schools. Usually the number is so small, that children have to go to a Sunday school or do not get any education in their native language at all.

Russian schools in Estonia (problems and trends)

Teacher education in Estonian universities is mainly in Estonian. There is the possibility to study as a kindergarten teacher, a primary school teacher, a Russian teacher, and an Estonian-as-a-second-language teacher, in Russian. Every teacher should know Estonian on the middle level and if they want to teach in Estonian, they should know the language to a high level. There have been some cases, where teachers did not know Estonian well enough and they have been dismissed, even though their other qualities were even better those of their colleagues.

⁹ Asser, H. (2003) 'Kooli pidaja valikud ja vastutus Eesti muukeelse kooli arendamisel aastatel 2003-2010,' *HTM Keeletalitus, Integratsiooni Sihtasutuse Haridusprogrammide Keskus*, Tartu, pp 39-50.

The students should pass the state examinations, including Estonian (an essay in Estonian), in order to study free of charge. Although the conditions are equal for everyone, in reality, the examinations are more difficult for non-Estonians.

The qualification of teachers in Russian-based schools is not lower than in Estonian-based schools (some Russian Universities also participate in increasing their qualification), but it is difficult to find teachers in other languages.

Textbooks for Russian-based schools are published in Estonia and are usually translations from Estonian. As a rule, the price of textbooks in Russian is higher (and this is not compensated by the state) and the choice of textbooks is narrower. These problems will increase in the future as the number of Russian students and Russian based schools will decrease.

a. General legal principles

Everyone has a right to get an education in Estonian. A school for national minority may choose some other language of teaching.¹⁰ In practice there have some cases, when a student has been forced to go to a Russian school, although parents wanted to choose an Estonian school. The reason for this has been poor knowledge of Estonian language. The Minister of Education and Research is planning to change its regulation¹¹ regulating the testing of language skills before entering a school. The other limitation is the residential clause, children have this right only in the municipality where their parents officially live. In other municipalities they may only enter a school, if there are free places.¹²

Children of school age shall be obliged to attend school until acquisition of basic education or until reaching the age of 17. Children who attain 7 years of age by 1 October of the current year are subject to the obligation to attend school.¹³ In order to make education accessible, the state and local governments shall maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law¹⁴.

Local governments are obliged to ensure educational opportunities for all children and young people between 7 and 17 years of age, until acquisition of basic education. Local governments register children subject to the obligation to attend school. The executive bodies of local governments along with schools monitor the performance of the obligation to attend school and create conditions for compliance therewith¹⁵. At the same time, schools are obliged to provide all children of the age of compulsory school attendance living in the service area of the school, with studying opportunities¹⁶. The problem for smaller local governments, may be that there are too few students to maintain a school with Russian or other minority language of teaching.

Parents can, themselves, choose an education institution for a child of the age of compulsory school attendance, provided there are places available in the desired school¹⁷. This means that the parents can choose a school for their child and each child also has the right to be admitted to the school which is located the nearest to his home.

In basic schools, specific stages of basic schools and specific classes of basic schools, any language may be the language of instruction.

The owner of the school may demand the school to change its unlawful decisions. If parents do not agree with the decisions of the school and its owner, they may apply to the governor of the county or the Ministry of Education and Research who supervise kindergartens, basic schools, high schools and vocational schools.

¹⁰ Para 37 of constitution.

¹¹ Regulation of the government No 154, 1994.

¹² Para 18 and 19 of the Basic Schools and Upper Secondary Schools Act.

¹³ Subsections 8 (1) and (2) of the Education Act.

¹⁴ Para 37 of constitution

¹⁵ Subsection 17 (5) of the Basic Schools and Upper Secondary Schools Act.

¹⁶ Para 19 of the Basic Schools and Upper Secondary Schools Act.

¹⁷ Para 18 of the Basic Schools and Upper Secondary Schools Act.

The language of teaching in schools

The language of teaching is chosen – in municipal schools, on the basis of a decision of the local government council, and in state schools, on the basis of a decision of the Minister of Education and Research. The board of trustees of a school shall make a corresponding proposal to the local government council or the Minister of Education and Research¹⁸ With the permission of the Government of the Republic the education in a minority language may also continue on the 4th stage (forms 10 to 12, gymnasium level) of study. To open a new school a minimum number of students, fixed in the Basic Schools and Upper Secondary Schools Act, is needed. There have been two cases, when a new school was initiated, but the initiators failed to prove the number of students, who would like to study in this school in this language.

A school should also have qualified teachers, who also attend courses of qualification. A school may only use the textbooks approved by the Ministry of Education and Research, and it should have other necessary learning materials listed in the decree of the Minister of Education and Research This is also a reason why there are so few schools in other languages.

b. special categories

i. stateless persons

In Estonia there are many stateless persons (who do not have Estonian citizenship and do not want Russian citizenship), who have ‘grey passports’. Of the 17,346 aged between 5 and 19, in 2004¹⁹, 8,604 of them were in Estonian-based schools²⁰. To get Estonian citizenship they have to pass successfully the state examinations in Estonian language (in basic school or gymnasium) and social studies (in gymnasium).

ii. non-citizens

The rights, freedoms and duties of each and every person, as set out in the Constitution, shall be equal for Estonian citizens and for citizens of foreign states and stateless persons in Estonia²¹.

Children of foreign nationals and stateless persons residing in Estonia, except children of foreign representatives, are subject to compulsory school attendance²².

In Estonia there is no official data about how long students have lived in Estonia. The number of newly arrived is still relatively low and higher in capital Tallinn and other cities.

iii. refugees

94 refugees (until 2004) have had 14 children, but most of them were too young to go to school. There has been only one family with two children, who had to go to a school. After a short language course they went to a local basic school. As the family left Estonia, they went to the school only 1,5 months. Each refugee has a right to get a free 160 hours course of Estonian²³.

Language rights in non-compulsory education (especially higher education)

In terms of the language of instruction and stages of education, the Estonian education system is continuously characterised by a tendency that the higher the education stage, the larger the share of Estonian in teaching.

¹⁸ Subsection 9 (1) of the Basic Schools and Upper Secondary Schools Act.

¹⁹ Kodakondsus- ja Migratsiooniamet, (2005) *Statistika*.

²⁰ Haridus- ja Teadusministeerium, (2004) *Statistika*.

²¹ Para 9 of the Constitution.

²² Subsection 8 (6) of the Education Act; para 17 of the Basic Schools and Upper Secondary Schools Act.

²³ Regulation of Government No 230, 1998.

High school

After high school, students have to pass an examination in their mother tongue (essay). In Russian-based schools they have to pass also an examination of Estonian as a second language. As a result the examination period is more intense and they have fewer possibilities to choose voluntary state examinations.

Vocational school

In 2002, there were also 7 vocational education institutions in Estonia where the language of instruction was Russian. There are also some Russian study-groups in Estonian-based vocational schools. In private vocational education institutions the language of instruction is also English or Russian.

In Estonia, it is possible to acquire vocational education both on the basis of basic education and on the basis of upper secondary education in Estonian and in Russian. It is possible to study various fields in Russian, in 15 state vocational educational institutions, in 2 municipal vocational educational institutions and in 9 private schools. When acquiring vocational education after basic education the teaching of Estonian language is obligatory. The state examination in Estonian as the second language is also obligatory to the pupils who have acquired secondary vocational education.

Higher education

In 2004, of 3,131 graduates of Russian-language schools, 65 % continued their studies to higher education level. Of those, 52% continued on state financed study places.²⁴

In state higher education institutions, the language of instruction is Estonian. In private applied higher education institutions and higher education institutions the language of instruction is also English or Russian. In 2003/2004, 6,124 students (9.8% of total students, which is 62,658) in higher education institutions had Russian as their main language of instruction. 2,878 students attended public or private universities (6.3% of total students in public and private universities), 2,457 attended applied higher education institutions (23.4% of total students). This number has been decreasing, as the graduates of Russian-language schools have improved their skills in Estonian language.

All Russian-language students are given comprehensive instruction in Estonian, which guarantees them with opportunities, equal to those of Estonian graduates, on the labour market. During the first academic year, students with a mother tongue other than Estonian and insufficient knowledge of Estonian language have the right to receive an additional year of Estonian language training, which is also intended to familiarise them with Estonian student life and culture in general. Costs of the additional year are covered by the state (on state financed study places).

Universities have set their own conditions for admitting new students. In the Public Service Academy of Estonia, there was a special examination in Estonian language for Russian speakers. In order to avoid accusations of discrimination, they now have this examination for all students.

Although Russian is not compulsory, or an official language, employers prefer workers who can speak Estonian, English and Russian as many workers and clients prefer to communicate in Russian. Other languages are needed in institutions, which have intense foreign contacts.

4. Conclusion

Although there is no official discrimination on the ground of language in Estonian schools, schools have few skills or experiences in how they should deal with students who do not sufficiently know the language of teaching. Learning in other languages may be an additional burden to students, their parents and schools but, after graduating, knowing other languages is an advantage in the labour market.

²⁴ EHIS (2005) *Õppurite register*. Üldhariduskoolide õpilased emakeele järgi.