



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twelfth and thirteenth reports of Estonia*

1. The Committee considered the combined twelfth and thirteenth periodic reports of Estonia,¹ submitted in one document, at its 2877th and 2878th meetings,² held on 20 and 21 April 2022. At its 2888th meeting, held on 28 April 2022, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined twelfth and thirteenth periodic reports of the State party. It also welcomes the constructive dialogue with the State party's delegation and thanks the delegation for the information provided during the consideration of the report and for the additional written information submitted after the dialogue.

B. Positive aspects

3. The Committee welcomes the following legislative, institutional and policy measures taken by the State party:

(a) The adoption, in 2016 and 2020, of amendments to the Citizenship Act that simplify access to Estonian citizenship for children whose parents are stateless and also for children who have both one parent who is stateless and one parent who is a citizen of a country other than Estonia;

(b) The considerable efforts undertaken since 2015 to develop a system of integration of refugees, especially those who were accepted under the European Union relocation and resettlement scheme, which has led to positive outcomes, including a lower number of secondary movements;

(c) The establishment of an independent national human rights institution, through the adoption in 2018 of an act amending the Chancellor of Justice Act that designates the Chancellor of Justice as the national human rights institution, and the institution's accreditation, in December 2020, with "A" status by the Global Alliance of National Human Rights Institutions;

(d) The approval, in April 2021, of the country's first-ever action plan on human rights diplomacy, which includes new human rights areas.

* Adopted by the Committee at its 106th session (11–29 April 2022).

¹ CERD/C/EST/12-13.

² See CERD/C/SR.2877 and CERD/C/SR.2878.



C. Concerns and recommendations

Civil society involvement

4. The Committee is concerned about the low number of non-governmental organizations involved in the process concerning the State party report and the review of the State party.

5. **The Committee recommends that the State party increase its efforts to involve non-governmental organizations and civil society in the processes of its next periodic report and its review.**

Statistics

6. The Committee remains concerned about the lack of detailed statistics on the enjoyment of economic and social rights by persons belonging to various ethnic groups. The Committee is also concerned about the lack of detailed statistics on the representation of ethnic minorities in political life (arts. 1–2).

7. **Drawing attention to the revised guidelines for reporting under the Convention and recalling its general recommendation No. 24 (1999) concerning article 1 of the Convention, the Committee recommends that the State party collect and publicize reliable detailed statistics on the social and economic situations of the different ethnic groups, disaggregated by relevant indicators, including sex, and by areas in which minority groups live in substantial numbers, in order to provide an adequate empirical basis for policies to enhance the equal enjoyment of rights under the Convention. The Committee also recommends that the State party collect data and publish statistics on the representation of minority groups in political life. The Committee requests the State party to provide it with that information in its next periodic report.**

Domestic legal framework

8. The Committee is concerned that the Equal Treatment Act does not afford equal protection against racial discrimination on all the grounds prohibited under the Convention in all spheres of life. The Committee is also concerned that awareness among the population at large about equal treatment legislation and the available remedies remains insufficient (arts. 2 and 6).

9. **The Committee recommends that the State party take concrete steps and increase its efforts to amend the Equal Treatment Act with a view to ensuring an adequate, effective and equal scope of substantive and procedural protection against discrimination on all the prohibited grounds under the Convention, in all spheres and sectors. It should also increase efforts aimed at raising awareness about equal treatment legislation and the remedies available among the population at large, and improve access to effective remedies for any form of discrimination.**

Gender Equality and Equal Treatment Commissioner and Chancellor of Justice

10. The Committee is concerned that the Gender Equality and Equal Treatment Commissioner does not have adequate human and financial resources to fully carry out the Commissioner's mandate.

11. **The Committee recommends that the State party increases its efforts to ensure that the Gender Equality and Equal Treatment Commissioner is provided with adequate financial and human resources for it to effectively fulfil the Commissioner's mandate.**

12. While noting that the State party has given the Chancellor of Justice the mandate to resolve discrimination disputes between persons governed by private law, the Committee is concerned about the low number of complaints regarding racial discrimination, as this might be an expression of a lack of awareness of the mandate of the Chancellor of Justice (arts. 2 and 6).

13. **The Committee recommends that the State party increases its efforts to ensure that awareness of the role and mandate of the Chancellor of Justice regarding racial discrimination is raised among the general public, including among minorities, migrants, asylum seekers and refugees.**

Persons with undetermined citizenship

14. While noting the reduction in the number of persons with undetermined citizenship during the period under review, the Committee remains concerned at the persistently high number of persons with undetermined citizenship. It is also concerned that, according to Statistics Estonia, in 2021 the nationality of 7,139 persons in the State party was unknown (art. 5).

15. **Bearing in mind its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

(a) **Continue its efforts to reduce the number of persons with undetermined citizenship by identifying them and assisting them in gaining access to citizenship;**

(b) **Continue its efforts to raise awareness about statelessness among stakeholders and expand the cooperation with local governments to effectively identify stateless persons;**

(c) **Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;**

(d) **Adopt a national plan to end statelessness in the context of the application of the Global Action Plan to End Statelessness 2014–2024.**

Language policies

16. While noting the State party's recognition of diversity in the Cohesive Estonia Strategy 2021–2030, the Committee is concerned about the balance of the promotion of Estonian language proficiency in the application of core human rights in that strategy, including the goal to transition to predominantly Estonian-language school education in the next 15 years (art. 5).

17. **The Committee recommends that the State party reconsider the best balance between its recognition of diversity and the degree to which it makes the Estonian language a condition for employment and other essentials, and that the State party provide the Committee with a full assessment of the effects of the Cohesive Estonia Strategy 2021–2030 in its next periodic report.**

18. The Committee is concerned about the State party's continued reliance on punitive elements in its approach to the promotion of the official language, particularly in the realm of employment.

19. **The Committee recommends that the State party reconsider its punitive approach to the promotion of the official language, and ensure that the mechanism to monitor the work of the Language Board (formerly known as the Language Inspectorate) is effective.**

20. The Committee is concerned that the Language Act restricts the use of minority languages in public administration only to local governments where the majority of permanent residents are non-Estonian speakers.

21. **The Committee recommends that the State party review its legislation to allow a wider scope for the use of minority languages in public administration.**

22. The Committee is concerned that minorities' need for self-identification is not sufficiently addressed by the language policies of the State party.

23. **The Committee recommends that the State party address minorities' need for self-identification by facilitating, inter alia, the use of patronyms, through appropriate administrative measures.**

Discrimination based on language proficiency

24. The Committee reiterates its concern that while the Equal Treatment Act prohibits discrimination against an employee or a potential employee based on criteria such as nationality and ethnic origin, different treatment based on Estonian language proficiency is not considered discrimination in practice. The Committee also remains concerned at the discrepancies between the employment and income levels of the Estonian and non-Estonian populations, including as a result of language proficiency (art. 5).

25. **The Committee reiterates its recommendation that the State party ensure that language requirements in relation to employment are based on reasonable and objective criteria and are linked to the needs for the performance of each individual job, and that the State party continue to be mindful of indirect discrimination effects of public policies on vulnerable groups. The Committee also reiterates its recommendations that the State party intensify its efforts to address the persistent disadvantages faced by minority groups with regard to rates of employment and remuneration based on language proficiency, including through special measures to reduce the income gap.**

Legislation regarding hate crime and hate speech

26. While noting the statement by the State party regarding the efforts undertaken to criminalize hate crimes and hate speech, the Committee reiterates its concern that the Penal Code is not fully compliant with the provisions of article 4 of the Convention, with regard to the prohibition of racist organizations, the dissemination of ideas based on racial superiority or racial hatred, and making racially motivated hate speech and incitement to hatred, criminal offences punishable by law. The Committee also reiterates its concern about the leniency of the punishment.

27. **Referring to its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party amend its Penal Code with a view to bringing it into full compliance with all provisions of article 4 of the Convention, and ensure that punishment for such offences corresponds to the gravity of the crimes.**

Complaints of racist hate speech and hate crimes

28. While noting that racial hatred is considered a motive in police investigations, the Committee is concerned about the low level of reporting of hate speech and hate crimes in the State party and about the fact that such crimes are not always registered and investigated as such. It is also concerned about the use of hate speech by some political parties and other public figures (arts. 4 and 6), which remains unchecked and is not investigated, and that perpetrators are not prosecuted or punished.

29. **Recalling its general recommendation No. 35 (2013), the Committee recommends that the State party take measures to encourage and facilitate the reporting of hate speech and hate crimes, including by raising public awareness about access to available legal remedies and legal aid, and ensuring that the perpetrators are adequately prosecuted and punished, if convicted. The Committee also encourages the State party to take appropriate action against racial hatred and incitement to racial discrimination.**

Racial motivation as an aggravating circumstance in criminal law

30. The Committee reiterates its concern that racial motivation does not in general constitute an aggravating circumstance in proceedings under criminal law in Estonia (arts. 4 and 6).

31. **The Committee reiterates its previous recommendation that the State party amend its Penal Code to include a specific provision ensuring that racist motives are**

taken into account as an aggravating circumstance in proceedings under criminal law, in line with article 4 of the Convention and with general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

Anti-discrimination legal framework and its enforcement

32. While noting certain provisions in the Penal Code and in the Equal Treatment Act that prohibit racial discrimination, the Committee is concerned at the lack of a comprehensive anti-discrimination law, which may hinder the full implementation of the rights set out in the Convention.

33. **The Committee recommends that the State party adopt a comprehensive anti-discrimination law that includes a definition of direct and indirect discrimination in line with the definition set out in article 1 (1) of the Convention and that expressly prohibits racial discrimination, in order to ensure the full implementation of the rights in the Convention and effective access to justice and appropriate remedies for victims of racial discrimination. The Committee recalls that the low number of complaints and cases of legal action for racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of will on the part of the authorities to prosecute the perpetrators of such acts, a lack of trust in the criminal justice system or a fear of reprisals against victims. The Committee recommends that the State party take measures to ensure the effective implementation of existing legal provisions prohibiting racial discrimination, to ensure access to justice for all victims and to ensure that cases of racial discrimination are registered and investigated, and perpetrators prosecuted and convicted. The Committee requests the State party to provide it with data on the application of the Convention through judicial and administrative decisions in its next periodic report.**

34. The Committee is concerned about the limited invocation of existing provisions prohibiting racial discrimination and the low rate of convictions for offences under these provisions (arts. 2, 4 and 6).

35. **The Committee reiterates its recommendation that the State party continue to raise awareness of the Convention, and that the State party conduct regular awareness-raising activities among the public at large, as well as provide continuous training on hate crime for law enforcement officials, border guards, prosecutors and judges.**

Provision of free legal aid

36. While noting the State party's 2016 amendment to the Act on State Legal Aid, according to which State legal aid can be requested in Estonian, English and most of the other languages most commonly spoken by persons who are citizens of or live in a different European Union member State, the Committee is concerned that this could exclude migrants, refugees and asylum seekers who live in the State party and who have a very limited knowledge of those languages from benefiting from free legal aid (art. 6).

37. **The Committee recommends that the State party take all measures to ensure that free legal aid is not denied to those who live in the State party and who may be in need of such legal aid, in particular migrants, including refugees and asylum-seekers, and also in particular those with a limited knowledge of Estonian, English or other languages commonly spoken in European Union member States.**

Education of Roma children

38. While taking note of the various efforts made by the State party to increase access to education for Roma children, the Committee is concerned that out of a Roma population of 649, there are only 62 students, and that a disproportionate number of those students seem to have been placed in special schools (arts. 2 and 5).

39. **Recalling its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party:**

- (a) **Ensure that all Roma children have access to quality education and are integrated in mainstream schools;**
- (b) **Assess the number of Roma children pursuing education at the secondary level and address the problem of Roma children dropping out of school.**

Refugees

40. While noting the extraordinary efforts made by the State party in cooperation with, inter alia, international civil society partners to facilitate the reception and integration of the large number of refugees fleeing the conflict in Ukraine, as well as other refugees, the Committee recalls the concerns expressed in 2019 by the Committee on Economic, Social and Cultural Rights about:

- (a) The poor living conditions in reception centres for asylum seekers;
- (b) The acute shortage of housing available for refugees, which has led some of them to stay in reception centres even after they have been granted refugee status;
- (c) The absence of a comprehensive national refugee integration strategy and policy framework.³

41. **The Committee draws the State party's attention to the recommendations made by the Committee on Economic, Social and Cultural Rights that the State party:**

- (a) **Ensure that asylum seekers are accommodated in conditions that respect human dignity and that their basic economic, social and cultural needs are met;**
- (b) **Intensify its efforts to provide refugees with adequate housing;**
- (c) **Adopt a comprehensive national refugee integration strategy and policy framework in full consultation with organizations representing refugees, non-governmental organizations, relevant international agencies and other stakeholders.**⁴

42. **Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party, in compliance with the Convention, ensure that everyone within its jurisdiction is offered effective protection against and remedies for any acts of racial profiling and racial discrimination that violate his or her human rights and fundamental freedoms. The Committee recommends that the State party ensure that those fleeing the conflict in Ukraine, irrespective of their national or ethnic background, benefit from all legal safeguards for refugees under international human rights law and refugee law, as appropriate.**

43. The Committee is concerned about a serious risk of trafficking of, and sexual exploitation and gender-based violence against, women fleeing the conflict in Ukraine, and that children, in particular girls, may find themselves in a vulnerable position (art. 5).

44. **The Committee recommends that the State party expand existing measures and programmes aimed at preventing trafficking, with a particular focus on preventing the trafficking of refugees fleeing the conflict in Ukraine. The Committee also recommends that the State party address the special reception needs of asylum-seeking single women and establish measures for the identification and prevention of and response to sexual and gender-based violence in reception centres for asylum seekers, as recommended by the Committee on the Elimination of Discrimination against Women.⁵ The Committee further recommends that the State party put in place mechanisms to identify, at an early stage, refugee, asylum-seeking, migrant and unaccompanied children coming from Ukraine who may be in need of assistance and protection.**

³ E/C.12/EST/CO/3, para. 16.

⁴ Ibid., para. 17.

⁵ CEDAW/C/EST/CO/5-6, para. 37 (a).

Prison population

45. The Committee remains concerned at the high number of non-Estonians among the prison population, which includes a significant proportion of persons of undetermined citizenship. It is also concerned about reports of incidents where prison authorities refuse to accept and translate complaints from prisoners that are not written in the official language, which may limit the opportunities of inmates of minority origin to file oral and written complaints (arts. 2 and 5–6).

46. **The Committee reiterates its recommendation that the State party ensure that there is no discrimination against prisoners on the basis of their lack of proficiency in the Estonian language and that prisoners are not penalized with regard to administrative and disciplinary matters because they do not have a sufficient understanding of the Estonian language.**

Impact of the coronavirus disease (COVID-19) pandemic

47. The Committee is concerned about reports that intolerance and discrimination were significantly directed towards people perceived to be of Asian descent in the early phase of the COVID-19 pandemic (arts. 4–5).

48. **The Committee reiterates that the State party must ensure that any measures and restrictions imposed due to emergency situations, including, but not limited to, public health concerns, are applied in a non-discriminatory manner, and recommends that the State party condemn any form of discrimination and hate crime, and investigate such incidents.**

D. Other recommendations**Ratification of other treaties**

49. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Domestic Workers Convention, 2011 (No. 189) and the Migration for Employment Convention (Revised), 1949 (No. 97) of the International Labour Organization. The Committee also encourages the State party to accede to the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the International Convention for the Protection of All Persons from Enforced Disappearance.**

Amendment to article 8 of the Convention

50. **The Committee recommends that the State party accept the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.**

Follow-up to the Durban Declaration and Programme of Action

51. **In light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

International Decade for People of African Descent

52. In light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

53. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Dissemination of information

54. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including municipalities, and publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

Common core document

55. The Committee encourages the State party to update its common core document, which dates to 25 November 2016, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.⁶ In light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

56. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 11 (Gender Equality and Equal Treatment Commissioner) and 44 (women and children from Ukraine) above.

Paragraphs of particular importance

57. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 15 (persons with undetermined citizenship), 25 (discrimination based on language proficiency), 27 (legislation regarding hate crime and hate speech) and 39 (education of Roma children) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

58. The Committee recommends that the State party submit its combined fourteenth to seventeenth periodic reports, as a single document, by 29 August 2026, taking into account the reporting guidelines adopted by the Committee during its seventy-first

⁶ [HRI/GEN/2/Rev.6](#), chap. I.

session⁷ and addressing all the points raised in the present concluding observations. In light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

⁷ CERD/C/2007/1.