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PROBLEMS OF TOLERANCE/INTOLERANCE
IN THE POLITICAL SPHERE OF ESTONIA AND LATVIA

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Abstract

The aim of the article is to study the problems of intolerance in the Young Democracies of the EU on the example of Estonia and Latvia. The article is prepared on the basis of methodologies of neo-institutionalism, axiological (value) approach and comparative method. It has been proven that at the institutional level in Estonia and Latvia there is an understanding of the importance of preventing and combating intolerance. At the same time, in practice in these states there are manifestations of intolerance. An urgent problem is the rise of hate speech in political discourse. Tolerance towards members of sexual minorities remains acute, especially in Latvia. There has been some progress by Estonia in combating intolerance with regard to legalization for same-sex couples in civil partnerships. It is noted that the level of intolerance of Estonian society is significantly influenced by the political course of the ruling party EKRE. The author of the article argues that the voting of a significant number of Estonians and Latvians for parties that support anti-Semitic, xenophobic, homophobic, neo-racism, misogynistic ideas, shows the lack of stability of liberal-democratic values in the political and legal culture of the population. The state policy of the analyzed Baltic countries on combating intolerance covers only a part of the problems, and a number of others are silenced or openly ignored. The legal framework of Estonia and Latvia is not fully in line with EU law. Some EU recommendations on minimizing situations conducive to the spread of intolerant practices have not been implemented by Estonia and Latvia. As the range of problems of the quality of democracy in the EU countries has been steadily expanding in the last decade, their study remains a relevant area for political science. The article is theoretical in type using empirical data.

Keywords: intolerance, Estonia, Latvia, quality of democracy, defects of democracy.

Проблеми толерантності/інтолерантності
в політичній сфері Естонії та Латвії

Анотація

Метою статті є вивчення проблем інтолерантності у «молодих» демократіях ЄС на прикладі Естонії та Латвії. Стаття підготовлена на основі методологій неоконституціоналізму, аксіологічного підходу та компаративістики. Доведено, що на інституційному рівні в Естонії та Латвії наявне розуміння важливості запобігання та протидії інтолерантності. Водночас на практиці у цих державах наявні прояви інтолерантності, найперше в етнонаціональних питаннях. Актуальною проблемою є наростання мови ненависті у політичному дискурсі. Зберігає гостроту інтолерантність до представників сексуальних меншин, особливо в Латвії. Відзначено деякий прогрес Естонії у протидії інтолерантності з огляду на легалізацію для

одностатевих пар цивільного партнерства. Відзначено, що на рівень інтолерантності естонського суспільства істотно впливає політичний курс правлячої партії ЕКРЕ. Авторка статті доводить, що голосування значної кількості естонців та латвійців за партії, які підтримують антисемітські, ксенофобні, гомофобні, неорасистські, мізогіністичні ідеї, засвідчує недостатню стійкість ліберально-демократичних цінностей у політико-правовій культурі населення. Державна політика аналізованих країн Балтії з протидії інтолерантності охоплює лише частину проблем, а низка інших замовчуються або ж відкрито ігноруються. Нормативно-правова база Естонії та Латвії не відповідає повною мірою законодавству ЄС. Частина рекомендацій ЄС щодо мінімізації ситуацій, сприятливих для поширення інтолерантних практик, Естонією та Латвією не були виконані. Оскільки коло проблем якості демократії в країнах ЄС незмінно розширюється в останнє десятиліття, то їх вивчення залишається актуальним напрямком для політичної науки. Стаття є теоретичною за типом з використанням емпіричних даних.

Ключові слова: інтолерантність, Естонія, Латвія, якість демократії, дефекти демократії.

Проблемы толерантности/интолерантности в политической сфере Эстонии и Латвии Аннотация

Целью статьи является изучение проблем интолерантности в «молодых» демократиях ЕС на примере Эстонии и Латвии. Статья подготовлена на основе методологий неоинституционализма, аксиологического подхода и сравнительного анализа. Доказано, что на институциональном уровне в Эстонии и Латвии присутствует понимание важности предотвращения и противодействия интолерантности. В то же время на практике в этих государствах имеются проявления интолерантности, прежде всего, в этнонациональных вопросах. Актуальной проблемой является нарастание риторики вражды в политическом дискурсе. Сохраняет остроту интолерантность к представителям сексуальных меньшинств (особенно в Латвии). Отмечен некоторый прогресс Эстонии в противодействии интолерантности учитывая легализацию для однополых пар гражданского партнерства. Отмечено, что на уровень интолерантности эстонского общества существенно влияет политический курс правящей партии ЕКРЕ. Автор статьи доказывает, что голосование значительного количества эстонцев и латышей за партии, которые поддерживают интолерантные идеи, свидетельствует о недостаточно устойчивости либерально-демократических ценностей в политико-правовой культуре населения. Государственная политика анализируемых стран Балтии по противодействию интолерантности охватывает лишь часть проблем, а ряд других замалчиваются или игнорируются. Нормативно-правовая база Эстонии и Латвии не соответствует в полной мере законодательству ЕС. Часть рекомендаций ЕС по минимизации ситуаций, благоприятных для распространения интолерантных практик, Эстонией и Латвией на сегодня не выполнены. Поскольку круг проблем качества демократии в странах ЕС неизменно расширяется в последнее десятилетие, то их изучение остается актуальным направлением для политической науки. Статья является теоретической по типу с использованием эмпирических данных.

Ключевые слова: интолерантность, Эстония, Латвия, качество демократии, дефекты демократии.

Articulation of issue

The EU promotes tolerance as one of the most important conditions of its functioning. The EU advocates the values of diversity, “being an-

other or unlike”, the right to opinion pluralism.

The EU member-states signed Declaration of Principles on Tolerance (1995). Although, the EU member-countries are aimed at endorsing the rule

of law and liberal democracy, nowadays, all of them are challenged to a greater or lesser extent by violations of rights and liberties of “Others” through gender, age, educational, interethnic, racial, religious, political, sexual, etc. discrimination. We imply segregation, racism, xenophobia, migrant phobia, romophobia, homophobia, the increase of hate speech and others. Radical right-wing organizations, neoracists, religious fundamentalists, chauvinists, xenophobic or ethnocentric people and other disruptive groups reject the principle of tolerance publicly. Moreover, some high-ranking officials deliver hate speeches that go unpunished. All these violations challenge the EU’s policy of affirming the value of tolerance which is a cornerstone of the progress of the united European community. Thus, the effective prevention as well as counteraction of intolerance is on the EU agenda.

We should highlight that levels of particular types of intolerance vary significantly in different EU countries. The indicated demonstrations of intolerance also prevail in the “young” Baltic democracies. Moreover, Estonia and Latvia face common challenges and differ in the intolerance manifestations as well as in approaches of preventing and counteracting them. These processes should be studied.

Literature review

Despite the interest of the scientific community in the liberal-democratic progress of Estonia and Latvia, the compliance of these states with the principle of tolerance at the institutional and value level is insufficiently studied. The source base for the preparation of the article is: reports of the EU institutions; regulations of Estonia and Latvia; results of public opinion polls on discrimination; research by Estonian and Latvian political scientists (B. Bathke, R. Rungule, S. Seņkāne, M. Viies); analytical intelligence prepared by Estonian and Latvian civil society actors.

The purpose of the article: study the problems of intolerance in the Young Democracies of the EU on the example of Estonia and Latvia.

The research outcomes

The national legislation of Estonia as well as the state’s implementation of the international

rules are aimed at preventing and counteracting any discrimination through efforts of state institutions and civil society. However, it cannot be prevented completely in practice. We should mention that in Estonia issues of tolerance are greatly influenced by their history as foreigners ruled in these territories for a long time, for example, Danes, German, Swedes, Russians (tsarist and Soviet periods). Particularly traumatic was the Soviet occupation. Its results are still noticeable today, primarily, in terms of political culture of population. However, Estonia preserved its cultural, linguistic, etc. identity despite the huge external impact. This is the reason why Estonia (as well as Latvia) has chosen a model of ethno-national self-defense, which aims to ensure the privileged position of the titular ethnic group through strict conditions for acquiring citizenship, language, personnel policy.

Following the declaration of independence (and especially after a pseudo-referendum in 1993 and a separatist attempt to secede from Estonia by three cities: Narva, Sillamäe and Kohtla-Järve¹) the policy towards Estonia’s Russian-speaking minority was intensified. The critics of this approach determined it as discrimination and intolerance. The course of European integration has softened Estonia’s policy on this issue, as the EU has demanded a review of the acquisition of citizenship by the Russian-speaking population. Since 2015, Estonia has softened language requirements for people over 65. Since 2016, the automatic granting of Estonian citizenship to children born in Estonia, regardless of the citizenship of their parents was permitted [ECRI Report on Estonia ... 2015: 9]. Thus, there were 32 % of people who lived in Estonia without citizenship in 1992, 6.5 % of people in 2014 and 5.3 % of population at the beginning of 2020.

We should mention that contrary to Latvia, Estonia did not ban the Russian media. The study of administrative service portals and other important online resources in Estonia has shown that the Estonian population that does not speak the state language fully receives information through multilingual Internet services. For example, official information of COVID-19 is reported equally in

¹ The north-eastern region of Estonia that was culturally and media isolated from the rest of the country for a long time.

Estonian, English and Russian. The Estonian authorities support the policy of broadcasting significant information in many languages and this is an essential step towards establishing the principle of tolerance.

Manifestation of anti-Semitism is a sensitive topic in Estonia, as almost all Jews in the country were killed by January 1942. It was Estonia that the Nazis declared the first “Juden Frei” country in Europe (“territory free of Jews”). The Jewish community has been concerned about the recent initiatives by the Estonian Conservative People’s Party (EKRE). One of them was to return a monument to an Estonian soldier (a monument to soldiers of the Estonian SS Legion) that was exhibited in a Nazi uniform. A number of other crimes related to intolerance have been recorded, such as the desecration of a monument to Holocaust victims in the village of Kalevi-Liiva near Tallinn; it was marked with a swastika, a Nazi salute (August 2018). Another desecration of tombstones was in the ancient Jewish Rahumäe cemetery in Tallinn (June 2019), etc.

Discrimination and social exclusion of the Roma people are among the acute tolerance problems in many EU countries. The Roma community is small in Estonia (0.1 % of the population). Usually Estonian Roma have access to public health insurance and education. However, their level of education is low, therefore the unemployment rate is high. There are issues with the complete integration of the Roma people into Estonian society as well as destructive stereotypes about them still persist [Viies 2011: 3].

Although Estonia is considered more liberal to the LGBTQ community than other Baltic countries, discrimination and prejudice against this group have been widespread in Estonian society until recently. At the same time, even before Estonia’s accession to the EU in 2004, the state institution brought national legislation in line with EU norms regarding the inadmissibility of different forms of discrimination on the grounds of sexual orientation.

Estonia’s greatest progress in combating intolerance towards sexual minorities was achieved with the adoption of the law “On cohabitation” in 2014 (took effect in 2016). It allowed the legalization of relationships between people liv-

ing without marriage registration. This act was the first manifestation of the legalization of civil partnership in the post-Soviet space. It is an alternative to traditional marriage, which is possible in particular for same-sex couples. Since then, same-sex unions have been legally registered in Estonia (notarized), and homosexual couples have been equated in rights with heterosexuals living in civil marriages. It should be highlighted that in the case of homosexual couples, not marriage, but same-sex civil partnership is implied. Yet, the topic of same-sex relations remains controversial in the Estonian community.

Of course, tolerance for sexual minorities in Estonia is rising, albeit slowly. However, this growth is uneven for different socio-demographic groups. The level of tolerance of Estonians towards sexual minorities correlates with age, language of communication and level of education. The greatest support for the law is in the age group of 20-29. Most likely, this fact can be explained by the liberal democratization of the political culture of citizens who were born in independent Estonia and socialized largely by the influence of neoliberal democracy values.

Compared to other Baltic countries, the level of homophobia in Estonia is much lower. There are many more programs aimed at preventing it. However, intolerance towards sexual minorities is demonstrated in the statements of some government officials, political and public figures of conservative, clerical, and right-wing radical ideas.

It should be noted that in Estonia there is no legal regulation of the hate speech issue, although the problems caused by it are obvious in Estonian society. There are racist comments in social networks, state institutions do not respond properly to homophobic, transphobic statements of politicians. Moreover, reporting on cases of racial, homophobic and transphobic intolerance is insufficient, the level of training of police and judges to respond appropriately to hate speech is inadequate, management of the events that intend to draw public attention to the problem of hate speech and prevent it is problematic. These unresolved issues are highlighted by the European Commission against Racism and Intolerance [ECRI Report on Estonia ... 2015]. At the same

time, the efforts of Estonian state and non-state groups should not be ignored. For many years they have been conducting many social campaigns against racism, homophobia, etc. which contributes to the strengthening of Estonian tolerance.

The issue of overcoming xenophobia in the workplace remains relevant for Estonia. In companies, conflicts based on values related to the ethnicity of employees have been repeatedly reported. Since 2012, legal entities in Estonia have joined the signing of the Estonian Diversity Charter (2012) which obliges employers to respect the diversity of the current society as well as to protect staff from various discrimination in the workplace.

An important factor of the rising intolerance is the coming to power of radical, populist political parties, the intensification of the illiberal segment of civil society in many EU countries. Estonia is not an exception. Right-wing populist, Eurosceptic parties have been represented in the parliament in recent years. In particular, it is related to the EKRE party whose program is based on populism and the slogan “Estonia – for Estonians”. According to the results of its first election campaign (in 2015), this party entered into the Riigikogu (8 % of the vote), and in the next elections (in 2019) has already received 18 % of the vote. This is the largest increase in parliamentary representation among all Estonian parties, despite the fact that members of the EKRE party express misogynistic, anti-Semitic, xenophobic, homophobic and racist views [Bathke 2019]. This situation is an alarming marker for values of Estonian society. Even before the party entered Riigikogu, EKRE leaders voiced intolerant messages, such as “If You’re Black, Go Back!” [Conservative Politician ... 2013]. Today, the attitude of the party and its leaders is even tougher, that is, general opposition to migrants regardless of their skin color and country of origin.

One of the reasons for EKRE’s electoral success has been the escalation of the migration crisis in Europe since 2015 and the manipulation of anxiety about the possible problems of small Estonia, due to the need to comply with EU migration quotas. Although, immigrants are largely satisfied with life in Estonia, they assess the level

of Estonians tolerance as insufficient due to cases of disrespect, violence, prejudice against them personally or their community [Survey of new immigrants ... 2016]. It should be noted that as of 2018, Estonia has accommodated only two hundred refugees within the migration plan agreed by the EU member states in 2015.

Currently there are two refugee centers in Estonia (Vao, Vägeva) and the number of accommodated people is decreasing every year. In particular, as of May 1st, 2020, only 40 people lived in these centers [Lepik 2020]. Estonia declared that it is ready to join the EU in resolving the migration crisis, but in terms of providing technical assistance within EU refugee programs. This position of the state was announced by the Minister of the Interior of Estonia M. Helme and it is completely consistent with the EKRE course. According to M. Helme, as long as EKRE is a part of the Estonian government, the country will not be open to immigrants [Helme... 2019].

At the same time, Estonia is successfully implementing certain steps to overcome a number of intolerance problems. For instance, there were launched a system of data collection and a system of statistics on cases of racist and homophobic hate speech, which were reported to law enforcement agencies and prosecuted by the courts; the implementation of the integration strategy of vulnerable groups (Russian-speaking minority, stateless persons applying for citizenship of the Republic of Estonia, etc.) [ECRI Conclusions ... 2018]. Information campaigns are being implemented to form a positive perception of different nationalities inhabiting Estonia, for example, the TV program “Meie Eestid”.

In the Sustainable Development Strategy of Latvia until 2030 (“Latvija 2030”) tolerance is determined as one of the strategic principles. However, the document’s interpretation of the content of tolerance indicates a narrow list of fields for reducing social exclusion and discrimination, that is, “inequality of income, age and gender discrimination in the labor market, ethnic prejudices and linguistic institutional obstacles” [Sustainable Development ... 2010: 8].

One of the most acute intolerance and discrimination issues in Latvia is citizenship that has a historical background. World War II and Soviet

occupation have greatly changed the ethnic structure of the country's population. In 1994, Latvian parliament legislated the procedure for acquiring citizenship through naturalization. At the same time, the European institutions prompted the liberalization of the citizenship procedure.

Therefore, in Latvia (as in Estonia), the status of non-citizen has been authorized, and it can be changed via naturalization. It is criticized due to the fact that this status makes it impossible to exercise a number of human rights. Contrary to Estonians, Latvian non-citizens cannot vote in the local elections. In general, stateless persons consider this status discriminatory and the process of fulfilling the criteria to acquire citizenship is viewed as humiliation as well as restriction of human rights. These aspects exacerbate the issue. If Latvia is compared with Estonia, the percentage of non-citizens in the Latvian population is twice higher, however, their number decreases. In 1995, there were 28 % of stateless persons, in 2011 – 14.1 %, in 2017 – 11.4 %, in 2019 – 10.7 % and in 2020 – 10.4 %.

The EU institutions criticized Latvia repeatedly for having non-citizen children. Though their amount is not high (in 2016, there were 47, in 2017 – 51, in 2018 – 33 children), the situation itself is unacceptable in the context of the contemporary understanding of the children's rights and safety. In 2017, the President of Latvia Raimonds Vējonis initiated the automatic granting of citizenship to children born to the non-citizen parents, but then this innovation did not receive political support. On October 17, 2019, the Saeima of the Republic of Latvia passed historic legislation that automatically grants citizenship to all children born from January 1st, 2020 and it only requires an application from one of the parents. Thus, due to the law changes in the citizenship of the newborns, the number of non-citizens will gradually decrease, and the amount of people of retirement and pre-retirement age among non-citizens will grow.

Intolerance for sexual orientation is one of the most intense issues in Latvia. Same-sex relationships are legalized since 1992, and representatives of sexual minorities can serve in the army. However, they cannot marry, adopt a child or register a same-sex civil partnership as an alter-

native to marriage (as in Estonia). The Constitution of the Republic of Latvia prohibits same-sex marriage indirectly. In Article 10, the family is defined as the union of a man and a woman. Latvian sexual minorities continue to face additional legal and social challenges. A high percentage of Latvians are prejudiced against sexual minorities due to social conservatism.

The 2019 survey of Special Eurobarometer 493: Discrimination in the EU reported on the low level of tolerance of Latvians towards same-sex relationship: only 25 % of the respondents agreed that it is normal, while 68 % considered it unacceptable [Special Eurobarometer 493 2019]. However, Latvians were more tolerant answering the question whether the LGBTQ community representatives should have equal rights with the heterosexuals (49 % respondents agreed to the equality, while 43 % disagreed). At the same time, Latvia's level of intolerance towards sexual minorities is the highest among the Baltic countries. In general, Latvia develops from survival to self-expression values quite slowly and low level of tolerance for sexual minorities proves that [Rungule & Senkāne 2018: 95].

Thus, the stability of tolerance is currently a challenge for Latvia. We consider that a large percentage of non-citizens as well as the highest level of intolerance to sexual minorities among the Baltic States are the main reasons in problematic promotion of tolerance and prevention of intolerance in Latvia. Latvia's legislation is not completely in line with the ECRI's General Policy Recommendation No. 7 on combating racism and racial discrimination. Law enforcement agencies lack special services that would help the victims of hate crimes. Latvian officials and social activists do not adequately promote discourse against the racist, homo/transphobia hate speech. Marginalization of the Roma community persists, especially in terms of employment and the provision of public medical and educational services. There are manifestations of anti-Semitism, particularly in the Internet discourse. Despite the small number of refugees admitted by Latvia in recent years, there is a high level of intolerance towards asylum seekers.

In our opinion, these problems are related to the political and legal culture of Latvians which

is still quite intolerant of diversity as well as they do not have sustainable neoliberal-democratic values, which the EU focuses on. Countering intolerance remains an important component of the country's incomplete post-socialist democratization.

Conclusions.

Estonia and Latvia do not have uprising tendencies of intolerance, but Baltic state institutions do not provide effective or consistent strategies that enhance the principle of tolerance. It results in stagnation and reduction of counteraction of ethno-national intolerance, prevention of social anxiety and fears (romaphobia, islamophobia, migrant phobia, etc.), the spread of hate speech. Though, at the institutional level the Baltic countries realize that prevention and counteraction of intolerance is a guarantee for their further practice. Current destructive processes are determined by a number of reasons, that is, political culture of development in the EU, not all the conditions required by Copenhagen criteria are followed in population, lack in the activity of lib-

eral-democratic part of civil society, absence of political freedom among the leading state bodies, etc. They take place due to an increase of new populist, radical, conservative clerical and other political entities in the context of the socio-economic problems in the world. Thus, this implies the worldwide deterioration of quality of democracy.

In our perspective, intolerance solving activities of state institutions are related to features of political culture of the post-Soviet democracies and population's values. The Baltic communities combat intolerance passively. Their inactivity is impacted by the dominant conservatism of political legal culture and instability of liberal democratic values among the citizens. The Baltic political culture demonstrates intolerance towards diversity, while the liberal-democratic values that the EU endorses remain unsustainable. We consider that particularly the change of values is the basis for the establishment of the principle of tolerance in the Baltic States.

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