



The lawsuit in defence of the Russian schools in Estonia

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On the 17th of September 2015 the Government of Estonia the third time already has declined the right of Russian gymnasiums in Tallinn to conduct the process of education in the Russian language of instructions. NGO "Russian School of Estonia" has initiated the lawsuit to defend the right of the Russian national minority for the education in our mother tongue. The aim is to cancel the ban imposed by the Government to educate in Russian language. At the given moment we have went through two courts in Estonia. The court of first and second instances have found the actions of the government to be legal. On the 15th of September 2016 there have been filed cassation appeals to the State Court of Estonia. That is the last court instance, after which we are going to appeal to the European Court of Human Rights.

Russians and Russophones make 31% of the population of Estonia. Despite that fact, Estonian courts and the Government implement the policy of a mono-ethnic state. Estonian courts justify the denial to teach in Russian language at our schools primarily by the fact that Estonian language is the state language in Estonia. We would like to recall that Russians are the autochthonous national minority in Estonia and the Russian schools start their history in Estonia from the XVIII century. The courts also refer to the preamble of the Constitution, which states that the Republic of Estonia is established in order to ensure the preservation of the Estonian nation, language and culture through ages to come. This provision has been interpreted by authorities in the way that the state is obliged to maximize estonization in all spheres of life, including the education. Education using Russian language of instructions, following that logic, is considered to be a threat to Estonian statehood. Estonian courts treat international norms through the internal, state legislation. The international norms can be applied if those do not violate Estonian laws. The recommendations of international organisations, such as OSCE, UN, Council of Europe, are simply ignored. The Estonian court during the ongoing process for defending Russian schools has refused to consider a violation of the Hague recommendations to ban the teaching in Russian. The court has referred to the fact that the Hague recommendations are not binding and have a recommendatory character.

The similar approach is used by Estonian authorities towards other recommendations. Those are treated with the cynical contempt, not counting recommendations as something necessary for implementation. For each observation coming from human rights defenders,

the Estonian authorities have their own, separate opinion. It lies in the fact that Estonia, as a country, is created for Estonians and the state has no obligations with respect to national minorities. Proceeding from this principle, all the talks about the rights of the Russian minority in Estonia already seem out of place. It can be also once again reminded about the mass statelessness in the European country. Permanent residents of the country, who are deprived of Estonian citizenship, account for 15% of the population. It is also possible to complain about the persecution of human rights defenders, including the defenders of Russian schools, but does it make sense?

We will soon continue the trial in the European Court of Human Rights against estonization of Russian schools. We hope that the European Court, unlike the Government of Estonia and the Estonian Court, does not consider that the rights of national minorities as a threat to the national security. And we also hope to find a support of OSCE for the issues concerning the protection of Russian schools in Estonia.

Thank you for your attention!