

National Minorities Cultural Autonomy Act

Passed by the Act of 26 October 1993 (RT I 1993, 71, 1001), entered into force 28 November 1993.

amended by the following Acts:

05.06.02 entered into force 01.07.02 - RT I 2002, 53, 336;

19.06.02 entered into force 01.08.02 - RT I 2002, 62, 376.

Chapter I

General Provisions

Section 1.

For the purposes of this Act, a national minority shall mean Estonian citizens who:

- reside in the territory of Estonia;
- have long-term, sound and permanent ties with Estonia
- differ from Estonians by their ethnic belonging, cultural characteristics, religion or language;
- are led by their wish to collectively maintain their cultural customs, religion or language

which are the basis for their common identity.

Section 2.

(1) For the purpose of this Act, the cultural autonomy of a national minority shall mean the right of persons belonging to a national minority to establish cultural autonomy bodies in order to perform culture-related rights granted to them by the Constitution.

(2) Persons belonging to the German, Russian, Swedish and Jewish national minority, and persons of national minorities with a population of over 3000 may establish cultural autonomy bodies.

Section 3.

(1) A person of a national minority has the right to maintain his or her ethnic belonging, cultural customs, mother tongue and religion.

(2) It is prohibited to denigrate the customs and religious practices of any national culture, and to hinder the performance thereof, and it is also prohibited to engage in any activity aimed at forcing the members of a national minority to adopt the national characteristics of another nation.

Section 4.

Persons belonging to a national minority have the right to:

- 1) form and support national cultural and educational institutions and religious communities;
- 2) establish national organisations;
- 3) perform national traditions and religious customs if this does not violate public order, damage health or breach morality;
- 4) use their national tongue in public administration within the limits established by the Language Act;
- 5) publish printed matter in their national languages;
- 6) conclude cooperation agreements between cultural and educational institutions and religious communities;
- 7) disseminate and exchange information in their mother tongue.

Section 5.

- (1) The main objective of a cultural autonomy body is to:
 - 1) organise studying in the mother tongue and supervise the use of the assets prescribed for such purpose;
 - 2) establish cultural institutions of national minorities and organise their activity, and to organise national cultural events;
 - 3) establish foundations, and to grant stipends and awards for promoting the culture and education of national minorities.
- (2) National minorities have the right to establish, in the interests of national culture, their own institutions of cultural self-administration which, in dealing with matters within their competence, shall adhere to Estonian legislation.

Section 6.

Aliens residing in Estonia may take part in the activity of cultural and educational institutions and religious communities of national minorities but they cannot participate in the elections of, or be elected or appointed to the directing bodies of institutions of cultural self-administration.

Chapter II

Nationality Lists of National Minorities

Section 7.

- (1) The basis for application for establishment of a cultural autonomy body shall be the nationality list of the national minority.

(2) The nationality lists of national minorities shall be prepared by national cultural associations or unions of such associations. The procedure for the maintenance and use of nationality lists shall be established by the Government of the Republic.

Section 8.

(1) A nationality list shall set out the following concerning each person:

- 1) given name and surname;
- 2) the date and place of birth;
- 3) sex;
- 4) nationality and mother tongue;
- 5) personal identification code;
- 6) marital status;
- 7) data on minor children;
- 8) residence;
- 9) religion;
- 10) the signature of the applicant, and the date.

(2) Children under 15 years of age shall also be entered in the nationality list at the request of their parents.

(3) A person is entered in a nationality list based on the person's application. Such application may be sent by post.

Section 9.

A person is deleted from a nationality list:

- 1) at the request of the person;
- 2) if the person renounces Estonian citizenship or takes up permanent residence in a foreign country;
- 3) upon the death of the person.

Chapter III

Directing Bodies Cultural Autonomy Bodies and Formation thereof

Section 10.

(1) Persons of a national minority who wish to establish a cultural autonomy body shall submit, through the corresponding national cultural association or the union of such associations, an application to this effect to the Government of the Republic.

(2) The application shall be submitted pursuant to the procedure provided in the Administrative Procedure Act.

(19.06.02 entered into force 01.08.02 - RT I 2002, 62, 376)

Section 11.

(1) The directing bodies of a cultural autonomy body shall be the cultural council of the national minority, and the cultural board organising the activities of the institutions of cultural self-administration.

(2) A cultural council may establish county or town cultural councils of the national minority, or to appoint local cultural councillors.

Section 12.

Cultural councils of national minorities shall be elected by direct and uniform elections by secret voting. Voting shall be done in person at the polling division or by post.

Section 13.

(1) For organising the elections of a cultural council, the national cultural association or the union of such associations shall elect a general committee for the elections, the membership of which shall be approved by the Government of the Republic who shall also appoint a representative with the task to monitor compliance with the election rules.

(2) Where necessary, the general election committee shall establish local election committees and give directions for organising the elections, making summaries and publishing results.

Section 14.

The rules for the elections of a national minority cultural council shall be prepared and approved by the Government of the Republic.

Section 15.

The polling lists shall be prepared based on the national minorities' nationality lists specified in subsection 8 of this Act.

Section 16.

(1) Elections shall not be organised if less than half of the persons entered in the nationality list have given consent for their entry in the polling list.

(2) A national minority may submit an application for organisation of second elections of the cultural council of the national minority after three years from the previous application.

Section 17.

(1) The polling list shall be published for examination by the public at least two months before the election.

(2) Every person entered in the polling list has the right to request the deletion of his or her name from the list not later than two weeks prior to the election.

Section 18.

(1) The general election committee shall determine the number of mandates of a national minority cultural council which shall be between 60 and 20.

(2) The membership of a cultural council shall be elected for a period of three years.

Section 19.

The elections of a national minority cultural council are deemed to have been held if over a half of the persons entered in the polling lists participated therein and the elections were held in conformity to this Act and the election rules.

Section 20.

All protests and complaints concerning the organisation of the elections of a cultural council shall be settled by the general election committee not later than within two weeks after the publication of the election results.

Section 21.

Not later than one month after the publication of the election results of an election of a cultural council, the chairman of the general election committee shall summon the first session of the cultural committee, and shall chair the session until the time the board has been elected. After that the general committee shall declare their authority to be terminated.

Section 22.

At the first session of the cultural council, the statutes of a cultural autonomy body shall be approved by the majority of votes of the membership of the council which shall determine:

- 1) the procedure for election of the chairman, substitute chairmen and board of the cultural council;
- 2) procedure for the formation and authority of local cultural councils;
- 3) formation of institutions of cultural self-administration;
- 4) rights and obligations of cultural self-administration bodies based on the main objectives provided by section 5 of this Act;
- 5) rules of procedure of the directing bodies of cultural autonomy bodies.

Section 23.

The costs related to the election of a national minority cultural council shall be borne by the cultural autonomy body, and support may be granted from the state budget for covering the costs relating to the election of a national minority cultural council.

Chapter IV

Institutions of Cultural Self-Administration and Financing Activities thereof

Section 24.

Institutions of cultural self-administration are:

- 1) educational institutions where studies are conducted in the national language or which offer intensive studies of national culture (pre-school child care institutions and schools);
- 2) institutions of national culture;
- 3) enterprises and publishing houses of national culture;
- 4) national social welfare institutions.

Section 25.

Schools (classes) of a national minority are opened and their work shall be organised pursuant to the procedure provided by the Private Schools Act.

Section 26.

(Repealed - 05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)

Section 27.

(1) The funds of a cultural autonomy body and the bodies and institutions thereof are constituted of:

- 1) appropriations from the state budget according to law, and support designated for specific purposes;
- 2) support for specific purposes allocated from the budget of the local government to the educational, cultural and social welfare institutions of cultural self-administration;
- 3) cultural self-administration contributions in a size determined by the cultural council;
- 4) support, donations and bequests;
- 5) support by foreign organisations.

(2) A cultural autonomy body may use the assets allocated to it for specific purposes only pursuant to the prescribed procedure and for the intended purposes. Supervision over the use of the assets shall be exercised by duly authorised state supervisory bodies in adherence to the legislation in force.

Chapter V

Termination of Operation of Institutions of Cultural Self-Administration of National Minorities

Section 28.

The Government of the Republic shall terminate the operation of the institutions of cultural self-administration of a national minority:

- 1) if, based on the data in the nationality list of the national minority, the number of persons belonging to the national minority permanently residing in Estonia has been under 3000 during the last five years;
- 2) if for two consecutive elections of the cultural council, a conforming polling list was not prepared;
- 3) if in two consecutive elections of the cultural council, less than a half of the persons entered in the polling list participated;
- 4) at the proposal of the cultural council.

Section 29.

Upon termination of the operation of an institution of cultural self-administration, the assets belonging to such institutions shall be transferred pursuant to the procedure provided by a decision of the cultural council.