

ECRI REPORT ON ESTONIA

(sixth monitoring cycle)



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI’s country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI’s reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 9 December 2021; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fifth report on Estonia on 16 June 2015, progress has been made and good practices have been developed in a number of fields.

The effective and collegial relationship between the two equality bodies, namely the Gender Equality and Equal Treatment Commissioner (GET) and the Chancellor of Justice has continued.

In the field of inclusive education, the authorities have adopted a 'bullying-free education' concept in 2017 and several bullying prevention programmes were implemented.

The social acceptance of LGBTI persons has increased recently and a number of developments promoting LGBTI equality have taken place.

The authorities have initiated some measures to thwart hate speech by developing a counter-narrative, including a nationwide campaign on equality and inclusion. The Victim Support Act was amended in 2017 to strengthen victim support services, including for hate crime victims, and a helpline was set up in 2019.

The guidelines on hate crimes for law enforcement agencies were updated in 2019. Several measures have been taken for increasing the capacity of law enforcement agencies to effectively identify and investigate bias-motivated crimes. This included cooperation with local authorities, in particular municipal police services and civil society organisations.

The previous national integration development plan "Integrating Estonia 2020" has been implemented through various measures and its impact regularly monitored. Many resources have been invested in the integration and inclusion of the Russian-speaking population and of beneficiaries of international protection, with a special focus on language acquisition and long-term integration into the labour market. Among others, the Estonian Language Houses were opened in Tallinn and Narva in 2018 and 2019 respectively, and a regional job creation subsidy was created for employers in areas with higher unemployment rates. Innovative steps have also been taken through online tools, such as the counselling portal developed by the Integration Foundation and a 24/7 toll-free helpline that proved useful during the Covid-19 pandemic.

The divide between Estonian-language and Russian-language schools has somewhat

lessened with the development of immersion schools at basic level and integrated schools at secondary level.

The authorities have increased their efforts on Roma inclusion, with a particular emphasis on Roma women, and Roma was included in the most recent integration strategy entitled 'Cohesive Estonia 2030'.

ECRI welcomes these positive developments in Estonia. However, despite the progress achieved, some issues give rise to concern.

The provisions governing the establishment of the Gender Equality and Equal Treatment Commissioner (GET) regarding competences, independence and effectiveness are still not fully in line with ECRI's General Policy Recommendation No. 2 on Equality Bodies to combat racism and intolerance at national level. Furthermore, it lacks sufficient human and financial resources.

The anti-discrimination legislation provides varying degrees of protection for different grounds of discrimination, which constitutes an obstacle to access to justice for certain groups of victims of discrimination.

The authorities have failed to adopt the implementation provisions of the Registered Partnership Act, thereby hindering a consistent and full application of this act in practice. Furthermore, regulations governing legal gender recognition and gender reassignment lack clarity.

The authorities have neither carried out nor commissioned any research into discrimination of LGBTI persons. Moreover, Estonia still does not have a national LGBTI strategy or action plan to address, in a comprehensive manner, issues of discrimination and intolerance vis-à-vis LGBTI persons.

Public discourse has become less tolerant and political speech has taken on divisive and antagonistic overtones particularly targeting refugees and migrants, ethnic/religious minorities and LGBTI persons during the period in which the far-right party was part of the coalition government.

The legal framework on hate speech falling within criminal law remains extremely limited and criminal action is almost never taken. The legislation continues to lack provisions on racism and other hate motivations, including on motivation based on sexual orientation or gender identity, as an aggravating circumstance, which

makes the responses of the Estonian authorities to hate incidents and hate crimes not fully adequate.

Despite the authorities' rigorous efforts in implementing comprehensive integration policies, the situation of the Russian-speaking population remains characterised by higher levels of social exclusion. These persons often occupy the most disadvantaged positions in the labour market. In the area of education, challenges due to the linguistic divide in Estonian and Russian also persist.

Notwithstanding the commendable steps taken by the authorities to strengthen the capacity in the area of integration of persons under international protection, the current design of integration measures falls short of addressing the various needs of different target groups (refugees, newcomers, permanent residents). Moreover, roles and competences between institutions and other partners, including local authorities and service providers, are not always clear, nor well-coordinated.

In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.

The Gender Equality and Equal Treatment Commissioner (GET) should be fully independent at institutional and operational level, and be provided with sufficient human and financial resources.

Legislative amendments to the Equal Treatment Act and other related laws should be made with a view to ensuring accessible and effective general anti-discrimination legislation covering all grounds and all areas of life, in line with ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

The implementation provisions of the Registered Partnership Act should be adopted without any further delay to ensure full enforcement.

The current legal framework on gender recognition and gender reassignment should be amended with a view to bringing it in line with Council of Europe relevant standards.

The authorities should reinforce their responses against hate speech by setting up an inter-institutional working group to develop a

comprehensive strategy to tackle effectively the problem of racist and LGBTophobic hate speech. This group should include the relevant authorities, as well as equality bodies, civil society organisations and, to the greatest extent possible, media representatives. This strategy should make effective use of ECRI's General Policy Recommendation No. 15 on combating hate speech.

Urgent steps should be taken to amend Article 151 of the Penal Code with a view to ensuring that anyone who engages in hate speech of a criminal nature is duly prosecuted and punished. This criminal offence should apply to groups as well as individuals without any threshold for its qualification. In addition, citizenship and gender identity should be included among the prohibited grounds.*

The authorities should organise a broad consultation of practitioners, in particular teachers and other education professionals working with pupils and students with Russian and other non-Estonian backgrounds, parents' associations and organisations representative of the relevant communities, in order to effectively implement the new Estonian strategies of relevance to education.*

The authorities should revise integration measures with a view to adopting more tailored measures addressing the needs of different target groups, in close co-operation with the local authorities and representatives of each target group. An institutionalised approach to co-operation between central and local authorities should also be ensured.

* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies¹

1. There are two equality bodies in Estonia, relevant to the work of ECRI, namely the Gender Equality and Equal Treatment Commissioner (GET) and the Chancellor of Justice. As explained in ECRI's previous report², while both bodies work for the promotion of equal treatment, their institutional structures and competences remain largely different. The following analysis focuses mainly on the lacunae.
2. The GET was established through the Gender Equality Act in 2004 and its mandate was expanded with the adoption of the Equal Treatment Act (ETA) in 2009. The mandate of the GET is limited to the scope of the ETA (see also § 103-104 of this report and the recommendation in §105) and does not explicitly cover hate speech, the discrimination grounds of language, citizenship and gender identity and multiple as well as intersectional discrimination, as recommended in § 4 a and b of General Policy Recommendation (GPR) No. 2 on equality bodies to combat racism and intolerance at national level.
3. Despite the GET having many of the functions and powers listed in §§ 13 (promotion and prevention competences) and 14 (support and litigation competences) of ECRI's GPR No. 2, it is not mandated to intervene as *amicus curiae*, third party or expert or to pursue strategic litigation and to bring cases before the courts.³ ECRI notes that, as it is not a quasi-judicial institution, the GET does not take decisions on complaints in relation to individual cases on discrimination.⁴ Nonetheless, it gives non-legally binding opinions on those cases lodged before it.⁵ ECRI was informed that the GET received 319 applications in 2020, 308 in 2019, 304 in 2018 and 440 in 2017. Furthermore, while the GET has an explicit duty to advise and assist people exposed to discrimination, it has no competence to provide legal representation to those victims. ECRI was informed that in practice, the Commissioner or her advisers deal with legal counselling at their premises.⁶
4. Concerning independence and resources, although the GET performs its tasks impartially and independently, as guaranteed under the ETA (Article §15(1)), it is not a legal entity separate from the executive, as called for in § 2 of ECRI's GPR No. 2. The GET is administratively attached to the Ministry of Social Affairs and the Commissioner is appointed by the Minister of Social Affairs. Moreover, the budget of the GET is also still part of the Ministry of Social Affairs' budget, even if it has been indicated in a separate line since 2018. ECRI is pleased to note the significant increase in the GET's financial resources (503 471 euros in 2021 compared to 197 000 euros in 2018). However, it is concerned that the GET still lacks the human resources necessary to carry out its mandate effectively.⁷ ECRI was surprised to learn that there are only six staff members employed in its Office and was informed that scarce resources oblige the Office to prioritise some tasks over others, resulting in certain competences of the GET being underused. In this regard, ECRI notes with great interest that, during the contact visit, potential discrimination in the use of artificial intelligence was mentioned as one of the areas that is expected to

¹ The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2 which was published on 27 February 2018.

² ECRI (2015): § 22-30.

³ See also comments by the United Nations (UN), Human Rights Committee (HRC) (2019): §10.

⁴ Article 23 of the Equal Treatment Act (ETA).

⁵ Article 17 of the ETA.

⁶ Article 16 of the ETA; EELN (2021): 46.

⁷ See ECRI (2015): § 29 and similar concerns in UN, CESCR (2019): §10-11; CoE, CommDH (2018)14: p. 26-28.

be of growing importance for the mandate of the GET. ECRI encourages the GET in expanding its work to include this newly emerging area and considers that allocating adequate resources are crucial, and even more so in view of such potential developments. Ensuring the necessary legal safeguards for its independence is also key for its effective functioning.

5. ECRI recommends that the authorities bring the provisions of the Gender Equality and Equality Treatment Commissioner's (GET) competences, independence and effectiveness in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. In particular, they should i) extend its mandate to cover explicitly action to prevent and combat racist and other forms of hate speech, the discrimination grounds of language, citizenship and gender identity and multiple and intersectional discrimination; (ii) provide it with the competences to represent people exposed to racism and discrimination before the courts and institutions; bring cases of discrimination before the courts and intervene in legal proceedings as *amicus curiae*, third party or expert. The authorities should also ensure that the GET is fully independent at the institutional level and receives the necessary financial and staffing resources to cover all aspects of its mandate fully and sustainably.
6. ECRI recalls that the Chancellor of Justice, which was established in the 1938 Constitution of Estonia and re-established in accordance with the principle of continuity in the Constitution approved by a referendum in 1992, is a multi-mandated institution. Initially set up as the guardian for constitutionality and a typical ombudsman, it was also designated as an equality body in 2003. The Chancellor of Justice is appointed by the Parliament and is independent in his or her decision-making. Chancellor's Office has a budget of its own.⁸ Currently, along with equal treatment and non-discrimination issues, the Chancellor of Justice operates in a wide variety of other areas such as children's rights, disability rights and the prevention of torture and other forms of ill-treatment through its functions as Ombudsman for Children, an independent mechanism to promote, protect and monitor the rights of persons with disabilities and National Preventive Mechanism against torture and other forms of ill-treatment. Since 1 January 2019, it has also been the National Human Rights Institution (NHRI) in Estonia. In this regard, ECRI welcomes the fact that the Chancellor of Justice received the A-status accreditation in December 2020, which signifies full compliance under the United Nations (UN) Paris Principles.⁹
7. The competences of the Chancellor of Justice as an equality body are provided for in Articles 19 and 35⁵-35¹⁶ of the Chancellor of Justice Act.¹⁰ The Chancellor issues statements after she or he reviews complaints, in which she or he expresses her or his opinion and makes proposals for the elimination of the violation. Furthermore, as a quasi-judicial body, it also has the competence to arrange for conciliation proceedings in discrimination disputes between persons governed by private law.¹¹ The Chancellor received 11 complaints regarding discrimination in the period 2019-2020¹², while this number was 30 in 2020-2021.¹³ In either year, no conciliation proceedings were initiated.
8. In its fifth report, in view of overlapping competences regarding cases of discrimination, ECRI recommended that the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner devise and publish a joint formal

⁸ The Constitution of Estonia, § 139-145.

⁹ The Chancellor of Justice (2021b); EU, FRA (2021a).

¹⁰ EELN (2021): 45.

¹¹ Article 35⁵-35¹⁶ of [the Chancellor of Justice Act](#).

¹² The Chancellor of Justice (2020).

¹³ Õiguskantsleri aastaülevaade 2020/2021, võrdse kohtlemise peatükk.

procedure enabling complainants to make informed decisions as to which institution is better suited to deal with their cases. Although such a formal procedure has not yet been established, ECRI is pleased to note that both institutions have expressed the existence of a very effective and collegial relationship between them, which has been built on each other's mandate, capacities and expertise. While such a good practice is mainly the result of efforts by the two equality bodies themselves, ECRI encourages the authorities to support this synergetic relationship, without infringing on the independence of these institutions in any way, and to refrain from any measures that might jeopardise their co-operation in the future.

B. Inclusive education

9. This section deals with education policies¹⁴ whose aims are to combat exclusion and marginalisation through an inclusive education devised for all, and to create a tolerant multicultural society in accordance with sections II and III of ECRI's GPR No. 10.¹⁵ ECRI strongly supports inclusive education which ensures that children are afforded equal opportunities in education by respecting diverse needs and abilities and eliminating all forms of discrimination.
10. The Basic Schools and Upper Secondary Schools Act¹⁶ defines the implementation of inclusive education as a fundamental principle of the Estonian education management. According to the information provided by the authorities, based on the results of a study conducted by the Ministry of Education and Research in 2016¹⁷, this Act was amended in 2018 with a view to creating greater opportunities for schools to adjust to pupils' individual needs and to set up relevant support systems. The Estonian Life-Long Learning Strategy, which expired in 2020, explicitly mentioned this principle, calling for an education system that offers equal learning opportunities for every individual. The draft Development Plan for Education (2021-2035) also sets policy targets (under Strategic Objective 1) on ensuring the right to inclusive education through several lines of action, which ECRI welcomes.¹⁸
11. In its GPR No. 10, ECRI recommends that human rights education is an integral part of the school curriculum at all levels and across all disciplines. In Estonia, human rights education has been integrated into the school system through "social studies", which constitutes one of the eight compulsory subjects¹⁹ in the national curriculum. The latter stipulates that, as an educational outcome of this subject, "the pupils should understand and respect democracy and human rights and be able to value 'freedom, justice, human dignity, non-discrimination, and equality'".²⁰ Study materials must further take into account "the principle of multiculturalism and avoid stereotypes that incite gender-based, nation-based, religious, cultural or racial prejudice".²¹ ECRI takes positive note of the content parameters of this subject as well as related materials across compulsory curricula.

¹⁴ This section relates to education for all children and young people. Specific measures for the education of migrants, Roma and Russian speaking population are dealt with under the heading of integration and inclusion.

¹⁵ [ECRI General Policy Recommendation N°10 on combating racism and racial discrimination in and through school education](#).

¹⁶ the Basic Schools and Upper Secondary Schools Act (09.06.2010), § 6.

¹⁷ Räis, Mari Liis/Kallaste, Epp/ Sandre, Siiri-Lii (2016), Haridusliku erivajadusega õpilaste kaasava hariduskorralduse ja sellega seotud meetmete tõhusus; Eesti Rakendusuuringu Keskusest CentAR.

¹⁸ Haridusvaldkonna arengukava 2035 eelnõu, p. 11-15.

¹⁹ The others for the basic schools are language and literature, foreign languages, mathematics, natural science, art and music, technology, and physical education. For the upper secondary school level, these subjects remain the same except technology, which is no longer compulsory.

²⁰ Appendix 5 of the National Curriculum for Basic Schools as well as the National Curriculum for Upper Secondary Schools (last amended 2014).

²¹ UNESCO, Observatory on the Right to Education, Country profile: Estonia.

12. While the national legal and institutional framework offer a solid base for human rights education, a study²² that was commissioned by the Ministry of Education and Research revealed that human rights are not systematically applied to learning processes and teachers often lack the skills to teach and apply human rights in the classroom, or to address related questions raised among the pupils.²³ The study also indicated that there is a need for Russian-language support materials and trainings on human rights. It was planned to use the findings of this study for the development of an Estonian human rights education strategy, which, to ECRI's knowledge, has not yet been developed.
13. The authorities informed ECRI that human rights are extensively addressed in initial and in-service training for teachers and that teachers have participated in projects, such as the Baltic Partnership for Human Rights Education and Education for Democratic Citizenship, which aimed to contribute to the implementation of the Council of Europe's Charter on Education for Democratic Citizenship and Human Rights Education.²⁴ This initiative held a forum with the participation of teachers, school leaders, civil society representatives, parents' associations and youth organisations which discussed the challenges encountered in the teaching environment. One of the issues highlighted by the participants was the absence of specialised training on these topics. In this regard, ECRI considers the training programmes offered through the Regional Baltic Summer Academy²⁵, in which Estonia was an active partner, as a **good practice** and notes that mainstreaming good practices from different schools is a key tool to better develop inclusive education strategies.
14. In accordance with General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education, ECRI recommends that the authorities reinforce initial and continuous teacher training on issues relating to human rights. Related teaching materials should be reviewed to respond to the diverse needs of pupils from different backgrounds, including Russian-speaking children, and the members of the teaching profession should be provided with venues where they can regularly share experiences and update methods used for teaching human rights.
15. ECRI's GPR No. 10 also recommends setting up a system to monitor racist and intolerant incidents at school. In 2017, the Ministry of Education and Research approved a 'bullying-free education' concept that focuses on cooperation between different partners to create a safe school environment. Bullying prevention programmes were made accessible to nursery, primary schools and upper secondary schools as well as vocational ones. Several programmes, such as the leading anti-bullying programme KiVa, a behavioural skills game VEPA and a peer support programme T.O.R.E, have further been implemented²⁶. A dedicated 'Bullying-free school' website offering practical advice for pupils and students, teachers, school directors and parents has also been maintained by the Ombudsman for Children.²⁷ ECRI considers these measures as **promising practices**.
16. Despite these efforts, civil society representatives informed ECRI that bullying against LGBTI pupils and students remains an issue. In a survey conducted among

²² Study on the Human Rights and Fundamental Values of Human Rights in Estonian Schools and Education Policy, Baltic Research Institute and Estonian Center for Human Rights (2017).

²³ Ibid: 76.

²⁴ Baltic Partnership for Human Rights Education and Education for Democratic Citizenship (2017).

²⁵ Training programmes offered through this annual Academy aim to foster an inclusive and democratic culture by training teachers, school leaders, community members and student representatives in citizenship and human rights education.

²⁶ See details on [KiVa](#), [VEPA](#) and [T.O.R.E](#).

²⁷ The Chancellor of Justice: 'Bullying-themed website launches' <https://www.oiguskantsler.ee/en/bullying-themed-website-launches>

LGBT+ students in 2018²⁸, 68% of participants stated that they had experienced harassment because of their sexual orientation or gender identity, while only 33% of participants who had experienced violence reported it to school authorities. The same survey also suggested that school authorities had rarely intervened in cases, for instance, when hateful remarks were made, which therefore led to feelings of emotional and social isolation among these pupils and students. Furthermore, only 42% of participants reported that LGBT topics were mentioned in their school. Against this background, while ECRI welcomes the authorities' ongoing efforts to prevent bullying at schools, it observes that more tailored policies on tackling discriminatory bullying and promoting diversity should be developed. ECRI considers that creating the conditions under which pupils and students from all backgrounds can thrive is crucial for them to reach their potential and achieve the best possible school results.

17. ECRI recommends that the authorities build on the achievements already made with regard to preventing and combating racism and intolerance in schools. In particular, they should move on from general anti-bullying activities to developing and implementing group-specific modules against bullying of children deemed vulnerable on the grounds of their national or ethnic origin, sexual orientation, gender identity or sex characteristics, amongst other things.

C. Irregularly present migrants

18. In its GPR No. 16²⁹ on safeguarding irregularly present migrants from discrimination, ECRI calls for the creation of effective measures ("firewalls") to ensure fundamental human rights of irregularly present migrants in fields such as education, health care, housing, social security and assistance, labour protection and justice. Such firewalls should separate the activities of immigration control and enforcement from the provision of services, so that irregularly present migrants do not refrain from accessing their rights due to fear of deportation (see in particular §§ 3, 11 and 12 of GPR No. 16).
19. Very little data is available about the actual number and the living conditions of persons with such a status in Estonia. According to Eurostat figures³⁰, 1330 non-EU citizens were found to be "illegally" present in Estonia in 2020. Earlier years saw an increase in the number of persons involved in irregular migration (1410 persons in 2019 compared to 1110 in 2018).³¹ The Police and Border Guard Board issued 1260 return decisions for illegally staying third country nationals in 2020, while this number was 1985 in 2019.
20. ECRI notes that certain "firewalls" are implicit in law. For instance, the Republic of Estonia Education Act, in its Article 4, guarantees access to education to all children. While schools have no duty to report the legal status of pupils and students to the law enforcement and immigration authorities, procedural requirements for enrolment, such as the provision of identity documents and proof of residence, can in practice restrict or deter access. In this connection, the Chancellor of Justice informed ECRI that it received a complaint from a school administration after a 11-year-old student was prohibited to enter the school by the Police and Border Guard Board. Following the Chancellor's intervention, the student concerned was eventually allowed to return to the school.
21. Similar to school authorities, health care authorities also have no obligation to report irregularly present migrants.³² However, the law also does not explicitly

²⁸ LGBT+ Students' School Climate Survey of Estonia (2018). This survey was the first of its kind in the country: ILGA (2020).

²⁹ See §§ 3, 4, 11 and 12 of the GPR and §§ 3, 4, 11 and 12 of its Explanatory Memorandum.

³⁰ Eurostat (2021).

³¹ European Migration Network (2019): 40.

³² IOM (2016a): 58.

forbid them to do so. Studies³³ have shown that irregularly present migrants refrain from seeking health care when necessary because they are afraid of being reported to the police or immigration authorities. In this connection, the Chancellor of Justice informed ECRI that it came across information indicative of irregularly present migrants having been detained after having visited health care facilities. At the same time, there are no legal or organisational sanctions against healthcare professionals or organisations that assist undocumented migrants, which ECRI welcomes.

22. ECRI notes that even if irregularly present migrants do not have access to free primary and secondary health care³⁴, they are entitled to receive emergency medical care unconditionally.³⁵ Furthermore, the coverage of health care for migrant children who attend school is wider and they, whether with their parents or unaccompanied, have the same entitlements to health care as children who are Estonian nationals³⁶, which ECRI considers as a **good practice**.
23. As for employment, migrants working in Estonia, in an irregular situation or not, are entitled to bring claims to civil courts for the violations of their labour rights. Moreover, the authorities informed ECRI that local municipalities offer emergency social assistance, including food, clothing and temporary accommodation, in case irregularly present migrants find themselves in a helpless situation. Despite the availability of these options, ECRI is not aware of any statistical data on persons who have made use of them. In this regard, ECRI invites the authorities to collect data on the number and living conditions of migrants irregularly present in Estonia and review the applicable rules with a view to eliminating practical obstacles limiting access to basic services, particularly in the fields of education, health care, housing and labour protection.

D. LGBTI equality³⁷

24. On the Rainbow Europe Map 2020 reflecting the European countries' legislation and policies guaranteeing LGBT rights, Estonia ranks 23rd over 49 countries scored, with an overall score of 38.1%.³⁸ Despite the level of social acceptance of LGBTI persons having increased significantly in recent years³⁹, according to a FRA survey⁴⁰ conducted in 2019, 30% of participants were fairly or very open about being LGBT, whereas the EU average was 47%. The same survey showed that 39% of participants had experienced discrimination in the previous twelve months. Based on the information received from the Gender Equality and Equal Treatment Commissioner, nine cases of discrimination were recorded in 2018 and in 2019, respectively, on grounds of sexual orientation in employment.
25. In the field of legislation, where criminal law is concerned, ECRI notes that the Penal Code mentions sexual orientation among the protected grounds under Article 151 but makes no mention of gender identity (see § 55 and the recommendation in §56 of this report). As regards civil and administrative law, ECRI refers to the analysis contained in § 103 on topics specific to Estonia and the recommendation made in § 105.

³³ IOM (2016b): 18.

³⁴ Provision of these medical services are available only against payment. See EU FRA (2016).

³⁵ According to the Health Services Organisation Act (09.05.2001), Articles (§ 6(1) and § 16(2).

³⁶ Spencer, S. and Hughes, V. (2015): 15, 29, 33. ECRI notes that Health Insurance Act provides health care insurance for all children who attend school under the age of 19 and students up to 24.

³⁷ For terminology, see the definitions set out in CoE Commissioner for Human Rights 2011.

³⁸ <https://rainbow-europe.org/country-ranking>

³⁹ A [public opinion survey](#) conducted by the Estonian Human Rights Center in 2021 revealed that the number of persons who consider same-sex attraction acceptable (53% of participants) has risen by 12% compared with the earlier survey (% 41 in 2019).

⁴⁰ EU-FRA (2020b): EU LGBTI survey II, A long way to go for LGBTI equality, [Estonia](#) country data.

26. Estonia introduced same-sex registered partnerships in 2016 through the Registered Partnership Act.⁴¹ This recognition has given same-sex couples equal rights in a number of important social and economic areas, such as adoption and property. For its full enforcement, this act requires a review of several other acts, such as the Family Law Act and the Population Register Act and the adoption of implementing provisions. ECRI regrets to note that these legislative changes have yet to be made.⁴² Civil society representatives⁴³ indicated to ECRI that in the absence of these provisions, some notaries refuse to authenticate partnership agreements and couples experience obstacles in adoptions, obliging these persons to resort to the courts.⁴⁴ In this respect, the Supreme Court of Estonia held in a constitutional review in 2018,⁴⁵ through which it confirmed the validity and binding force of the act, that this regulatory gap may be overcome if courts interpret the act in line with the Constitution and by way of application of general principles of law. While this is a positive call, ECRI considers that such interpretation may vary among different courts and thus, implementing provisions, which offer a clear legal framework, are necessary to ensure the consistent and full application of this act in practice.
27. ECRI reiterates its recommendation that the amendments to the sectoral legislative acts and implementation provisions of the Registered Partnership Act should be adopted without any further delay to ensure its full enforcement.
28. Despite the pending issues regarding the implementation of the Registered Partnership Act, ECRI welcomes a number of developments promoting LGBTI equality. For example, in June 2019, the Supreme Court of Estonia⁴⁶ found the sections of the Aliens Act denying registered same sex partners' the right to temporary residence permit unconstitutional and also repealed the provisions of the Aliens Act that are limited to partners in a marriage. In June 2020, the President of the Republic refused to promulgate amendments to the Foreign Service Act (45 SE) on account of it being discriminatory in the light of the Registered Partnership Act.⁴⁷ Furthermore, the proposal to hold a referendum for defining marriage in the Constitution as a union between a man and woman was rejected by the Parliament in January 2021.⁴⁸
29. In its fifth report, ECRI stated that the situation of transgender persons in Estonia is complicated due to lack of legislation and recommended (§100) that the authorities review the rules in force so as to clarify these persons' administrative status during gender reassignment. While no other legislation on these topics has been enacted since this recommendation has been made, a committee of medical experts set up by the Ministry of Social Affairs has continued determining legal gender recognition and gender reassignment. ECRI notes that these two processes are governed under the same regulation⁴⁹ and legal gender recognition

⁴¹ See ECRI 2015: §§ 93-94.

⁴² See similar UN, Human Rights Council (2021), Report of the Working Group on the Universal Periodic Review on Estonia, A/HRC/48/7.

⁴³ See also Equal Treatment Network (2021), [Joint Submission](#) to the Third Periodic Review of Estonia before the UN Human Rights Council, § 38.

⁴⁴ ECRI notes that in June 2020, the Harju County Court held that a lesbian couple could form a registered partnership in contrast to the decision of a notary which denied registering their agreement, on the grounds that – *among others*- the implementing provisions of the Registered Partnership Act had not been in place and hence asked the notary to reconsider its previous decision (8.6.2020; No 2-20-5958). See also ILGA -Europe (2021).

⁴⁵ Supreme Court of Estonia (Riigikohus), Constitutional Review Chamber, [Case no. 5-17-42](#), Order, 10.4.2018; ILGA-Europe (2019).

⁴⁶ Supreme Court of Estonia (Riigikohus), [Case no. 5-18-5](#), Judgment, 21.6.2019; ILGA-Europe (2020).

⁴⁷ Postimees (2020); The Chancellor of Justice: Year in review 2019/2020.

⁴⁸ ERR (2021a).

⁴⁹ [Regulation](#) on common requirements for medical operations for gender reassignment" adopted by the Ministry of Social Affairs in 01.06.2002.

is contingent on medical assessment of this committee and subject to intrusive medical requirements, including gender dysphoria diagnoses and hormonal treatments. According to civil society representatives met by ECRI, this regulation is often confusing for transgender persons, and in practice, it is not clear which form of medical intervention is required by law to conclude the entire procedure.⁵⁰ In any event, transgender persons can officially change their names and gender marker only upon completion of this reportedly lengthy gender reassignment procedure.⁵¹ ECRI considers, therefore, that the legal framework needs to be further developed to include the essential information and necessary steps concerning both legal gender recognition and gender reassignment, preferably by making the two procedures distinct from each other. For example, gender reassignment should not be a prerequisite for gender changes in personal documents. In this respect, ECRI encourages the authorities to take inspiration from international standards on the right to self-determination of transgender persons,⁵² such as those referred to in Resolution 2048 (2015) of the Council of Europe's Parliamentary Assembly⁵³ and other relevant standards⁵⁴ as well as the case law of the European Court of Human Rights⁵⁵ to ensure the legal recognition of a person's gender reassignment in a quick, transparent and accessible way.

30. ECRI recommends that the authorities amend the current legal framework on gender recognition and gender reassignment with a view to bringing it in line with Council of Europe relevant standards.

31. Under this monitoring cycle, ECRI also covers the situation of intersex persons, who are born with chromosomal, hormonal or anatomical characteristics which do not match strict medical definitions of male or female.⁵⁶ Many of these persons suffer as a result of medical interventions, which are in most cases non-consensual and medically unnecessary, and have irreversible consequences. In this context, civil society organisations brought to the attention of ECRI that there is a lack of research on the issue that renders the assessment of the situation difficult. It is therefore crucial to raise awareness of the existence of intersex persons and identify their specific situation and needs in Estonia. Furthermore, reports indicate that there is no common practice among health care providers with regard to intersex children nor any reliable data as to the treatment of such children.⁵⁷ In ECRI's view, it is of the utmost importance to take legislative and procedural measures to protect intersex babies and children against premature surgery. In this connection, ECRI particularly supports and recalls the position of a growing number of international bodies that children's right to physical integrity and bodily autonomy should be effectively protected and that medically unnecessary sex-“normalising” surgery and other treatments should be prohibited until the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.⁵⁸

⁵⁰ ILGA (2019): 130; Reports indicate that at least hormonal treatment should be started before legal procedure. See Grossthal, K., et al (2018): 31.

⁵¹ The gender recognition process takes up to six years on average, Grossthal, K, et al (2018), *op.cit.*, 32; See also EU Commission (2020a): 137.

⁵² See Parliamentary Assembly of the Council of Europe, Resolution 2048(2015): § 6.2.1 and www.Yogyakartaprinciples.org 2017: Principle 31.C.i.

⁵³ Parliamentary Assembly of the Council of Europe (2015), *op.cit.*, § 6.3.1.

⁵⁴ Council of Europe, Committee of Ministers (2010): §§ 20-22.; Council of Europe, Sexual Orientation and Gender Identity Unit (2015); Council of Europe, Commissioner for Human Rights (2009).

⁵⁵ See – *inter alia*, S.V. v. Italy (no. 55216/08, 11.10.2018) and X and Y v. Romania (nos. 2145/16 and 20607/16, 19.01.2021).

⁵⁶ EU FRA (2015): 2.

⁵⁷ Equal Treatment Network (2021), *op.cit.*, § 39.

⁵⁸ European Parliament 2019; CoE Parliamentary Assembly 2017; CoE Commissioner for Human Rights 2015; EU FRA 2015.

32. ECRI recommends that the authorities conduct research into intersex persons to identify their situation and address their specific needs. Necessary measures should be taken with a view to effectively protecting intersex children's right to physical integrity and bodily autonomy. Medically unnecessary sex-“normalising” surgery and other treatments should be prohibited until such time as the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.
33. Despite ECRI's recommendation in its fifth report (§ 91), the authorities informed ECRI that they have not carried out any survey nor collected any data regarding discrimination and intolerance vis-à-vis LGBTI persons in the country. In ECRI's view, data collection on LGBTI persons, on a voluntary basis and in line with the Recommendation CM/Rec (2010) 5 of the Council of Europe's Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity can serve as a useful starting point for addressing discrimination and intolerance against this group. In this context, ECRI notes that Estonia still does not have a national LGBTI strategy or action plan to address in a comprehensive manner issues of LGBTI equality. ECRI was informed by the authorities that the Ministry of Social Affairs is currently preparing the Welfare Development Plan 2023-2030⁵⁹, which sets strategic objectives in several areas such as employment, social protection and equal treatment (that includes sexual orientation) policies. Civil society organisations nevertheless expressed concerns that this draft plan does not envisage any measures regarding transgender and intersex persons.⁶⁰ ECRI considers that the authorities should take appropriate measures to promote tolerance towards all LGBTI persons in all areas of everyday life, as well as to combat LGBTIphobia.
34. ECRI recommends that the authorities, together with relevant civil society organisations, including LGBTI communities, develop an action plan, either as a separate policy document or as part of national plans currently in the drafting process, to identify and address areas of intolerance and discrimination against LGBTI persons and make their right to equal treatment a reality.

II. HATE SPEECH AND MOTIVATED VIOLENCE

A. Hate speech⁶¹

Data

35. Data on hate crimes, including hate speech incidents, are collected by the Ministry of Justice⁶² and are regularly published in the annual report on crime in Estonia. Pursuant to official data on hate speech under Article 151 (incitement to hatred) of the Penal Code, in the period between 2016 and 2020, no case that was handled by the prosecutors' offices under this article went on to prosecution. ECRI was informed that misdemeanour liability under Article 151 is applied in most cases of hate speech in Estonia. Two cases were recorded as such in 2016, five in 2017 and one in 2018, while there were none in 2019 and 2020. This liability foresees the punishment of a fine or detention (up to thirty days).

⁵⁹ See this [draft Strategy](#) on Welfare Development Plan 2023-2030.

⁶⁰ Equal Treatment Network (2021), *op.cit.*, § 37. In this respect, ECRI takes positive note of the ongoing project entitled “LGBT+ persons' experiences in Estonian healthcare system (2021-2023)” which is carried out by a think tank, Praxis and Estonian LGBT Association, co-financed by the Ministry of Social Affairs and the EU Commission.

⁶¹ According to ECRI's GPR No. 15 on combating Hate Speech, “hate speech” shall mean the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of “race”, colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status.

⁶² OSCE-ODIHR, Hate Crime Reporting: Estonia, <https://hatecrime.osce.org/estonia>

36. Unofficial data on online hate speech have been gathered by civil society organisations through monitoring on social media platforms. According to two recent shadow monitoring reports of OpCode consortium⁶³, a total of 100 incidents were reported as illegal content, on Facebook in particular. Of these, the majority targeted “people of colour”, LGBTI persons and refugees. Similarly, the European Union Commission’s fifth evaluation of the Code of Conduct on Countering Illegal Hate Speech Online indicated 100 reports, with a 92% removal rate by social media platforms.⁶⁴

Public discourse

37. Estonian public discourse has become less tolerant since 2017, and political speech has taken on divisive and antagonistic overtones particularly targeting refugees and migrants, ethnic or religious minorities and LGBTI persons. This adversarial discourse has been also observed during election periods.⁶⁵ In the 2019 national election, the Conservative People's Party of Estonia (EKRE), a far-right party, which has openly expressed its agenda to fight against “native replacement” and “the LGBT agenda”⁶⁶ gained almost 18 % of the votes and became a coalition partner in the government.⁶⁷
38. Reports include numerous accounts of racist statements by members of EKRE, including on social media. For instance, during the 2019 election campaign, the EKRE candidate referred to the Mayor of Tallinn as an “unfit Asian.”⁶⁸ Derogatory public statements have also been expressed against the Russian-speaking population, especially in the context of minority education policies, mostly due to tensions arising from the discussion on Russian language schools in the country.⁶⁹
39. Anti-Muslim, antisemitic and anti-immigrant narrative have been documented on several occasions, primarily through verbal insults in public places, including an incident against the Estonian chief rabbi in Tallinn, which was followed by prompt and adequate reaction by the police.⁷⁰ The pandemic stirred these sentiments and was also abused by various groups and individuals with a view to blaming specific groups of persons, such as persons of Asian descent, foreign students and workers, for the spread of Covid-19.⁷¹
40. ECRI regrets to note that LGBT persons are the subjects of a high level of prejudice and offensive language, including by politicians. For instance, in 2020, the then Minister of Interior made homophobic remarks.⁷² Furthermore, in 2019, a group of protesters interrupted the outreach event organised by an LGBTI NGO in Pärnu.⁷³ This was followed by a smear campaign calling for the cut of state funds for NGOs working on LGBTI equality, which found support from the then Minister of Finance, a member of EKRE.⁷⁴

⁶³ Estonian Human Rights Centre is the partner NGO in this consortium. OpCode: Open Code for Hate-Free Communication (2020a) and (2020b).

⁶⁴ EU Commission (2020b).

⁶⁵ OSCE (2019): 11.

⁶⁶ The Guardian (2021): See also Open Democracy (2019).

⁶⁷ This coalition government collapsed, which led to the forming of a new government in January 2021. EKRE is not part of the latter government - The Guardian (2019). Many interlocutors indicated to ECRI during the contact visit that the toxic political discourse has turned for the better with the setting up of the new Government in 2021.

⁶⁸ ERR (2018): ERR (2019a).

⁶⁹ Petsinis, V; Wierenga, L (2021): 11.

⁷⁰ Estonian Human Rights Centre (2020), *op.cit.*, Chapter on Prohibition on Discrimination. ECRI notes that this incident resulted in the conviction of the perpetrator on breach of public order despite the police initiated the proceedings for incitement to hatred.

⁷¹ OpCode (2021): 4-9 and see also EU, FRA (2020e): 7.

⁷² ILGA (2021).

⁷³ ERR (2019b); ILGA (2020).

⁷⁴ Delfi (2019); Uued Uudised (2019).

41. ECRI is concerned about reports regarding online sexist hate speech, in particular against women⁷⁵ having expressed their positions on issues related to racism. Reportedly, an NGO woman expert received hateful messages after presenting a study on anti-Black racism in Estonia.⁷⁶ ECRI recalls the particular danger of hate speech targeting women on account of their gender which is often coupled with one or more other characteristics⁷⁷ and it encourages authorities to draw inspiration from the Recommendation CM/Rec(2019)1 of the Council of Europe's Committee of Ministers on preventing and combating sexism that offers guidance on online sexist hate speech.
42. Certain extremist organisations also engage in the systematic use of hate speech, notably the Estonian branch of the Soldiers of Odin, an anti-immigrant group.⁷⁸ The activities in question include organising protests and inciting racial and religious hatred, often by propagating its ideology on the internet.
43. Lastly, ECRI notes that the problem of cyber hate, including the phenomenon of fake news, remains pervasive for various communities, including the Russian-speaking population. Several interlocutors have mentioned to ECRI that the divide in media along linguistic lines (Estonian and Russian) is a factor in the creation of a polarised rhetoric. Anonymous inflammatory comments against LGBTI persons, persons of African descent, Muslims⁷⁹ as well as other minority groups are commonplace on social networking sites and user-generated content, as is abusive language when referring to Roma.

Initiatives to discourage hate speech through counter speech

44. ECRI considers that states should raise awareness of the dangers posed by hate speech and its unacceptability by combating misinformation, negative stereotyping and stigmatisation; developing educational programmes for children and youth, public officials and the general public; supporting NGOs and equality bodies working to combat hate speech; and encouraging speedy reactions by public figures to hate speech.
45. There are several measures in place in Estonia that aim to combat hate speech by developing a counter-narrative. For instance, the Ministry of Social Affairs initiated a nationwide campaign, namely "Everyone is different but equally human" in 2020,⁸⁰ to run various awareness-raising activities that focus on ethnic minorities, migrant workers and LGBTI persons. Estonia has also been a member of the Council of Europe's No Hate Speech Campaign since 2016. Several counter-narrative initiatives, such as Salliv Eesti (Tolerant Estonia) deserve mention because they challenge the xenophobic rhetoric regarding foreign workers, especially Ukrainian nationals, during the pandemic.⁸¹
46. ECRI notes that albeit not systematic, there are good examples of counter speech. They include the then Prime Minister's condemnation of the remarks made by the Minister of Interior⁸² (§ 40). Regrettably, the latter refused to apologise despite this public condemnation. ECRI recalls that high-level politicians and government representatives have a particular responsibility when it comes to preventing and countering hate speech. Not only should they abstain from using such rhetoric

⁷⁵ Feministeerium (2021); Eesti Inimõiguste Keskus(2021).

⁷⁶ Postimees (2016): see also similar, CoE, CommDH (2018): 9.

⁷⁷ See Preamble and § 31 of GPR No. 15. See also CoE, Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism, Appendix, II.B.

⁷⁸ Originally from Finland, it has a branch in Estonia. OpCode (2020b), *op.cit.*, p.23.

⁷⁹ European Islamophobia Report (2018) : 290-292.

⁸⁰ <https://www.sm.ee/et/sama-palju-inimene>

⁸¹ OpCode (2021), *op.cit.*: 11.

⁸² DW (2020).

themselves, but they should also firmly condemn it, in particular when it is used by other politicians and public officials.

Victim support

47. In January 2016, Estonia transposed the Victims' Rights Directive of the European Union, which requires the provision of victim protection and support services to all victims, in particular victims belonging to vulnerable target groups, including victims of hate crimes. This was followed by introducing significant amendments to the Victim Support Act in 2017. ECRI commends the progress made in the national victim support system and particularly welcomes the setting-up of a 24/7 toll-free victim helpline (by phone or webchat) by the Social Insurance Board in 2019. According to the information made available to ECRI, victims are using the service, which receives 300–500 calls each month.⁸³ Furthermore, ECRI notes with satisfaction that the 2021-2025 Strategy on Prevention of Violence and the Violence Prevention Agreement, which was adopted in July 2021, contains tailored measures for the reduction of hate crimes and covers hate crime victims specifically.⁸⁴
48. In Estonia, victim support organisations operate in the immediate vicinity of police stations, which makes referral easier and effective.⁸⁵ Despite the sufficiently robust legal framework, research suggest that the provision of victim support is uneven and is better in the areas where civil society organisations offer additional services, such as legal aid and psychological counselling.⁸⁶

Self-regulation

49. ECRI considers that the use of self-regulation can be the most appropriate and effective approach to tackling hate speech. Those using hate speech often have affiliations with different bodies, both public and private, such as the Parliament, political parties, business organisations, cultural and sport associations. As a matter of responsibility, these bodies should make it clear that the use of hate speech by persons affiliated with them is unacceptable and take action to prevent and sanction such use. ECRI stresses the importance of codes of conduct in self-regulatory schemes.⁸⁷
50. ECRI notes with satisfaction that there is a code of conduct for members of parliament (MPs).⁸⁸ Even though this code does not contain an explicit prohibition of hate speech, it states that MPs should refrain from using inappropriate language and provides for a mechanism to deal with cases of non-compliance. For example, in 2016, a member of a parliamentary party was expelled from the party for giving speeches that contained racist elements.⁸⁹ ECRI specifically underlines the particular responsibilities of political parties as actors in a democratic political process, which may provide leadership for others in demonstrating the need to adopt codes to tackle the use of hate speech.
51. Regarding the media and Internet, where the vast majority of hate speech is generated, ECRI recommends both regulation and self-regulation, reflecting the recognition of their particular significance for combatting hate speech, while ensuring that such action does not violate the right to freedom of expression. The

⁸³ EU, FRA (2020c):189.

⁸⁴ [Vägivalla ennetamise strateegia lõpparuanne ja vägivallaennetuse kokkulepe 2021-2025](#) : 35.

⁸⁵ According to Victim Support Act (§ 33), police officers must inform victims that they are entitled to victim support services and that, with their consent, the police may forward information on them directly to the services concerned. EU, FRA (2021c): 68.

⁸⁶ VOciare (2019): 63.

⁸⁷ GPR No. 15 § 6, and Explanatory Memorandum §§ 114-129.

⁸⁸ GRECO (2015): 3. This Code is called "Good practice of the Members of the Riigikogu". See [here](#)

⁸⁹ CoE, CDDH (2018): 20.

European Court of Human Rights (ECtHR), in its judgment *Delfi v. Estonia*,⁹⁰ ruled that Estonia did not breach Article 10 (freedom of expression) of the European Convention on Human Rights (ECHR) when it held an online news outlet liable for failure to remove offensive online comments. This judgment and the public debate it sparked have strengthened the acknowledgement by the media of its role and responsibilities in preventing and combating online hate speech in the country. In this regard, ECRI notes that two self-regulatory bodies - the Estonian Press Council (Pressinõukogu) and the Council of Public Word (Avaliku Sõna Nõukogu-ASN) - receive complaints about violations of the Code of Ethics in Estonian press.⁹¹ Reports suggest that the self-regulation is functioning well and people are generally aware of its existence and make use of these accessible and quick mechanisms.⁹² Most popular websites have also codes of conduct for the responsible and ethical use of their services with enforcement policies in place.⁹³

52. Lastly, ECRI is pleased to note self-regulation practices initiated by the Network of Estonian Non-profit Organisations called 'Valimiste valvurid' (Election Guardians), which monitors statements made by politicians during electoral campaigns in light of their code of good practice, in particular provisions on the prohibition of hate speech. ECRI considers this a **promising practice**.⁹⁴

Application of civil, administrative and criminal law against hate speech

53. ECRI recommends that member states clarify the scope and applicability of responsibility under civil and administrative law for the use of hate speech. It also recommends that they take appropriate and effective action against the public use of hate speech which is intended or can reasonably be expected to incite acts of violence, intimidation, hostility or discrimination through the use of the criminal law providing that no other less restrictive measures would be effective, while respecting the right to freedom of expression.⁹⁵
54. Estonian law provides for the punishment of hate speech under civil liability, such as Article 1046 of the "Law of Obligations Act", which prohibits the illegal infringement of personality rights. ECRI was informed that this article is rarely invoked due to reasons of complexity, cost and lack of awareness among victims about available remedies. Moreover, NGOs have no locus standi to represent the rights and interests of victims. As a result, civil law is not used frequently in the fight against hate speech.
55. Article 151 of the Penal Code criminalises public incitement to hatred, violence or discrimination on grounds of, *inter alia*, colour, language, religion and sexual orientation if it endangers a person's life, health or property. In addition to this threshold, this provision omits the criminalisation of these offences when directed at groups. As stated earlier (§ 35), no case of hate speech has surprisingly reached court since 2015.⁹⁶ Despite its priority recommendation in its fifth report, ECRI regrets to note that the scope of Article 151 remains extremely limited, which in ECRI's view, may be seen by the general public as a minor offence and by those minded to resort to hate speech as allowing them to do so with relative impunity. Furthermore, the grounds of citizenship and gender identity have also not been

⁹⁰ Delfi AS v. Estonia, (GC, no. 64569/09, 16.6.2015).

⁹¹ While the issue of hate speech is not directly addressed in the [Code of Ethics](#), it states that it "is not recommended to emphasize nationality, race, religious or political persuasion and gender, unless it has news value". It further provides that "Media organizations shall undertake to prevent the publication of inaccurate, distorted or misleading information". See statistics on cases- for ASN [here](#) and the Estonian Press Council [here](#).

⁹² Estonian Human Rights Centre (2020), *op.cit*, Chapter on Freedom of Expression.

⁹³ Freedom House (2018).

⁹⁴ CoE, CDDH (2018), *op.cit*, 19.

⁹⁵ ECRI GPR No. 15, §§ 8 and 10.

⁹⁶ According to official data, the latest conviction under this article was in 2005.

added. In this regard, ECRI underlines that the legal framework on hate speech of a criminal nature and hate crime in Estonia has consistently been subject to criticism by other international bodies, including UN bodies⁹⁷, and more recently, the EU Commission⁹⁸ (see also §60 and the recommendation made in §61).

56. ECRI recommends as a matter of priority that the authorities take urgent steps to amend Article 151 of the Penal Code with a view to ensuring that anyone who engages in hate speech of a criminal nature is duly prosecuted and punished. This criminal offence should apply to groups as well as individuals without any threshold for its qualification. In addition, citizenship and gender identity should be included among the prohibited grounds.
57. ECRI finally notes that hate speech is the focus of intense public debate in Estonia, especially due to the current legal framework. Many of ECRI's interlocutors shared their concerns about the potential risks that its criminalisation poses for violating the right to freedom of expression. ECRI recalls in this regard that any efforts to tackle hate speech should never exceed the limitations to which freedom of expression, as a qualified right, can legitimately be subjected, while in some cases, it can be effectively responded to without restricting freedom of expression. For this reason, as pointed out in its GPR No. 15, to effectively prevent and combat hate speech, action is required in a number of areas, including awareness-raising, prevention and counter-speech, victim support, self-regulation, the use of regulatory powers and, as a last resort, criminal investigations and punishment. ECRI therefore encourages the authorities to take a more strategic and coordinated approach to preventing and combating hate speech.
58. ECRI recommends that the authorities reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and LGBTIphobic hate speech. This group should include the relevant authorities, as well as equality bodies, civil society organisations and, as much as possible, media representatives. This strategy should make effective use of ECRI's General Policy Recommendation No.15 on combating hate speech.

B. Hate-motivated violence

59. Since the end of 2016, the Estonian Police and Border Guard Board can register reported cases on the basis of a "hate motive" according to the following classifications: i) bias against race, religion, origin; ii) bias against sexual orientation and gender identity; iii) bias against other groups. According to the information provided by the authorities, there were 15 hate crime cases in 2016, four in 2017, six in 2018, 10 in 2019 and three in 2020. These cases primarily concerned threats, physical assault and violation of public order. In this respect, ECRI is pleased to note that the guidelines for law enforcement bodies for identifying, recording, investigating and prosecuting hate crimes, which were published in 2016, were updated by the Ministry of Justice in 2019.⁹⁹ ECRI recalls that publicly acknowledging the existence of hate crime and its impact helps to establish trust among victims of and witnesses to hate crime in law enforcement and in the criminal justice system as a whole.
60. Despite the progress made in collecting data and producing statistics on cases of racist and homo/transphobic hate speech and violence, ECRI notes that shortcomings remain in the legal framework (see also §55 and 56 above). In its

⁹⁷ UN, HRC (2019): *op.cit.*, § 12-14; UN, Human Rights Council (2021).

⁹⁸ ECRI notes that in October 2020, the Commission of the European Union (EU) launched infringement proceedings against Estonia for not fully and accurately having transposed the EU Framework Decision on combating racism and xenophobia by means of criminal law (Framework Decision 2008/913/JHA). Among others, it was stated that Estonia has not correctly criminalised hate speech nor provided for adequate penalties and it also failed to transpose criminalisation of public condoning, denying or gross trivialisation of international crimes and the Holocaust. See [Press Release](#); EU, FRA (2021d): 104; ERR (2020).

⁹⁹ See also ECRI (2018); EU, FRA (2020a): 7; EU, FRA (2020c): 64.

fifth report, ECRI noted that the Penal Code does not specifically provide that racist or other hate motivation constitutes an aggravating circumstance for all offences (as per § 21 of its GPR No. 7 on national legislation to combat racism and racial discrimination) and recommended expressly including such a provision. ECRI regrets that this has not yet been done.¹⁰⁰ Reiterating the crucial importance of effective investigation and prosecution of hate crimes as well as deterrent sanctioning of perpetrators, ECRI also refers to the case law of the ECtHR, which points to the obligation of states to take all reasonable steps to establish whether violent incidents were racially motivated.¹⁰¹

61. ECRI reiterates its recommendation to provide expressly for racist and other hate motivation, including on the basis of sexual orientation and gender identity, to constitute an aggravating circumstance for any ordinary offence.
62. ECRI notes that the scale of hate-motivated violence remains overall quite low. However, it does occur sporadically. By way of illustration, cases of a Black refugee woman wearing a headscarf being spat at in Tallinn in 2018¹⁰² and clashes between neo-Nazis and foreign students in Tartu in 2020 were brought to the attention of ECRI. The data provided by NGOs to the OSCE/ODIHR database also suggest incidents concerning physical assaults with anti-Russian, anti-Muslim and anti-LGBTI motivation.
63. Regarding hate crime investigations, ECRI takes positive note of some recent measures taken that facilitate reporting. For instance, online reporting is now possible and incidents can be reported to the police by using live web chats.¹⁰³ ECRI considers that such alternative reporting structures potentially increase flexibility and speed, especially in exceptional circumstances such as that imposed by the Covid-19 pandemic and encourage victims of hate crime to come forward without delay. In this respect, ECRI strongly encourages the authorities to continue developing measures that empower victims of hate crime and deter underreporting.
64. Since ECRI's previous report, a working group on increasing the capacity of law enforcement officials on tackling hate crimes was formed.¹⁰⁴ Under the OSCE/ODIHR's Training Against Hate Crimes for Law Enforcement (TAHCLE) programme, training of trainers sessions and other workshops were organised in 2017 and 2018. This working group has further signed a memorandum of understanding with local authorities.¹⁰⁵ In this connection, the Police and Border Guard Board has supported the capacities of local authorities on hate crime, in particular municipal policing, as part of a project called "Proximity"¹⁰⁶, in liaising with NGOs working on LGBTI equality. ECRI particularly commends these actions taken at local level and considers them as a **promising practice**. Another similar cooperation between the police and civil society organisations, via the UNI-FORM "Help stop the hate"¹⁰⁷ initiative, has also yielded positive results by offering an online platform to report and tackle LGBTI hate crime and online hate speech.
65. While these activities have helped enhance the capacity of law enforcement bodies in this area, it has frequently been stressed that the police, the state prosecution

¹⁰⁰ See similar considerations in UN, HRC (2019): *op.cit.*, § 12; UN, Human Rights Council (2021), *op.cit.*

¹⁰¹ ECtHR (2015) *Natchova and others v. Bulgaria* [GC] (nos. 43577/98, 43579/98), §§ 160-168.

¹⁰² See also ENAR (2019): 38.

¹⁰³ EU, FRA (2021c), *op.cit.*: 47.

¹⁰⁴ Set up by the Estonian Academy for Security Sciences in cooperation with OSCE/ODIHR, several ministries, Police and Border Guard Board and civil society partners also take part in this group.

¹⁰⁵ EU, FRA (2021c), *op.cit.*: 67. ECRI notes that in 2019, the Police and Border Guard Board published a handbook for local governments on detection and response to radicalisation in which it covered issues of incitement to violence.

¹⁰⁶ EU, FRA (2020c) : 69.

¹⁰⁷ <https://uni-form.eu>

service and the judiciary continue to experience problems in identifying and addressing hate crime and that the in-service training on offer is insufficient. ECRI therefore encourages the authorities to continue improving knowledge and expertise among law enforcement officials and other criminal justice actors in understanding and recognising hate crime dynamics.

III. INTEGRATION AND INCLUSION

General overview

66. Estonia has a long tradition of being a multi-ethnic country. According to the January 2021 data of Statistics Estonia,¹⁰⁸ the ethnic distribution of the Estonian population of 1 330 068 persons included 69% of Estonians, 24% Russians, 2% Ukrainians, 1% Belarusians, 1% Finns and 6% of other ethnic groups including Lithuanians, Latvians, Germans, Tatars, Azerbaijanis, Armenians and Poles, as well as other smaller minority groups along different linguistic and religious lines.¹⁰⁹
67. Based on the January 2021 data, 10.1% of the Estonian population¹¹⁰ are third-country nationals, with Russians being the largest proportion (6.3%) followed by Ukrainians (0.9%). ECRI notes that the Russian-speaking population, which includes “persons with undetermined citizenship” (who currently form 5.2% of the population),¹¹¹ therefore constitutes the biggest minority group and has been the primary focus of integration policies.
68. For issues of minority rights, ECRI refers to the monitoring work of the Council of Europe’s Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), which exceptionally carried out its visit to Estonia in close co-ordination with ECRI’s visit in June/July 2021. It should be noted that the Advisory Committee covers issues related to the expression of a separate identity, such as mother-tongue education, minority language media or minorities’ participation in public and political life, which are not covered by ECRI. In this context, it should be underlined that the work of both monitoring bodies is based on the principle of complementarity. The Advisory Committee also examined the situation of the national minorities that are not covered in ECRI’s report. Analysing the situation from an integration and inclusion perspective, ECRI limits itself in this report to the Russian-speaking population and to some degree Roma. This section also covers the situation of recently arrived migrants, including refugees and persons who have been granted subsidiary protection.

Policy framework

69. Before the adoption of the “Cohesive Estonia 2030”¹¹² strategy by the government in November 2021, Estonia’s integration policy was based on the national integration development plan “Integrating Estonia 2020”.¹¹³ ECRI notes that, in Estonian policy-making, integration is understood as a broad social process, which is not specific to a particular ethnic or linguistic group but is rather designed on a thematic basis. The general objective of the previous plan was to ensure a socially cohesive Estonian society where people with different linguistic and cultural

¹⁰⁸ Statistics Estonia

¹⁰⁹ ECRI notes that the Estonian [National Minorities Cultural Autonomy Act](#) contains a definition of “national minority” (§ 1). For further details, reference is made to the work of the ACFC.

¹¹⁰ Data of the Population Register. See Cohesive Estonia Development Plan (2021-2030) (Sidusa Eesti arengukava 2021–2030): 8.

¹¹¹ While there is no legal definition of ‘persons with undetermined citizenship’ in the legislation, the Estonian Police and Border Guard Board consider these persons as “individuals who have been left without citizenship as a result of the expiration of their previous state citizenship (former USSR - Union of Soviet Socialist Republics) and who have not realised the opportunity to obtain the citizenship of the successor State or the citizenship of another”. UNHCR (2016a): 19.

¹¹² Cohesive Estonia Development Plan (2021-2030) ([Sidusa Eesti arengukava 2021-2030](#))

¹¹³ This Plan was adopted in 2014, succeeding the two previous integration policy development plans, covering the periods 2000-2007 and 2008-2013. Nearly €81 million has been allocated for the implementation of Integrating Estonia 2020.

backgrounds actively participate in social life and share democratic values. This development plan set six objectives¹¹⁴ in the area of integration that mostly focus on increasing Estonian language proficiency and competitiveness in employment. While these objectives were mainly geared to the needs of the permanent residents, the plan also covered the integration of recently arrived immigrants, including beneficiaries of international protection.

70. The “Integrating Estonia 2020” plan was executed through implementation plans and regularly monitored through independent surveys, namely the Estonian Integration Monitoring (EIM) survey.¹¹⁵ The latest one was made public in May 2021.¹¹⁶ Among other findings, which will be mentioned as relevant below, the survey concluded that while proficient in the Estonian language, many people still have a strong sense of separate national identity. It also suggested that the lack of social contacts between Estonians and persons of different national or ethnic origin or citizenship and the disparity in the former’s socio-economic status and labour market participation remain causes for concern.¹¹⁷
71. ECRI was informed that the new strategy entitled “Cohesive Estonia 2030” covers four areas: adaptation and integration policy; civil society policy; population procedures and Estonians living abroad. ECRI trusts that its implementation will be closely and regularly monitored, including through independent surveys.

A. Russian-speaking population

72. The linguistic divide in Estonian society has been a major obstacle to the social integration of the Russian-speaking population. Nevertheless, the knowledge of the state language has increased over the years and in 2018 less than 10% of people aged 15–74 had no command of the Estonian language.¹¹⁸ ECRI recalls that teaching of the state language and knowledge of the minority language are both legitimate goals that can be pursued as part of a minority education strategy¹¹⁹ and considers that learning and having a good command of the state language are crucial for ensuring integration in any society as well as access to basic rights such as education and employment. In this respect, ECRI notes with satisfaction the authorities’ significant efforts to improve proficiency in the Estonian language and welcomes the wide range of learning opportunities on offer targeting different age groups and through several means. In particular, ECRI commends the opening of the Estonian Language Houses in Tallinn and Narva in 2018 and 2019, respectively. These houses, which are run by the Estonian Integration Foundation (INSA) organise free language courses (from A1 to C1 levels), provide language counselling and offer opportunities for non-formal learning for the improvement of

¹¹⁴ These objectives are as follows: i. attitudes supporting the openness and integration of all of society; ii. integration of permanent residents whose native language and culture is not Estonian; iii. integration of newly or recently arrived immigrants; iv. acquisition by non-Estonian speaking students of competitive knowledge skills for coping in an Estonian language environment; v. active participation of young non-Estonian speaking people in youth work and contacts with Estonian people of the same age; vi. opportunities and skills for non-Estonian speaking, working-age people to be competitive in the labour market.

¹¹⁵ These surveys have been commissioned by the Ministry of Culture, generally every three years, to monitor trends in the integration of immigrants and ethnic minorities on the basis of the following indicators: political self-identification and participation; Estonian national identity; education; employment; language proficiency; media consumption; equal treatment and the perception of equal opportunities; and the integration of new immigrants. It also covers trust in state institutions and attitudes of Estonians and non-Estonians towards integration. The latest EIM, published in 2021 is the eighth such survey.

¹¹⁶ [Eesti Integratsiooni Monitooring 2020](#). (EIM)

¹¹⁷ Estonian Ministry of Culture (2021).

¹¹⁸ UN, CERD (2019) : 32.

¹¹⁹ ECRI considers that the right to education in a minority language is best addressed in the context of the monitoring of the implementation of the Framework Convention on the Protection of National Minorities. Reference is made in this regard to the work of the ACFC.

language skills. These include language cafés,¹²⁰ Estonian culture clubs, language learning tandem and study groups.

73. Innovative steps have been taken by the authorities, such as the development of the smart mobile application *keeleklikk.ee*, which is a free online Estonian course for beginners on the basis of English or Russian. Another novelty was to introduce an online learning environment as implemented by the Integration Foundation through its project, Volunteer Language Friends, by adapting some of the in-person language courses that had to be cancelled after the outbreak of the Covid-19 pandemic. Similarly, at the beginning of the lockdown measures, an initiative, namely “Computer for Every Pupil”, facilitated the donation of more than 1 200 computers to low-income families across the country to bridge the digital gap.¹²¹ ECRI welcomes these initiatives and considers them as **good practices**.
74. ECRI is of the opinion that these efforts seem to bear fruitful results as shown in the latest EIM survey, which indicated an increase in active proficiency in Estonian among the Russian-speaking population with a rate of 41% in 2020, compared to 37% in 2015.¹²² This figure however shows disparities among age groups and is higher among younger members of the population (62% up to 34 years old), whereas it is considerably lower for older persons (only 27% above 65 years old).¹²³
75. ECRI notes that the two-tiered education system between Estonian-language and Russian-language schools has largely remained. While ECRI does not examine issues concerning the right to use minority languages in education, which is covered by other Council of Europe monitoring mechanisms, it is nevertheless concerned with aspects of regulating minority schools that might have an impact on the integration of pupils and students belonging to minorities, such as teaching standards and educational outcomes. In this regard, ECRI’s interlocutors, including representatives of the Russian-speaking population, expressed concerns about the implementation of the 60% quota of teaching in Estonian in high (upper secondary) schools. During its contact visit, the ECRI delegation visited schools in Jõhvi and heard accounts of ongoing challenges in this regard, such as the difficulties experienced by a number of Russian-speaking pupils and students in acquiring mastery in core subjects that are taught only in Estonian, in particular in high school; shortages of teachers having the required linguistic qualifications in Russian-speaking schools and the lack of flexibility in the implementation of the 60% quota.¹²⁴ ECRI notes with concern that despite the education level of the Russian minority tending to exceed that of the general population,¹²⁵ reports¹²⁶ suggest that the performance gap between Estonian and Russian schools persists¹²⁷, worsening regional disparities and hindering mobility across the country because of the language barrier.

¹²⁰ According to the information received by the authorities, the cafés have been opened at seven locations in Tallinn since early 2018 and are operating in at least 21 locations throughout Estonia. ECRI was also informed that the authorities conducted an impact study on the Estonian Language Houses in 2021 and its results are still pending. See also <https://www.integratsioon.ee/en/estonian-language-houses>

¹²¹ EU, FRA (2020d) :5.

¹²² EIM 2020, *op.cit.*: 30.

¹²³ *Ibid.*:31.

¹²⁴ See also ECRI (2015). As regards issues pertaining more specifically to the implementation of the Framework Convention on the Protection of National Minorities, reference should be made to the work of the ACFC.

¹²⁵ EU, FRA (2017): 89, 91.

¹²⁶ EU Commission (2020d): 33.

¹²⁷ Pupils in Russian-medium schools lag behind pupils in Estonian-medium schools by just over a year. In the 2018 Programme for International Student Assessment (PISA) survey, Estonian pupils performed significantly better than Russian pupils in reading, maths and science. Moreover, the gap between young people aged 18-24 with a low level of education in Estonian mother tongue (6.8%) and young people with a different mother tongue (9.8%) increased. See Final Report of Integrating Estonia 2020 (Lõimuv Eesti arengukava lõpparuanne 2020): 38.

76. In this regard, concerns have been further expressed by representatives of the Russian-speaking population that they have not yet been provided with all the necessary support to meet the challenges that they and their children are confronted with in access to quality education and within schools. They further suggested that the authorities' plans may succeed for a few but may also generate difficulties for many, and therefore create further gaps and divisions within the Estonian society on the long term.
77. ECRI welcomes the authorities' efforts to prevent a two-tiered logic from developing in education as well as policies aimed at tackling any segregation, inequalities and disparities in the education system and beyond. In this context, ECRI notes that seminars, workshops and other similar events were organised in 2019 and 2020 when drawing up the latest integration strategy entitled "Cohesive Estonia 2030". However, especially in the area of education, ECRI deems it crucial that the whole community of practitioners, in particular teachers and other education professionals working on the ground with pupils and students with a Russian background or from so-called new immigrant families (e.g. from Belarus and Ukraine), parents' associations and organisations representative of the relevant communities, are properly consulted when any new policy document, such as the 'Cohesive Estonia 2030' strategy and the 'Education Strategy 2021-2035'¹²⁸, are being implemented. This concerns in particular the implementation of the 60% quota in Estonian as well as the authorities' alleged plan to go far beyond this minimum requirement within the next fifteen years.¹²⁹
78. ECRI recommends as a matter of priority that the authorities organise a broad consultation of practitioners, in particular teachers and other education professionals working with pupils and students with Russian and other non-Estonian backgrounds, parents' associations and organisations representative of the relevant communities, in order to effectively implement the new Estonian strategies of relevance to education.
79. At the same time, ECRI notes that the divide between Estonian-language and Russian-language schools has somewhat lessened with the immersion schools at basic level¹³⁰ and integrated schools¹³¹ at secondary level in recent years. The authorities informed ECRI that there is a growing interest among Russian-speaking families in sending their children to these schools.¹³² The immersion schools for Russian-speaking pupils are also operational at preschool level and available in a two-way language immersion model.¹³³ According to the latest EIM survey, the latter model is supported by non-Estonian speaking families (37%) while the vast majority of Estonian-speaking families (82%) prefer preschools to offer instruction in the Estonian language only.¹³⁴ Considering the low level of social contacts between Estonian- and Russian-speaking populations, as underlined by several

¹²⁸ The [Estonian Education Strategy 2021–2035](#) was adopted in November 2021.

¹²⁹ Baltic Times (2021). See also the Draft Development Plan for the Estonian Language 2021-2035.

¹³⁰ Language immersion is a method that uses two or more languages in education, supporting the development of multilingualism. These programmes, in which students in Russian-medium preschools and basic schools are taught at least 50% in Estonian, have existed since 2000. In the 2019/20 academic year, 3 470 pre-school students, and 7 369 basic school students participated in the immersion programme. See OECD (2020): 10 and <https://harno.ee/keelekumblus#programmist>

¹³¹ The majority of classes are in Estonian in 'integrated schools', except some subjects taught in Russian (e.g. Russian literature).

¹³² The proportion of children attending Russian-medium kindergartens has been decreasing year on year, falling from 21% to 15% over the last decade, while the proportion of children attending language immersion groups has increased from 3.1% to 5.3%. Final Report of Integrating Estonia 2020, *op.cit.*:40.

¹³³ In two-way language immersion, children whose home language is Estonian or Russian study together, and this methodology allows them to develop their mother tongue as well as learn another language at the same time. Children spend half of their time interacting with one teacher in one language and the other half with another teacher in another language. In this regard, ECRI is particularly interested to learn that as of the school year 2020/21, the first municipal school in Tapa will start using the two-way language immersion model with children graduating from kindergarten. See Eurydice (2021).

¹³⁴ EIM 2020, Factsheets in English, [Education](#).

studies, including the latest monitoring survey, ECRI considers that such educational settings could be a suitable space to increase mutual interaction among respective pupils and hence, to help bridge the social distance eventually.

80. Furthermore, reportedly, 70% of the persons in North-Eastern Estonia, where the Russian-speaking population predominantly lives, support starting to learn Estonian already in preschools.¹³⁵ In this regard, ECRI notes with particular interest the state-run pilot programme¹³⁶ entitled “Professional Estonian-language teacher in every Russian-language preschool group”, which was implemented in Tallinn and Ida-Virumaa, and received very positive feedback from school staff and pupils’ parents.¹³⁷ In ECRI’s view, early childhood education is an important determinant of future life opportunities and supporting the Russian-speaking families with their children’s Estonian language proficiency from an early age is necessary, especially in view of legislation in later educational stages – i.e. at least 60% of teaching in Estonian at upper secondary level (see §77 above). In this regard, ECRI recalls that integration is a two-way process. More specifically, the responsibility for successful integration cannot depend on the efforts of individuals alone.
81. ECRI recommends that the authorities invest more resources in the early childhood education of Russian-speaking children, with a view to facilitating the acquisition of Estonian and preventing and combatting educational disadvantage.
82. In its previous report, ECRI recommended that the authorities draw up specific action plans for the population of economically disadvantaged regions, which are generally predominantly inhabited by a Russian-speaking population, in order to reduce unemployment. ECRI is pleased to note that the Development Strategy for Ida Virumaa County (2019-2030+)¹³⁸ contains specific objectives on economic empowerment. Measures that have been taken, such as the regional job creation subsidy for employers since January 2019, in areas with a high unemployment rate, including Ida-Virumaa, Valga, Võru and Põlva counties, also merit special mention.
83. Regrettably, the unemployment rate of Russians was still significantly higher (9.4%) than Estonians (5.8%) in 2020.¹³⁹ 29.3% of persons living in the Ida-Virumaa county, which the ECRI delegation visited during its contact visit, was at risk of falling below the poverty line in 2019. During its visit to the Ida-Virumaa county, several interlocutors underlined that more investment should be made in the Russian-speaking youth and that a shift was needed from the creation of labour markets that were heavily reliant on old industries with an over-representation of lower skilled jobs, often held by Russian-speaking employees, to emerging sectors that require different skill sets. ECRI understands that the Ministry of Education and Research is currently preparing strategies for the next period (2021-2035) in the education and youth sector and strongly encourages the authorities to review the skills-building and training programmes for young persons with the aim of achieving higher success rates in labour market participation, paying particular attention to addressing the specific needs of regions predominantly inhabited by Russian-speaking people. In ECRI’s view, conducting a needs analysis in sectors with a workforce shortage, in co-operation with employer and employee organisations, could be useful and developing tailored apprenticeship programmes in these areas may have the potential to bring about change. On a related note,

¹³⁵ Ibid. This figure stands at 82% in the rest of the country.

¹³⁶ In this programme, 10 Tallinn and 11 Ida-Virumaa county preschools were selected. With the help of state support, local governments were able to pay for the labour and training costs and teaching materials of 53 Estonian-speaking teachers. Ministry of Education and Research (2020):7.

¹³⁷ See Eurydice (2021), *op.cit.*

¹³⁸ See [Ida-Viru maakonna arengu strateegia \(2019-2030+\)](#): 42-45.

¹³⁹ https://andmed.stat.ee/en/stat/eri-valdkondade-statistika_loimumine/TT70

ECRI welcomes the traineeship programme¹⁴⁰ implemented by INSA for Russian-speaking pupils and students in 2020, in which these pupils and students were introduced to the work of public authorities and encouraged to apply for public posts¹⁴¹.

84. Furthermore, ECRI was informed that the Covid-19 crisis had an adverse impact on employment rates of the Russian-speaking population, who were already in a precarious situation. Reports¹⁴² also suggest that often their jobs do not allow remote working and the fear of losing jobs resulted in refusing to reveal symptoms of illness among these persons.¹⁴³ On a positive note, ECRI was pleased to learn that there was currently a national study conducted on the impact of Covid-19 in education.
85. ECRI recommends that the authorities conduct a study on the impact of the Covid-19 pandemic on the Russian speaking population and their access to basic rights, in particular in the fields of employment, health and education.
86. More generally, in the area of employment, ECRI welcomes the adoption of the Estonian Diversity Charter¹⁴⁴, which was voluntarily signed by 144 companies and institutions in the private and public sectors. ECRI considers that the impact of this **promising practice**, which builds on the intrinsic motivation of organisations to promote diversity, could be further increased.
87. Lastly, ECRI takes positive note of the decrease in the number of persons with undetermined citizenship¹⁴⁵ and considers that the measures taken by the authorities, including offering citizenship agreements with free language courses¹⁴⁶, have been an important factor in this development. Recent naturalisation figures also show that the Russian-speaking population other than persons of undetermined citizenship have also been at the top of the list of the groups who acquired citizenship.¹⁴⁷ Nevertheless, the sense of belonging in some segments of the Russian-speaking population seems to remain weak.¹⁴⁸ Some interlocutors mentioned that certain national security policy considerations have created feelings of resentment in those segments of the Russian-speaking population. Such feelings may be a negative factor in creating a sense of belonging to and inclusion in the wider population, which can hamper integration and cohesion efforts. ECRI trusts that the authorities will keep this in mind when implementing its above recommendations.

B. Migrants including refugees and persons under subsidiary protection

88. As stated earlier (§ 67), as of January 2021, third-country nationals (excluding EU citizens) constituted 10.1% of the Estonian population. In January 2021, 32 322 persons had valid temporary resident permits, while 155 262 persons were

¹⁴⁰ A total of 13 trainees and nine public institutions participated in the pilot project, seven of which were ministries. In addition, the Chancellery of the State and the Chancellor of Justice's Office participated in the project.

¹⁴¹ According to Estonian Statistics, as of 1.1.2020, the share of employees with a mother tongue other than Estonian in the public sector was 23%.

¹⁴² ERR (2021b); Kondan, S., Sahajpal, M., and Trimbach, D. (2021).

¹⁴³ EU, FRA (2021e): 12.

¹⁴⁴ <https://humanrights.ee/en/topics-main/diversity-and-inclusion/mitmekesise-tookoha-margis/>

¹⁴⁵ Between 2014 and 2021, the number of "persons with undetermined citizenship" living in Estonia under a valid residence permit has decreased from 91 288 to 67 898, with a significant decrease for children under the age of 15 (from 1 086 to 74). COE, FCNM (2020).

¹⁴⁶ UNHCR (2021). The procedure is called "language learning contract scheme" for the acquisition of Estonian citizenship.

¹⁴⁷ In 2016-2020, 4957 people were granted Estonian citizenship by naturalisation. In 2020, citizenship was granted most to persons with undetermined citizenship, which were followed by the citizens of Russian Federation and Ukraine. See Overview of Migration Statistics (2016-2020).

¹⁴⁸ EIM 2020, Factsheets in English, [Equal Opportunities](#).

permanent residents.¹⁴⁹ Estonia saw a drastic increase in the number of short-term residence permits for work in recent years (6 682 by March 2021) due to labour market demands.

89. In recent years, the number of applicants for international protection has remained stable and relatively low, rising in 2015 notably due to the conflict in Ukraine. Estonia has received applications, including through relocation and resettlement under the European Agenda on Migration of the EU from 2016 to 2019. Between 1997 and 2020, out of 1 248 applications made, 554 persons have been granted international protection (refugee and subsidiary protection), including 213 people who have arrived and received protection under the EU scheme (with 86 people granted refugee status and 127 people subsidiary protection status). Among the beneficiaries of international protection, the largest groups originate from Syria (196), Ukraine (93), the Russian Federation (54), Iraq (41) and Sudan (26). As of 2020, 322 persons granted international protection and their families were living in Estonia.¹⁵⁰
90. ECRI notes that there is no separate strategy or plan that specifically covers the topic of migrant integration in Estonia. The Internal Security Development Plan 2015–2020 deals with specific aspects of asylum policy and defines integration support for the integration of beneficiaries of international protection as one of its priorities. As stated above (§ 71), the recently adopted ‘Cohesive Estonia 2030’ strategy also contains a specific line of action on adaptation and integration policy that includes recently arrived migrants, refugees and beneficiaries of subsidiary protection.
91. Regarding integration courses, the general adaptation course “Settle in Estonia” is designed to help newcomers with orientation in Estonian society and is offered for refugees and other migrants who have less than five years of legal residency in Estonia. The programme consists of a basic Estonian language course (that includes 100 hours of A1 level and 150 hours of A2 level language lessons) and seven thematic courses (basic module, work, entrepreneurship, studying, research, family and international protection). This programme is mostly implemented in Tallinn, Tartu or Narva¹⁵¹ and mainly in English and Russian. The module on international protection, which is mandatory for refugees and persons granted subsidiary protection, is also available in Arabic and French.¹⁵²
92. ECRI notes with satisfaction the efforts made by the authorities in reaching out to impacted groups to raise their awareness about services and benefits available to them. For example, since October 2018, the Integration Foundation has a website with a counselling portal, offering information on daily life in Estonian, Russian and English. Similarly, the Tartu Welcome Centre opened in 2019, with a team of local advisers providing information and guidance to help newcomers to settle in. Recently, a special trilingual (Estonian, English, Russian) website - www.kriis.ee was launched to share information on the Covid-19 and related measures along with a 24/7 free of charge helpline. ECRI applauds these initiatives and considers them as **good practices**. Furthermore, ECRI notes that volunteers and civil society organisations also offer ‘support person’ services to assist refugees in becoming

¹⁴⁹ See Overview of Migration Statistics (2016-2020). ECRI notes that persons with undetermined citizenship are included in the number of these permits. In addition to TCNs which amount to 10.1% of the population, they constitute 5.2% of the population. See § 67 above.

¹⁵⁰ Overview of Migration Statistics (2016-2020).

¹⁵¹ ECRI was informed that this programme can also take place in places other than these three cities and be provided online, when necessary.

¹⁵² UNHCR (2016b): 50-51. Between 2015 and 2018, there has been a total of 31 376 participants and 89,2% of them provided very positive feedback on the impact of this course on their adaptation and daily life. See also CIVITTA (2019):118.

self-sufficient and independent. This service is organised by NGOs in association with the Ministry of Interior and lasts for one year, on average.¹⁵³

93. Since language is a key factor in integration and inclusion, ECRI is pleased to note that as soon as they are granted protection, refugees and subsidiary protection beneficiaries have access to free of charge Estonian language courses (300 hours to acquire A2 level proficiency and 400 hours for B1 level). They are also eligible to benefit from the courses provided by the Language Houses in Tallinn and Narva (§72). Furthermore, the “Work and Learn” programme that was initiated in 2017 has facilitated employed persons to learn Estonian.
94. ECRI takes positive note of the measures that employment agencies have taken for the early integration of migrants into employment, such as labour market services provided by the Estonian Unemployment Insurance. Despite several stakeholders expressing concerns regarding the tedious bureaucracy they often require, job creation programmes for the beneficiaries of international protection such as “My first job in Estonia” programme, which combines mentoring with obtaining language skills, also deserve specific mention. In this regard, ECRI notes that the employment rate of third-country nationals was relatively comparable to that of Estonians in 2020 and stood at 74.2%, whereas this figure was 81.2% for Estonian citizens.¹⁵⁴
95. Regarding education, ECRI was informed by the authorities about several measures to facilitate better education outcomes among migrant children. These include support measures for language proficiency¹⁵⁵, adjustment programmes in schools, financial support¹⁵⁶ to schools and special training for teachers to support migrant children. Research suggested that there were nonetheless barriers in school environments, underlining the shortage of adjusted textbooks, lack of support specialists and limited resources to motivate teachers and compensate the extra work.¹⁵⁷ Despite these barriers, ECRI is pleased to note the findings of the Organisation for Economic Co-operation and Development (OECD), according to which the immigrant students’ ability to attain or surpass the baseline level of performance in the three core PISA subjects – science, reading and mathematics – were found to be 75%, which was the second highest among European countries.¹⁵⁸
96. As regards housing, ECRI notes that refugees are assisted by local governments to find housing.¹⁵⁹ However, the media has reported cases where persons have been discriminated in having access on the ground of their status.¹⁶⁰ To ECRI’s knowledge, no case has been lodged nor application made to carry out conciliation proceedings by the Chancellor of Justice.¹⁶¹
97. ECRI takes due note of the commendable steps taken by Estonia to strengthen the capacity in the area of integration of persons under international protection as

¹⁵³ UNHCR (2016b): 56.

¹⁵⁴ Eurostat (2020): 35.

¹⁵⁵ Furthermore, almost all newly arrived students have lessons in Estonian as a second language separately from mainstream classes.

¹⁵⁶ In Estonia, schools with newly arrived migrant students receive additional financial support, which is then given to teachers as extra allowances. For example, schools get EUR 400 per year for every newly arrived migrant student attending classes at primary and lower secondary levels. This grant is available for three years. European Commission/EACEA/Eurydice (2019): 117.

¹⁵⁷ Trasberg, K. and Kond, J.(2017) :98.

¹⁵⁸ OECD (2018): 59.

¹⁵⁹ In practice, refugees are helped by the personnel of the accommodation centres and by ‘support persons’. Since 2016, the State pays a one-time payment to cover the costs related to the rental agreement.

¹⁶⁰ Viirpalu, I. (2019).

¹⁶¹ On the other hand, the Chancellor of Justice informed ECRI that it received a complaint that was lodged by a person who was not allowed to stay in the accommodation centre for persons seeking for international protection pending asylum proceedings of a recurrent application.

well as continuous efforts to facilitate the integration of migrants in general. However, many interlocutors indicated to ECRI that the current design of integration measures falls short of addressing the various needs of different target groups (refugees, newcomers, permanent residents). Furthermore, despite the setting-up of a migrant support network involving various bodies, the roles and competences between institutions and other partners, including local authorities and service providers, are not always clear, nor well-coordinated. Hence, ECRI considers that more efforts must be made to turn these structures into effective co-operation bodies with the full involvement of all stakeholders and that integration measures must be tailored to the specific needs of those concerned.

98. ECRI recommends that the authorities revise integration measures in order to adopt more tailored measures addressing the needs of different target groups and to including success indicators to measure their impact. This should be done in close co-operation with the local authorities and representatives of each target group. An institutionalised approach to co-operation between central and local authorities should also be ensured.

C. Roma

99. The Roma population in Estonia is very small (673 persons as of 1 May 2021 official data). The authorities informed ECRI that the Roma community is present in 44 different municipalities out of 79 and is most populated in Valga county.
100. Since ECRI's last report, Estonia has invested efforts into improving the inclusion of Roma through several measures, although this community was not defined as a target group in 'Integrating Estonia 2020'. In 2016, the Estonian Council of Roma Integration was set up within the Ministry of Culture, including representatives of the Roma community, local governments and ministries with a primary aim of promoting Roma integration. Civil society organisations indicate that both horizontal (across ministries) and vertical (at central and local levels) coordination structures and mainstreaming Roma inclusion across institutions are rather weak.¹⁶² In this context, ECRI regards the introduction of Roma inclusion in the 'Cohesive Estonia 2030' strategy as a welcome step and an opportunity for the authorities to address Roma issues in a more structured manner.
101. ECRI was informed about several projects implemented on Roma integration and is particularly pleased to note that some concerned Roma women. ECRI recalls that Roma women are particularly vulnerable in experiencing intersectional discrimination, based on their gender and ethnicity and that their empowerment is crucial for the inclusion of this community. Similarly, ECRI notes the recruitment of two Roma mediators in Valga county as a **good practice**, which has yielded tangible results in the social integration of Roma by building a constructive dialogue between the community and local authorities. ECRI is also pleased to note the plans to open a Roma centre in Valga, which is expected to serve as a community-building space.
102. Despite these positive developments, civil society monitoring reports¹⁶³ indicate that there are no reliable data on the living conditions of the Roma and the challenges the community experiences in access to their basic rights, including education,¹⁶⁴ employment, health and housing. ECRI therefore invites the authorities to conduct a needs assessment to identify gaps in close collaboration with the Roma community and adopt any targeted measures accordingly.

¹⁶² EU Commission (2018): 20.

¹⁶³ EU Commission (2019); EU Commission (2018).

¹⁶⁴ As regards issues pertaining to minority rights more specifically, reference should be made to the work of the AC-FNCM.

IV. TOPICS SPECIFIC TO ESTONIA

Aligning the anti-discrimination legislation

103. ECRI notes that, although there is a general prohibition of discrimination and an open-ended list of prohibited grounds in the Constitution,¹⁶⁵ the scope of the Equal Treatment Act (ETA) varies for different sectors. While discrimination on the grounds of religion or belief, age, disability or sexual orientation is only prohibited in issues related to employment and the acquisition of professional qualifications, the prohibition of discrimination on the grounds of “nationality” (within the meaning of national or ethnic origin), “race” or colour is broader and also covers the areas of social protection (including social security and public health care), education and access to goods and services, including housing. Amendments to the ETA were initiated in 2017 and in 2018 to expand its scope of protection.¹⁶⁶ However, they did not yield any results. ECRI further notes that, despite its previous recommendations,¹⁶⁷ the ETA still does not include the protected grounds of language, citizenship and gender identity (see also § 2 above), nor does it explicitly prohibit, among others, segregation and discrimination by association, as listed in ECRI’s GPR No. 7 .
104. In the context of ECRI’s contact visit, representatives of civil society organisations and equality bodies expressed their concern about the varying degrees of protection for different grounds of discrimination in various spheres of life. In ECRI’s view, this constitutes an obstacle to access to justice for certain groups of victims of discrimination and may create a sense of hierarchy among them. ECRI was also informed that victims often find it difficult to navigate the legal landscape and resort to available remedies. Moreover, several civil society interlocutors stated that the legal framework does not provide for effective, proportionate and dissuasive sanctions for discrimination cases¹⁶⁸, as recommended in § 12 of ECRI’s GPR No. 7 on national legislation to combat racism and racial discrimination. ECRI therefore considers that aligning the anti-discrimination legislation would not only afford equal protection against discrimination on all the grounds in all spheres of life but also increase the seemingly low level of public awareness on this legislation and the reluctance to resort to existing legal remedies. The authorities informed ECRI that the amendments on the ETA were pending before the Estonian Parliament.¹⁶⁹
105. ECRI strongly recommends that the authorities make legislative amendments to the Equal Treatment Act and other related laws with a view to ensuring accessible and effective general anti-discrimination legislation covering all grounds and all areas of life, in line with its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. The legislation should also provide for effective, proportionate and dissuasive sanctions for discrimination cases.

¹⁶⁵ The Constitution of Estonia; § 12.

¹⁶⁶ The Chancellor of Justice (2017); Estonian Human Rights Centre (2018); Estonian Human Rights Centre (2020); EU, FRA (2020a):4.

¹⁶⁷ See ECRI (2015): §13 and 15.

¹⁶⁸ See similar in EELN (2021): 7, 43.

¹⁶⁹ See also EU, FRA (2021b): 6.

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of Estonia are the following:

- (§56) ECRI recommends that the authorities take urgent steps to amend Article 151 of the Penal Code with a view to ensuring that anyone who engages in hate speech of a criminal nature is duly prosecuted and punished. This criminal offence should apply to groups as well as individuals without any threshold for its qualification. In addition, citizenship and gender identity should be included among the prohibited grounds.
- (§78) ECRI recommends that the authorities organise a broad consultation of practitioners, in particular teachers and other education professionals working with pupils and students with Russian and other non-Estonian backgrounds, parents' associations and organisations representative of the relevant communities, in order to effectively implement the new Estonian strategies of relevance to education.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§5) ECRI recommends that the authorities bring the provisions of the Gender Equality and Equality Treatment Commissioner's (GET) competences, independence and effectiveness in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. In particular, they should i) extend its mandate to cover explicitly action to prevent and combat racist and other forms of hate speech, the discrimination grounds of language, citizenship and gender identity and multiple and intersectional discrimination; (ii) provide it with the competences to represent people exposed to racism and discrimination before the courts and institutions; bring cases of discrimination before the courts and intervene in legal proceedings as *amicus curiae*, third party or expert. The authorities should also ensure that the GET is fully independent at the institutional level and receives the necessary financial and staffing resources to cover all aspects of its mandate fully and sustainably.
2. (§14) In accordance with General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education, ECRI recommends that the authorities reinforce initial and continuous teacher training on issues relating to human rights. Related teaching materials should be reviewed to respond to the diverse needs of pupils from different backgrounds, including Russian-speaking children, and the members of the teaching profession should be provided with venues where they can regularly share experiences and update methods used for teaching human rights.
3. (§17) ECRI recommends that the authorities build on the achievements already made with regard to preventing and combating racism and intolerance in schools. In particular, they should move on from general anti-bullying activities to developing and implementing group-specific modules against bullying of children deemed vulnerable on the grounds of their national or ethnic origin, sexual orientation, gender identity or sex characteristics, amongst other things.
4. (§27) ECRI reiterates its recommendation that the amendments to the sectoral legislative acts and implementation provisions of the Registered Partnership Act should be adopted without any further delay to ensure its full enforcement.
5. (§30) ECRI recommends that the authorities amend the current legal framework on gender recognition and gender reassignment with a view to bringing it in line with Council of Europe relevant standards.
6. (§32) ECRI recommends that the authorities conduct research into intersex persons to identify their situation and address their specific needs. Necessary measures should be taken with a view to effectively protecting intersex children's right to physical integrity and bodily autonomy. Medically unnecessary sex-“normalising” surgery and other treatments should be prohibited until such time as the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.
7. (§34) ECRI recommends that the authorities, together with relevant civil society organisations, including LGBTI communities, develop an action plan, either as a separate policy document or as part of national plans currently in the drafting process, to identify and address areas of intolerance and discrimination against LGBTI persons and make their right to equal treatment a reality.
8. (§56) ECRI recommends as a matter of priority that the authorities take urgent steps to amend Article 151 of the Penal Code with a view to ensuring that anyone who engages in hate speech of a criminal nature is duly prosecuted and punished.

This criminal offence should apply to groups as well as individuals without any threshold for its qualification. In addition, citizenship and gender identity should be included among the prohibited grounds.

9. (§58) ECRI recommends that the authorities reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and LGBTIphobic hate speech. This group should include the relevant authorities, as well as equality bodies, civil society organisations and, as much as possible, media representatives. This strategy should make effective use of ECRI's General Policy Recommendation No.15 on combating Hate Speech.
10. (§61) ECRI reiterates its recommendation to provide expressly for racist and other hate motivation, including on the basis of sexual orientation and gender identity, to constitute an aggravating circumstance for any ordinary offence.
11. (§78) ECRI recommends as a matter of priority that the authorities organise a broad consultation of practitioners, in particular teachers and other education professionals working with pupils and students with Russian and other non-Estonian backgrounds, parents' associations and organisations representative of the relevant communities, in order to effectively implement the new Estonian strategies of relevance to education.
12. (§81) ECRI recommends that the authorities invest more resources in the early childhood education of Russian-speaking children, with a view to facilitating the acquisition of Estonian and preventing and combatting educational disadvantage.
13. (§85) ECRI recommends that the authorities conduct a study on the impact of the Covid-19 pandemic on the Russian speaking population and their access to basic rights, in particular in the fields of employment, health and education.
14. (§98) ECRI recommends that the authorities revise integration measures in order to adopt more tailored measures addressing the needs of different target groups and to including success indicators to measure their impact. This should be done in close co-operation with the local authorities and representatives of each target group. An institutionalised approach to co-operation between central and local authorities should also be ensured.
15. (§105) ECRI strongly recommends that the authorities make legislative amendments to the Equal Treatment Act and other related laws with a view to ensuring accessible and effective general anti-discrimination legislation covering all grounds and all areas of life, in line with its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. The legislation should also provide for effective, proportionate and dissuasive sanctions for discrimination cases.

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APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Estonia

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Estonia on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice, and unless otherwise indicated could only take into account developments up until 9 December 2021, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

ECRI's report on Estonia - viewpoint to be set out in an appendix

Activities related to fighting incitement to hatred and identifying hate crime victims:

1) In December 2017 ODIHR with FRA (Subgroup on methodologies for recording and collecting data on hate crime), the Ministry of Justice and other governmental agencies and human rights organisations organised a “Report on Hate Crime Recording and Data Collection Workshop” in Estonia and issued a report on the basis of this workshop.

2) In 2019, the guideline for identification and recording of hate crimes was amended and distributed to police and prosecutors.

3) In 2021-2022, Estonia took part of the EStAR project¹⁷⁰. On 10 February 2022, EStAR (*Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support*)¹⁷¹ project organized a workshop on *Assessing National Structures and Services for Hate Crime Victim Support in Estonia*. The workshop was a one-day event organized online. It gathered participants from Estonian government (Ministry of Justice, Ministry of Social Affairs, Ministry of Interior, Estonian Social Insurance Board, Prosecutor General's Office, Police, Academy of Security Sciences) and civil society.

4) In 2020 a legislative bill was introduced in the Parliament to amend the criminal law response to hate speech (bill no 276). The bill was not passed.

5) In 2021, the new government that took office, declared in their action plan, that a revision of hate speech criminal law legislation will be undertaken.

6) In 2021 The Violence Prevention Agreement (<https://www.just.ee/en/crime-and-prevention-crime/violence-prevention-agreement>) (2021-2025) was adopted by the government. It covers the prevention and combating of various forms of interpersonal violence. The main focus is on violence against children, while new topics include violence against the elderly and mental violence. **Hate crimes** have also been addressed.

- The agreement was drafted by the Ministry of Justice in co-operation with a wide range of partners, victim assistance organisations, and practitioners in the field, taking into account expert assessments and recommendations from international organisations, as well as the results of research and implementation of the strategies for preventing violence to date. The agreement is approved by the Government of the Republic. The need to renew the agreement will be assessed annually.
- Sub-goal 10. Victim-friendly proceedings: “The proceedings follow best practice in the treatment of victims: principles of trauma-informed treatment of victims that is based on individual needs to avoid re-victimisation. Trainings on sensitive treatment will be organised and specialisation will be encouraged. More attention will be paid to child victims, victims with special needs, and other vulnerable victims, including victims of **hate crimes**.”
- Sub-goal 11. Protection and support for victims of violence: “Support for the victim must be based on their individual needs and facilitate their coping. The services provided must be of high quality and accessible to all those in need, regardless of

¹⁷⁰ EStAR is a two-year project implemented in 2020-2022 across 41 OSCE participating states by ODIHR in partnership with the Association of Counseling Centers for Victims of Right-wing, Racist and Antisemitic Violence in Germany (VBRG). Funding for the project is provided by the EU Commission and the Federal Government of Germany. The project aims to develop practical tools and resources for states and civil society to ensure that hate crime victims are protected, enjoy full access to justice and receive tailored specialist support. EStAR has also created a network of experts, developing a framework for sharing international standards and good practices while ensuring that the resources reach those who need them. See: <https://www.osce.org/odihr/hate-crime-victim-support>

¹⁷¹ <https://www.osce.org/odihr/hate-crime-victim-support>

the place of the crime or the type of violence. The victim support system must be based on the victim in need of assistance and take into account their ability to cope. Some of the target groups have received less attention so far: people with special needs, the elderly, **victims of hate crimes**, and adults who have experienced violence as children. There are problems with the provision of psychological help. It is important to ensure the protection and support of victims of violence, especially vulnerable groups, in and after crisis situations.”

7) In 2022 a round-table of experts was convened at the Ministry of Justice to work on the criminal law response to hate speech, including the addition of this motive. The task force was led by the minister of justice.

8) In April of 2022, the Government introduced a bill to the Parliament, that would eliminate the need to ascertain a specific consequence for the offence of hate speech (bill no 576). The amendment was voted out by the parliament.

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