



European Commission  
against Racism and Intolerance  
**ECRI**  
Commission européenne  
contre le racisme et l'intolérance



CRI(2024)33

**ECRI CONCLUSIONS  
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS  
IN RESPECT OF ESTONIA  
SUBJECT TO INTERIM FOLLOW-UP**

*Adopted on 4 July 2024<sup>1</sup>*

*Published on 15 October 2024*

---

<sup>1</sup> Unless otherwise indicated, this analysis does not take into account any developments that occurred after 2 April 2024, the date on which the response of the authorities of Estonia to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

ECRI Secretariat  
Directorate General of Democracy and Human Dignity  
Council of Europe  
F - 67075 STRASBOURG Cedex  
Tel.: +33 (0) 390 21 46 62  
E-mail: [ecri@coe.int](mailto:ecri@coe.int)

[www.coe.int/ecri](http://www.coe.int/ecri)

 @ECRI\_CoE

## FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018<sup>2</sup>, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

---

<sup>2</sup> [CM/Del/Dec\(2018\)1316/4.1](#); [CM\(2018\)62-add10](#).

1) *In its report on Estonia (sixth monitoring cycle) published on 9 June 2022, ECRI recommended that the Estonian 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.*

The Estonian authorities informed ECRI that the government adopted a draft law prepared by the Ministry of Justice with a view to amending Article 151 of the Penal Code. The draft was submitted to parliament in the autumn of 2023 and passed first reading. However, as of February 2024, the adoption of the draft law was still pending due to diverging views among political parties. According to the authorities, the proposed amendment would criminalise any public incitement to violence, hatred or discrimination against a person or group on the basis of nationality, race, color, disability, language, origin, religion, sexual or political orientation, financial or social status in a manner that could lead to any act of violence or could threaten public security ("security of society"). Such act would be punishable by up to one year of imprisonment. In addition, in case of aggravating circumstances, repeat offending or if the act in question is committed by a group, maximum punishment would be of up to three-year imprisonment.

The authorities further explained that, if adopted as proposed by the government, Article 151 would no longer require the identification of additional elements such as posing a direct or imminent threat against a person's life, health or property. The assumption that the conduct concerned could lead to an act of violence or could threaten public security would be considered sufficient.

At the same time, ECRI received reports from some civil society actors raising questions about compliance of the draft law with Council of Europe standards.

ECRI welcomes the fact that action has been initiated by the Estonian authorities to amend Article 151 of the Penal Code in the light of its recommendation. However, ECRI notes with regret that the government did not propose to insert explicitly, as recommended, citizenship and gender identity among the prohibited grounds.<sup>3</sup> It also notes that the government has not yet been able to move forward in parliament after the first reading. In the view of ECRI, the fact that the draft is still pending in parliament due to disagreements between political parties provides an opportunity to ensure that the draft text, as it now stands in parliament, fully complies with Council of Europe standards on countering hate speech, notably ECRI's General Policy Recommendation No. 15 and Recommendation CM/Rec(2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech.<sup>4</sup> If necessary, Council of Europe support should be sought.

In the light of the above, ECRI concludes that, in the present state of affairs, its recommendation has only been partially implemented, and takes note of the initial steps taken.

2.) *In its report on Estonia (sixth monitoring cycle), ECRI recommended 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.*

ECRI is pleased to learn that, in the preparation of an action plan for transitioning to Estonian-language education and on the basis, inter alia, of the Education Strategy 2021-2035, the Estonian Language Strategy 2021-2035 and the Ida-Virumaa Development Strategy 2019-2030+, as well

---

<sup>3</sup> The term "nationality" is understood in Estonian law as referring to national or ethnic origin. See, in this connection, ECRI's [report](#) on Estonia, § 103.

<sup>4</sup> See also, in this context, § 9 of [Recommendation CM/Rec\(2022\)16](#) (adopted on 20 May 2022 at the 132nd Session of the Committee of Ministers), which underlines that the authorities should establish effective legal and practical safeguards against any misuse or abuse of hate speech legislation, in particular for the purpose of inhibiting public debate and silencing critical voices, political opponents or persons belonging to minorities.

as relevant analytical and statistical data, steps were taken to allow proposals to be made by various stakeholders in the context of meetings held in the autumn of 2021. According to the authorities, a total of 170 proposals were put forward, of which many have been considered in the drawing-up of the action plan. It is also noteworthy that the management of schools and kindergartens with Russian as the language of instruction and of establishments where there was a majority of pupils with a native language other than Estonian have been involved.

ECRI notes that a number of meetings were subsequently organised with representatives of local authorities, schools, teacher trade unions, parents' associations and other stakeholders to discuss the implications of the planned transition. Such meetings took place between October 2022 and June 2023 and were generally open to the public. The Minister of Education and Research participated on several occasions.

ECRI therefore welcomes that action was taken to implement fully its recommendation. It nonetheless recalls that consultations with relevant stakeholders should be pursued on a regular basis with a view to taking into consideration, as far as possible, dissenting voices in a constructive dialogue. ECRI acknowledges that the transition to Estonian-language education is a very sensitive topic and refers in this regard to the relevant recommendations made by the Advisory Committee on the Council of Europe's Framework Convention for the Protection of National Minorities (ACFC) and the Committee of Ministers of the Council of Europe.<sup>5</sup>

In the light of the above, ECRI considers that its recommendation has been implemented.

---

<sup>5</sup> See ACFC's [Fifth Opinion on Estonia](#) (adopted on 3 February 2022 and published on 9 June 2022) and [Resolution CM/ResCMN\(2023\)5](#) of the Council of Europe's Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by Estonia (adopted on 5 April 2023).