

LAW ON CULTURAL AUTONOMY FOR NATIONAL MINORITIES

Adopted on 26 October 1993

Chapter I. General Provisions

Article 1.

This Law considers as national minorities citizens of Estonia who:

- reside on the territory of Estonia;
- maintain longstanding, firm and lasting ties with Estonia;
- are distinct from Estonians on the basis of their ethnic, cultural, religious, or linguistic characteristics;
- are motivated by a concern to preserve together their cultural traditions, their religion or their language which constitute the basis of their common identity

Article 2.

(1) For the purposes of the present Law, cultural autonomy for national minorities is defined as the right of individuals belonging to a national minority to establish cultural autonomy in order to achieve the cultural rights given to them by the constitution.

(2) National minority cultural autonomy may be established by persons belonging to German, Russian, Swedish and Jewish minorities and persons belonging to national minorities with a membership of more than 3000.

Article 3.

(1) Every member of a national minority has the right to preserve his or her ethnic identity, cultural traditions, native language and religious beliefs.

(2) It is prohibited to ridicule and to obstruct the practice of ethnic cultural traditions and religious practices and to engage in any activity which is aimed at the forcible assimilation of national minorities.

Article 4.

Members of a national minority have the right:

- to form and support cultural and educational institutions and religious congregations
- to form ethnic organisations
- to practise cultural traditions and religious customs if this does not endanger public order, health and morals
- to use their mother tongue in dealings within the limits established by the Language Law
- to publish ethnic language publications

to conclude agreements of cooperation between ethnic, cultural and educational institutions and religious congregations
to circulate and exchange information in their mother tongue

Article 5.

(1) The principal objective of national minority cultural autonomy is:

the organisation of education in the mother tongue and monitoring the use of resources provided for this purpose the formation of national minority cultural institutions, organization of their activities and the organisation of ethnic cultural events the establishment and bestowment of funds, scholarships and awards for the promotion of national minority culture and education

(2) National minorities have the right, in the interests of their ethnic culture, to form institutions of cultural autonomy, that shall observe the laws of Estonia in addressing issues within their competence.

Article 6.

Foreigners residing in Estonia may participate in the activities of cultural and educational institutions and religious congregations of national minorities, but they may not vote or be elected or appointed to the leadership of the institutions of cultural self-government.

Chapter II. The National Register of National Minorities

Article 7.

(1) The application for national minority cultural autonomy shall be based on the national register of national minorities.

(2) The national registers of national minorities shall be prepared by ethnic cultural societies or their federations. Regulations for the keeping and use of national registers shall be established by the Government of the Republic.

Article 8.

(1) The national register contains the following information regarding a person:

given name and surname
date and place of birth
sex
ethnicity and mother tongue
personal code
marital status
data on children who are minors
place of residence
religious affiliation
signature of the applicant and date

(2) Children under the age of 15 shall be entered in the national register at the request of their parents.

(3) A person's name is included in the national register on basis of a personal application. The application may be submitted by mail.

Article 9.

A person shall be deleted from the national register:

at his or her request
if the person renounces Estonian citizenship or settles permanently in a foreign state
upon his or her death

Chapter III. The Establishment of the Principal Organizations for the Cultural Autonomy of National Minorities

Article 10.

Persons belonging to a national minority wishing to establish cultural autonomy shall present the appropriate application to the Government through their ethnic cultural society or federation of societies.

Article 11.

(1) The principal organizations of cultural autonomy for national minorities are the cultural council of a national minority and the cultural boards governing the activities of cultural autonomy institutions.

(2) A cultural council may form the city or county cultural council of a national minority or appoint local cultural representatives.

Article 12.

The cultural council of a national minority is elected in direct and uniform elections, by secret ballot. Voting takes place in voting districts, either in person or by mail.

Article 13.

(1) For the purpose of organizing the elections of a cultural council, an ethnic cultural society or federation of societies shall elect a general election committee, the composition of which shall be confirmed by the Government of the Republic and to which the Government shall appoint its representative so as to monitor compliance with electoral regulations.

(2) If necessary, the general election committee shall form local election committees and shall issue organisational directives on procedures for the holding of elections, tabulating and announcing results.

Article 14.

Electoral regulations for national minority cultural councils shall be drafted and approved by the Government of the Republic.

Article 15.

Electoral lists shall be compiled on the basis of the national register of national minorities prescribed by article 8 of the present Law.

Article 16.

(1) Elections shall not be held if less than one-half of the persons in the national register have consented to be registered on the electors list.

(2) The given national minority may submit an application for the holding of new elections to the cultural council no earlier than three years after any previous application.

Article 17.

(1) Electoral lists shall be made public no less than two months prior to the elections.

(2) Every person entered on the electors list has the right to request that his or her name be deleted from the list, until no later than two weeks prior to the elections.

Article 18.

(1) The number of members of the national minority cultural council shall be determined by the general election committee, however the number may not be more than 60 or less than 20.

(2) The cultural council is elected for a term of three years.

Article 19.

Elections to the national minority cultural council are considered to have been held if more than one-half of the electors entered on the electoral list participate in the elections and the election is held in accordance with the present Law and electoral regulations.

Article 20.

Protests and complaints regarding the carrying out of cultural council elections shall be resolved by the general election committee no later than two weeks after the announcement of election results.

Article 21.

The chairman of the general election committee shall convene the first meeting of the cultural council no later than one month after the results of the cultural council elections have been announced and shall preside over the session until the executive has been elected. Subsequently, the general election committee shall declare its authority to be terminated.

Article 22.

At the first meeting of the cultural council, a majority of the council shall adopt statutes regarding cultural autonomy which determine:

- the procedures for the election of the chairman, the vice-chairman and executive of the cultural council
- the procedures for the formation of cultural councils and their jurisdiction
- the formation of institutions of cultural autonomy
- the rights and duties of cultural autonomy organizations, based on their fundamental purposes as prescribed in Article 5 of the present Law
- regulations for the work of the principal organizations of cultural autonomy

Article 23.

Expenses related to the election of the national minority cultural council are paid by the national minority cultural autonomy body. However, expenses related to the election of the cultural council may be provided from the state budget.

Chapter IV. Institutions of Cultural Autonomy and the Financing of their Activities

Article 24.

Institutions of cultural autonomy are:

- educational institutions providing intensive instruction in the ethnic language or ethnic culture (pre-school institutions and schools)
- ethnic cultural institutions
- ethnic cultural enterprises and publishing houses
- ethnic social care institutions

Article 25.

The establishment of a national minority school(class) and the organisation of its work is governed by the provisions of the Law on Private Schools.

Article 26.

Institutions of cultural autonomy are independent legal persons, may own real property and are liable for their financial obligations.

Article 27.

(1) National minority cultural autonomy and its activities are financed from:

allocations from the state budget in accordance with the law and from specific contributions for that purpose
contributions specifically allocated from local government budgets to cultural autonomy educational, cultural and social care institutions
cultural autonomy membership fees, the amount of which shall be determined by the cultural council
contributions, donations and bequests
donations from foreign organisations

(2) Resources allocated for the specific purpose of national minority cultural autonomy may be used only in accordance with procedures prescribed for that purpose. The use of the funds shall be monitored in accordance with current legal acts by authorized state auditing bodies.

Chapter V. The Termination of the Activities of National Minority Cultural Autonomy Institutions

Article 28.

The Government of the Republic shall terminate the activities of institutions of national minority cultural autonomy where:

according to data in the national register of national minorities the number of members of a national minority who are permanent residents of Estonia has been less than 3000 for the previous 5 years during two consecutive elections for the cultural council it has not been possible to constitute an electoral list according to requirements less than one-half of citizens entered on the electoral list have participated in two consecutive elections

Article 29.

Upon the termination of its activities, the property of a national minority cultural autonomy institution shall be transferred in accordance with procedures established by decision of the cultural council.

Chapter VI. Final provisions

Article 30.

The Estonian Soviet Socialist Republic Law on the Ethnic Rights of Citizens of the Estonian SSR of December 15, 1989 is repealed. (ESSR Gazette 1989, 40, 618)

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http://www.einst.ee/society/cultural_autonomy_the_law.htm