

STATEMENT

UPR Pre-session on Estonia
Geneva, 25 March 2021

Delivered by: the Estonian Human Rights Centre

1. Presentation of the Organisation

This statement is delivered on behalf of the Equal Treatment Network, an independent and non-partisan network of CSOs that promotes equal treatment in Estonia. The Network members are: the Estonian Human Rights Centre, the Estonian Union for Child Welfare, the Estonian Centre of Disabled Persons, NGO Oma Tuba, the Estonian LGBT Association, the Estonian Vegan Association, the Estonian National Youth Council and the Estonian Student Unions.

2. National consultations for the drafting of the national report

The Ministry of Foreign Affairs led the preparation of the National Report and the process included some consultations with Civil Society organisations.

3. Plan of the Statement

This statement addresses the issues of discrimination, hate speech, incitement to hatred and hate crimes.

4. Statement

I. Discrimination

A. Follow-up to the last review

The main concern regarding discrimination is the unequal protection for different groups and weak implementation of the legislation. Discrimination on the grounds of gender, nationality (ethnicity) and skin color is prohibited in almost all areas of life, but discrimination on the basis of religion or belief, age, disability or sexual orientation is prohibited only in the field of employment. The Equal Treatment Act offers no protection for these groups in areas such as housing, healthcare, social welfare, education, goods and services.

Several countries recommended Estonia to strengthen its efforts to combat discrimination. The state stated in its interim report that it has initiated amendments to the Equal Treatment Act, but so far there has not been any progress.

B. Recommendations

Our recommendations are therefore:

- a. To amend the Equal Treatment Act, so that discrimination is prohibited in all spheres of society on all grounds.
- b. To implement existing anti-discrimination legislation.

II. Hate Speech, Incitement to Hatred and Hate Crimes

A. Follow-up to the last review

There is no specific law prohibiting or defining hate crimes and hate motive is not considered an aggravating circumstance. Hate-motivated criminal incidents are investigated and prosecuted under the general provisions of the Penal Code. Although the Penal Code prohibits the incitement of hatred, in practice this provision is rarely used, because it is punishable only if a person's life, health or property is endangered. Proving such a threat is difficult and hinders the implementation. The provision was last used in 2016, and from 2017 to 2019 it was never used.

Several countries recommended Estonia to combat hate speech, incitement to hate and hate crimes during the last UPR. Although Estonia stated in its interim report that the implementation of these recommendations are in progress, nothing has happened.

B. Recommendations

We therefore recommend:

- a. To criminalise hate speech.
- b. To adopt provisions of the Penal Code that would make hate motivation an aggravating circumstance when committing a crime.
- c. To effectively combat incitement to hatred, regardless of whether the person's life, health or property is endangered.

Thank you for your attention.