



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2877th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 20 April 2022, at 3 p.m.

Chair: Ms. Shepherd

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The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined twelfth and thirteenth periodic reports of Estonia (CERD/C/EST/12-13; and CERD/C/EST/Q/12-13)

1. *At the invitation of the Chair, the delegation of Estonia joined the meeting.*
2. **Ms. Saarsalu-Layachi** (Estonia), introducing her country's combined twelfth and thirteenth periodic reports (CERD/C/EST/12-13), said that the Estonian delegation welcomed the opportunity to take part in the interactive dialogue with the Committee in person.
3. In Estonia, the state of emergency declared to contain the outbreak of the coronavirus disease (COVID-19) had lasted from 12 March to 17 May 2020. The raft of restrictions on freedom of movement and gatherings introduced in that connection had been temporary, lawful, non-discriminatory and necessary for the protection of public health. The country's vast experience in the field of digital technology had facilitated a quick transition to teleworking and distance learning during the pandemic. However, children with special educational needs had benefited from additional classroom teaching. The employment support measures introduced during the pandemic had included short-term work schemes to alleviate the impact of the restrictions implemented in regions with high COVID-19 infection rates. In 2021, around 200 cases had been brought before the administrative courts against pandemic-related restrictions, thus demonstrating that Estonians were aware of their rights and that the legal remedies available to them were effective.
4. The reports of Estonia to the Committee were drafted by the Ministry of Foreign Affairs, in coordination with other ministries. In line with the Committee's recommendations, civil society representatives had been invited to contribute.
5. Significant progress had been made towards updating the articles of the Penal Code dealing with hate crimes. Work on the necessary legislative amendments was ongoing and the task had been included in the Government's programme of work. Amendments to the Penal Code were currently being discussed by the Estonian parliament.
6. It remained a challenge to raise awareness in the education system and among civil servants and the public at large of the need to protect and promote human rights in general and the principle of non-discrimination enshrined in the Convention in particular. The Office of the Chancellor of Justice and the Office of the Gender Equality and Equal Treatment Commissioner played an important role in that regard. Pursuant to recommendations made by the Committee and other human rights bodies, in 2019, the Office of the Chancellor of Justice had received the status of a national human rights institution and in December 2020, the Office had been granted category A status by the Global Alliance of National Human Rights Institutions.
7. In February 2022, the Ministry of Foreign Affairs had organized an interministerial seminar on reporting under the different United Nations human rights treaties, improving national cooperation and giving better effect to the recommendations and decisions issued by the treaty bodies and to the judgments of international courts and tribunals. In 2021, during the third cycle of the universal periodic review process, Estonia had accepted several recommendations concerning issues related to equality and non-discrimination.
8. The Government of Estonia firmly believed in the advantages of a digital society and of delivering government services electronically, which included improved access to justice, more transparent decision-making processes and a stronger rule of law. In Estonia, international human rights law, including the principles of equal rights and non-discrimination, applied online and in cyberspace. Thanks to a safe, convenient and flexible digital ecosystem, the country had achieved an unprecedented level of transparency in governance and had built broad trust in its digital society. In Estonia, 99 per cent of public services were available online 24 hours a day, and electronic voting had been introduced in 2005. In addition to citizens of Estonia and other European Union countries, all persons with a long-term residence permit or permanent resident status could vote in municipal elections.

9. Approximately one third of the Estonian population, which stood at around 1.3 million people, had a migrant background. Legal and policy measures had consistently been taken to promote the acquisition of Estonian citizenship and to reduce the number of stateless persons in the country, which had fallen from 32 per cent of the population in 1992 to 4.9 per cent in 2022. Training on the Estonian Constitution and on citizenship was available to residents and new immigrants regardless of their linguistic or cultural background. The Integration Foundation planned to conduct a study on statelessness in Estonia with a view to providing integration and citizenship services that were better tailored to the needs of stateless persons.

10. Implementation of Estonian integration policy was primarily the responsibility of the Ministry of Culture, which was assisted by other ministries, municipal authorities and civil society organizations. According to a 2020 monitoring report, most immigrants rated their access to basic services as good, and new immigrants were mostly satisfied with their access to social assistance, care and labour market services. All residents of Estonia, irrespective of their national origin, received support in learning Estonian. The Cohesive Estonia Development Plan 2021–2030, which had been adopted in November 2021, set goals relating to adaptation, integration, the status and activities of civil society and the conditions of Estonians living abroad.

11. The Government of Estonia considered the military aggression against Ukraine by the armed forces of the Russian Federation to constitute a flagrant violation of international law, including the Charter of the United Nations, and had condemned it in the strongest terms. The Russian Federation was causing horrific human suffering in Ukraine and had forced millions of Ukrainians to flee their homeland. In the past weeks, more than 32,000 Ukrainian refugees had arrived in Estonia, which had provided them with all possible assistance so that they could remain in the country for whatever period was necessary. Refugees were given housing and their children were guaranteed access to education on an equal footing with Estonian children. To date, Estonia had provided Ukraine with more than €13 million in humanitarian assistance.

12. Protecting the rights of indigenous peoples was a long-standing priority for Estonia. Over the years, the country had contributed to the preservation and development of indigenous cultures, education and languages, focusing primarily on the Finno-Ugric peoples. Accordingly, it was monitoring the situation of the Finno-Ugric peoples in the Russian Federation and that of the Crimean Tatars in occupied Ukrainian territories, and it was responding appropriately, in cooperation with the European Union and other like-minded States. In that connection, Estonia had in June 2021 hosted the Eighth World Congress of Finno-Ugric Peoples. It had continued to financially support the activities of the United Nations Voluntary Fund for Indigenous Peoples and the Permanent Forum on Indigenous Issues, and it had made a financial contribution towards preparations for the International Decade of Indigenous Languages 2022–2032.

13. **Ms. Tlakula** (Country Rapporteur) said that, bearing in mind the previous concluding observations of the Committee ([CERD/C/EST/CO/10-11](#)), in which it had recommended that the State party should consult a broader range of civil society organizations active in combating racial discrimination, she would be interested to know how the three non-governmental organizations (NGOs) selected to comment on the draft of the periodic report had been selected, and why others had been excluded. The delegation might confirm whether the proposed amendments to the Equal Treatment Act, referred to in the report, included all the prohibited grounds of discrimination set out in article 1 of the Convention, and when those amendments might be discussed and adopted.

14. It would be useful to hear about the measures taken to strengthen the Office of the Chancellor of Justice now that it had acquired the status of a national human rights institution and to ensure that its mandate included promoting the ratification of regional and international human rights instruments. According to the Office's report, between 2019 and 2021, none of the 59 complaints of discrimination received by it had concerned race or colour, only 4 had concerned ethnic origin and only 2 had concerned language. Those numbers seemed very low. She wondered what was being done to publicize the Office's work.

15. She wished to know what impact the proposed amendments to the Equal Treatment Act would have on the role of the Office of the Gender Equality and Equal Treatment Commissioner. It would be helpful to receive statistics on the number of complaints of racial discrimination received by that institution over the reporting period, to know the outcome of those complaints and to learn about the remedies the Office could provide to victims of racial discrimination. She would also be interested to find out whether the financial and human resources allocated to the Office of the Chancellor of Justice and the Office of the Gender Equality and Equal Treatment Commissioner had increased during the reporting period.

16. The Committee would appreciate additional information on the “outdated and restrictive stereotypes” mentioned in the State party’s periodic report and on the impact of the awareness-raising initiatives undertaken by the Office of the Gender Equality and Equal Treatment Commissioner to counter them. According to the disaggregated data provided in paragraph 23 of the report, of the 332 inquiries opened into allegations of discrimination in 2016, only 4 had concerned racial discrimination. She wondered why that number was so low, what the outcome of those inquiries had been and what was being done to publicize the work of the Office of the Gender Equality and Equal Treatment Commissioner.

17. The unprecedented increase in online activity during the pandemic had put all States at a greater risk of cybercrime. The Committee would welcome an update on the progress made by the State party towards ratifying the Council of Europe’s Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems. Did the State party intend to adopt legislation to combat that phenomenon?

18. The Committee had received reports that, in the run-up to the 2021 elections, some political parties had made use of anti-migrant, xenophobic and other forms of intolerant discourse in their election campaigns. What action had the State party taken to address that situation?

19. **Mr. Yeung Sik Yuen** (Country Task Force) said that, although the periodic report contained references to some cases of racial discrimination registered with the Office of the Chancellor of Justice or the Office of the Gender Equality and Equal Treatment Commissioner, it provided insufficient statistics on discrimination and lacked information on cases in which the provisions of the Convention had been invoked or applied. In reference to the statistics taken from the victim surveys conducted from 2015 to 2017, he wished to know how the overall number of victims had been calculated and whether the figure was based on the total number of criminal complaints received from persons not of Estonian ethnicity. As the periodic report’s figures on hate crimes did not necessarily correspond with those provided by other human rights protection bodies, he would like to know the source of the statistics and where the cases in question had been registered. It would be helpful to know why information was unavailable on hate crimes and related prosecutions between 2017 and 2019. The Committee would also appreciate information on any measures taken to raise awareness of the Convention and on whether training on the Convention was available to the judiciary, lawyers, the police and the general public, including minority groups.

20. Following reports that people perceived to be of Asian descent had faced discrimination in the early stages of the COVID-19 pandemic, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) had recommended that Estonia should condemn any form of discrimination or hate crime, abstain from any statement or action that exacerbated vulnerabilities and ensure that any measures or restrictions imposed owing to the emergency situation were created and applied in a non-discriminatory manner. He wished to know whether those recommendations had been followed, whether there was information on the number of people of Asian descent with Estonian nationality or living in Estonia and whether such persons were still subject to any particular form of racial discrimination.

21. The fact that the Penal Code established that public incitement to hatred was only punishable if it caused danger to life, health or property was a serious impediment to the adequate punishment of the offence. It would be useful to know why that article had not yet been amended. He wished to know how many times the Office of the Chancellor of Justice

had referred breaches of legislation to the Supreme Court and how many times it had recommended to the parliament that legislation should be amended, and with what outcome.

22. One of the cases examined by Office of the Chancellor of Justice had involved a complainant who had reported that she had been discriminated against in a public job competition owing to the requirement for a very good level of proficiency in the Estonian language. The Office had responded that the case would only have been discriminatory if the job had required Estonian as a mother tongue. The Committee would like to receive more information on that particular case. Could a subjective test of language proficiency for a job lead to abuse and discrimination against competent and qualified candidates who were not of Estonian ethnicity?

23. The Office of the Chancellor of Justice had the competence to resolve disputes between private individuals, but it had only rarely been approached about issues of racial discrimination or discrimination based on language or nationality. The existence of the Office's powers to resolve disputes presupposed a demand for it to do so. It would thus be helpful for the Committee to know why such a demand had not materialized. Was it because the Office's powers were not well known or publicized, or had plaintiffs' expectations of the dispute resolution mechanism not been met? The Committee would also like to know why the Office had not initiated any conciliation proceedings in the previous three years. Statistics provided by the Office showed that there had been 18 cases of discrimination in 2019, 12 cases in 2020 and 29 cases in 2021, of which only 2 cases per year had concerned language or ethnic origin. The Committee would like to know why those figures were so low and what the grounds for discrimination had been in the other cases.

24. The Committee had previously recommended that the State party should amend its Penal Code and criminal legislation to ensure full compliance with article 4 of the Convention, and he noted the State party's statement regarding a draft law on the criminalization of hate crimes. However, the periodic report indicated that, while it was important to prohibit or restrict hate speech and to ban organizations inciting discrimination, the Government highly valued freedom of speech and association. He wished to know whether the Estonian concepts of freedom of speech and association permitted the promotion or incitement of racial discrimination. The Committee would appreciate clarification on how the failure to implement article 4 of the Convention in domestic legislation was addressed under article 3 of the Constitution, which established that the generally recognised principles and rules of international law were an inseparable part of the Estonian legal system, or article 123 of the Constitution, which stipulated that provisions of international treaties prevailed in cases of conflict with domestic legislation.

25. Estonian domestic legislation continued to lack any definition of hate crimes or specific provisions targeting such offences. Although attempts to define what was understood as a hate crime were described in the periodic report, no hate crime was punishable as such, owing to the absence of an appropriate legal definition. The uncertainty in criminal law regarding hate speech and the lack of data collection in that area had been noted by the European Commission against Racism and Intolerance. The Committee would like to know whether the State party intended to clarify the meaning of hate crimes, including hate speech, in its criminal law.

26. **Mr. Kut** (Follow-up Coordinator) said that he wished to thank the State party for having submitted its interim follow-up report on time after the Committee's previous review of Estonia. The issues that had been identified for follow-up in the Committee's previous concluding observations had all been addressed in the combined twelfth and thirteenth periodic reports.

27. **Mr. Diaby**, noting that women and persons with disabilities were now allowed to join the Estonian military, said that he wished to know whether any specific adaptations had been made for them, in particular whether any necessary logistical arrangements had been made for persons with disabilities. The periodic report stated that around half of naturalization applications were rejected. On what grounds were they rejected, and what were the origins of the rejected applicants? The State party had said that it would issue a declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction, in line with article 14 of the

Convention. He invited the delegation to give the Committee up-to-date information in that regard.

28. **Ms. Esseneme**, drawing attention to articles 5 (c) and 5 (e) of the Convention, said that she wished to know why non-nationals with residence permits were allowed to vote in local elections, but not to stand in them, and why non-nationals were not permitted to hold certain public administration positions and higher positions in the private sector.

29. **Mr. Amir** said that many States parties had not yet adopted the amendment to article 8 (6) of the Convention, which would establish financial commitments in respect of the Committee. As a result, the Committee had previously been left unable to function properly, owing to a lack of funding. He therefore wished to know whether the State party intended to adopt the amendment.

The meeting was suspended at 4.10 p.m. and resumed at 4.35 p.m.

30. **Ms. Saarsalu-Layachi** (Estonia) said that the three NGOs that had participated in the reporting process were the largest ones in Estonia and those that covered the largest range of human rights questions. They had expressed interest in drafting the State party report and had experience of doing so. However, it had been difficult for them to participate and submit comments, as they did not have sufficient staff to analyse lengthy documents. Their participation could also raise doubts about their independence. Nonetheless, efforts to engage NGOs in the reporting process continued.

31. **Ms. Knight** (Estonia) said that the Equal Treatment Act prohibited discrimination on the grounds of nationality, ethnicity, race and colour, in employment, education, access to social welfare, social security and health-care services and in access to goods and services available to the public, including housing. The Act was being amended to extend equal protection to the grounds of age, disability, religion or belief and sexual orientation. The amendments had been approved by the Government and had passed a first reading in the parliament; they were being prepared for a second reading and could be accepted by the parliament by the end of 2022. It was true that a provision of the Act provided for exceptions for different treatment on the grounds of age, but such provisions were positive measures relating to pregnancy or care for older persons.

32. Persons who had experienced racial discrimination in employment or education or in obtaining goods or services, including social welfare, social security, health care and housing, could turn to the Office of the Gender Equality and Equal Treatment Commissioner for assistance. The Office monitored compliance with the requirements of the Gender Equality Act and the Equal Treatment Act. It received complaints, including anonymous ones, on its website, by email and in person, and it provided victims of discrimination with counselling by telephone and through social media. In 2019, the Office had received four complaints of discrimination on grounds of race or colour, two of which had concerned leases. The Commissioner had conducted an investigation into those cases but had found no discrimination. In 2020, two complaints had been submitted concerning the expression of racist views in a newspaper article. The Commissioner had contacted the newspaper's editorial board and the racist views had been removed from the article. In 2021, there had been no complaints to the Commissioner concerning discrimination on grounds of race or colour. The Office had received 23 complaints of discrimination on the grounds of nationality or ethnic origin in 2019, 15 in 2020 and 15 in 2021.

33. The Office received funding from the State budget and was entitled to apply for additional funding from relevant programmes. The State funding had edged up from about €502,000 in 2020 to about €510,000 in 2023. The Office had successfully applied for additional funding, which had increased its overall budget and allowed it to carry out a wider range of activities. The overall budget had risen from almost €800,000 in 2020 to over €900,000 in 2021. The Office currently had seven staff members.

34. The Office strove to raise public awareness of its work, particularly its provision of counselling and legal assistance for victims of discrimination, and for that purpose it had launched television, Internet and social media campaigns. As part of the Office's Break! project, it had produced an acclaimed television series promoting equal treatment among young people.

35. In 2019 and 2020, the Ministry of Social Affairs had conducted a broad awareness campaign to promote equal treatment and familiarize the public with different minority groups. As part of the campaign, video clips had been produced and shown on television, websites and social media showing Estonians of different races, ethnicities, sexual orientations and beliefs involved in various campaign events.

36. According to integration monitoring activities carried out in 2020, the proportion of people with a positive attitude towards other cultures had increased. Specifically, the share of Estonians with an open attitude had increased from 35 per cent to 47 per cent, while that of people of other nationalities had risen from 62 to 66 per cent. Youth camps, joint lessons and competitions had been organized to promote cooperation between young people with different native languages.

37. **Mr. Siplane** (Estonia) said that the Government took the view that all residents of Estonia must have an opportunity to contribute to the defence of the country. About 3,500 conscripts were serving in the Estonian Defence Forces. All male citizens were subject to conscription, and female citizens were entitled to serve in the same context. Estonia had approximately 3,500 regular military personnel on active duty. Persons wishing to join the military were required to undergo examination by a medical commission to determine whether they were fit for service. It was possible for persons with disabilities to be passed as fit for service, with certain conditions. However, the Ministry of Defence did not know precisely how many persons with disabilities were currently serving in the military because it was not legally permissible to ask for information on health status or disability. The medical commission did not examine the medical histories of potential recruits with a view to excluding them on health grounds; it merely considered whether they were capable of performing certain tasks, and some people had signed up for military service without informing the Ministry of Defence that they had a disability. According to an anonymous survey conducted five years previously, there had been 108 persons with disabilities serving in the military. About 20 serving military personnel had disabilities as a result of injuries sustained in Afghanistan.

38. The Ministry of Social Affairs was responsible for the provision of reasonable accommodation so that persons with disabilities could enter the labour market. The military observed a regulation according to which it would procure any assistive devices that personnel required to perform their duties, even if those devices were not listed by the Ministry of Social Affairs.

39. **Mr. Kärner** (Estonia) said that the Office of the Chancellor of Justice had the status of a constitutional institution and therefore its independence was protected to the maximum possible extent under the Estonian law. The Constitution stipulated that the Chancellor of Justice was appointed by the parliament, on the recommendation of the President, for a term of seven years, and could be removed from office only by a court judgment. The Chancellor of Justice had the same status and rights as a minister and was entitled to participate in parliamentary sittings and sessions of the Government, with the right to speak. The Office of the Chancellor of Justice had a separate line within the State budget, and between 2019 and 2022 its budget had increased from €2.8 to €3 million. It had a broad mandate, which included the functions of the national human rights institution. Public awareness of and trust in the institution was very high. The Chancellor was a popular and well-known figure who promoted equality through articles, speeches and media appearances. If the Office received a complaint that did not fall within its mandate, it would provide the complainant with information on victims' rights and available legal remedies. In April 2022, it had published an e-book entitled "Human Rights", which provided a comprehensive overview of the theory and practice of human rights in Estonia and which addressed racial discrimination in a number of chapters. It did not conduct conciliation proceedings frequently, since such proceedings required both parties to agree to them.

40. Regarding the application of the Convention by the courts, it was customary for Estonian lawyers to refer first and foremost to the Constitution and thereafter to the European Convention on Human Rights. However, the Constitutional Review Chamber of the Supreme Court had referred to the Convention in a 2013 judgment concerning a non-citizen standing for local government office. There had also been administrative court cases in which the appellants had referred to the Committee's concluding observations.

41. Non-citizens could not run for local government office or hold civil service positions. In the aforementioned Supreme Court case, the Court had explained that the Constitution proceeded from the principle that public authority was exercised by Estonian citizens, and the Constitution specifically granted Estonian citizens the right to stand in parliamentary elections. The Constitution also provided that positions in State agencies and municipalities must be filled by Estonian citizens on the basis of and pursuant to a procedure established by law, and that such positions may, as an exception, be filled by citizens of foreign States or stateless persons. The Court had held that it was not inconsistent with the principle of democracy or the principle of equal treatment to prohibit non-citizens from standing as candidates.

42. The State party's embrace of e-government and its high rates of Internet use came with certain risks. As Estonia did not have a tradition of adopting distinct legislation on different areas of criminal activity, various cybercrime offences were addressed in the Penal Code. The Government had conducted several information campaigns on the dangers of cyberspace, and the Ministry of Justice and the Ministry of the Interior had agreed to give priority to combating cybercrime.

43. Under the Constitution, the incitement of national, racial, religious or political hatred, violence or discrimination was prohibited and punishable by law. There had been several attempts to change the national legislation on hate speech, including a bill scheduled for a vote the following day and that was likely to be adopted. While a proposed amendment to the Penal Code specifically addressing incitement to hatred had been withdrawn from the bill, it would nonetheless prohibit the use of aggressive symbols to justify or promote crimes against humanity, crimes of aggression and war crimes. The new Government, which had assumed office in in 2021, recognized the need to amend the definition of incitement to hatred set forth in the Penal Code. However, as the periodic report noted, the Government highly valued freedom of speech, and concerns had been voiced that the definition of the offence might be too broad. To address the problem, the Government had conducted a thorough analysis of the evolution of hate speech legislation over time and had convened a round table of experts, who had set about drafting new wordings. Nevertheless, the parliament had not yet reached a consensus on a proposal to amend the article in question.

44. Notwithstanding the primacy, in Estonia, of international law over domestic law, the Convention could not be directly applied in criminal law, as the Convention itself set the requirement for States parties to criminalize specific acts. The direct application of an obligation of the State in criminal law would be contrary to the principle of *nullum crimen sine lege*.

45. While it was true that Estonian law did not provide a definition of hate crime, guidelines had been issued – most recently in 2019 – to enable judges and lawyers to identify a hate motive. Thus, the Government had been able to collect statistics on hate crime, which it reported to the OSCE Office for Democratic Institutions and Human Rights. The Government also conducted annual victim surveys in which the respondents were asked whether they had fallen victim to a hate crime. The findings of such surveys did not correspond to the official statistics, as victims might mischaracterize an offence or fail to report it to the police.

46. The Government had launched several initiatives to improve the protection of victims. The Code of Criminal Procedure required an individual assessment of victims' needs. In 2021, the Government had adopted a violence prevention agreement, which aimed to combat various forms of interpersonal violence, including hate crimes.

47. **Mr. Kommusaar** (Estonia) said that the Estonian Academy of Security Sciences organized training programmes for police officers and border guards to prepare them to deal with discrimination cases. Police officers and border guards also received in-service training at their place of work. Between 2019 and 2021, approximately 1,000 border guards had attended training on cultures, customs and religions; the avoidance of prejudice and racial profiling; and intercultural communication. The Academy and the Ministry of the Interior had also organized training for local government officials on preventing and detecting radicalization and reducing risk behaviours. Such activities focused on cultural, religious and racial diversity, the root causes of radicalization and risk mitigation.

48. **Ms. Saarsalu-Layachi** (Estonia) said that her country had recognized the Committee's competence under article 14 of the Convention to consider communications from individuals. The Committee had requested the Government to comment on a communication alleging discrimination on the ground of national or ethnic origin which had been filed by an individual whose patronym had not been included in an identification document. In 2020, the Committee had declared that the communication was inadmissible because the petitioner had failed to present sufficient evidence of the allegation of racial discrimination and had failed to substantiate which rights had been violated.

49. **Ms. Tlakula** said that the Committee noted with concern that it had not received any reports from NGOs regarding the State party's compliance with the Convention. The Committee would like to know what remedies the Office of the Gender Equality and Equal Treatment Commissioner could provide to victims of discrimination. It also wished to know whether the relevant legislation permitted the submission of complaints to the Office by persons acting on behalf of victims. She would welcome detailed information regarding the complaints that had been addressed by the Office in 2020 and 2021. Given the Office's growing workload and its budget increase, she considered that the staff of just seven employees was inadequate. She would be interested to hear why the Office considered it necessary to conduct an awareness-raising campaign aimed at overturning possible preconceptions and outdated and restrictive stereotypes. The Committee would appreciate it if the delegation could provide statistics regarding participants in military service who belonged to ethnic minorities. It would be useful to know whether the Convention and the Committee's jurisprudence had been mentioned in judgments handed down by the State party's courts. The Committee would be interested to find out whether online hate crime and hate speech were criminalized under the Penal Code. Lastly, she wished to know who were the parties to the Government's violence prevention agreement and how it was implemented.

50. **Mr. Yeung Sik Yuen**, noting that military service was compulsory for men, said that he would like to know whether Estonian language proficiency was mandatory for conscripts. By way of comparison, when an employee was deemed under the Language Act to be insufficiently proficient in the Estonian language, the Language Inspectorate could file a complaint and could even impose a fine on the employee. Noting that the Chancellor of Justice was chosen by the President and appointed by the parliament for a seven-year term, he said that he would be interested to hear whether the term was renewable. With regard to the arrangements for conciliation proceedings, he wished to know whether the Office of the Chancellor of Justice could address complaints in the absence of a consensual agreement. He wished to specify that the Committee's decision in 2020 regarding the inadmissibility of the individual communication had been based solely on the fact that the petitioner had failed to provide sufficient evidentiary material.

51. **Ms. Saarsalu-Layachi** (Estonia) said she agreed that more action should be taken to involve NGOs in the reporting to the Committee.

52. **Ms. Knight** (Estonia) said that the Office of the Gender Equality and Equal Treatment Commissioner provided free legal counselling to persons who considered that they had been subjected to discrimination. They would then decide, in light of the Office's opinion, whether to institute legal proceedings. Under the current legislation, persons acting on behalf of victims were not permitted to submit complaints. However, the Office had reportedly been contacted by victims' friends in a number of cases and had subsequently provided counselling. A total of 319 complaints had been submitted to the Office in 2020. More than half had concerned gender equality, 33 had concerned disability, 21 had concerned age, 14 had concerned nationality or ethnicity, 10 had concerned religion or belief, and 9 had concerned sexual orientation. She agreed that the Office should benefit from an increase in staffing. Outdated and restricted stereotypes were, for the most part, flawed beliefs about how people's characteristics could determine their abilities.

53. **Mr. Kärner** (Estonia) said that the Constitutional Review Chamber of the Supreme Court had referred to the Convention in its judgment of 15 October 2013. Online hate crime and hate speech were criminalized in the Penal Code. A judgment concerning the article of the Penal Code on incitement to hatred, handed down in 2006 by the Criminal Chamber of the Supreme Court, addressed online incitement to hatred. The Chancellor of Justice, who was a highly respected academic, had recently been appointed for a second term.

54. The violence prevention agreement 2021–2025, which would be reassessed on an annual basis, provided for the prevention and combating of violence, including psychological violence, particularly against children and older persons. Greater attention would be paid to child victims, victims with special needs and other vulnerable victims, such as victims of hate crimes. Estonia had participated since 2021 in the Enhancing Stakeholder Awareness and Resources for Hate Crime Victim Support (EStAR) project of OSCE. An online workshop on the assessment of national structures and services for hate crime victim support in Estonia had attracted participants from the Government, the Estonian Social Insurance Board and civil society. A project had been launched in 2021, in collaboration with Victim Support Europe, to enhance multi-agency victim support services in Estonia. The activities included assessment of community needs, consultation of stakeholders, training courses and the adoption of tools in line with the violence prevention agreement.

55. **Mr. Diaby** noted that the percentage of people who had been granted Estonian citizenship in the legal integration process had increased from 49 to 51 per cent between 2008 and 2013. He wished to know on what grounds citizenship had been rejected for other applicants and to which groups they belonged. According to the periodic report, there were no significant differences in the participation in civic associations and the public sphere by native and non-native Estonian speakers. The Committee would welcome additional information in that regard.

56. **Mr. Kut** said that the Committee had been informed that changes to a bill concerning amendments to the Penal Code that was currently before the parliament had weakened the amendments. The Committee had recommended in its previous concluding observations ([CERD/C/EST/CO/10-11](#)) that the State party's criminal legislation should be amended and had requested a follow-up report on the State party's compliance with that recommendation. With regard to racial motivation as an aggravating circumstance, the periodic report stated that there were indirect procedures to fill the vacuum created by the lack of provisions establishing aggravating circumstances, but it referred to only one judgment, by the Criminal Chamber of the Supreme Court. He therefore wondered whether the lack of progress to date was due to a lack of political will in the State party.

57. **Mr. Kärner** (Estonia) said that the Government had agreed to amend the Penal Code, but failure to adopt various bills in the parliament was clearly due to a lack of political will. It was not true, however, that incitement to hatred had not been criminalized. A great deal depended on the danger that arose in such circumstances. The European Court of Human Rights had dealt with the issue and had found in a number of cases that States had imposed unduly severe sanctions for incitement to hatred. The offence of hate speech existed in Estonia. Hate speech was addressed in the Constitution, and the offence had been very broad in the country's initial Penal Code, which had not referred to specific risks created by the incitement of hate speech. That provision had subsequently been amended. The recent bill containing an amendment that would have reversed the situation was intended to address the issue of the Russian attack on Ukraine and provided for criminal legislation to prevent any assistance to the Russian armed forces or the use of symbols related to that conflict. The Government considered that the situation was closely connected to the offence of incitement to hatred, but the sense of parliament was that it was premature to tackle the issues jointly. However, vigorous action was being taken to engage in further consultations and to draft universally acceptable wording.

The meeting rose at 6 p.m.