



# 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 tenth and eleventh periodic reports of Estonia

#### Addendum

### Information received from Estonia on follow-up to the concluding observations\*

[Date received: 7 September 2015]

#### Follow-up information relating to paragraph 7 of the concluding observations (CERD/C/EST/CO/10-11)

*Recalling general recommendation No. 35 (2013) on combating racist hate speech, the Committee reiterates its recommendations that the State party:*

(a) *Amend its criminal legislation, including by removing the elements of conditionality from relevant articles of the Penal Code, with a view to bringing it in line with article 4 of the Convention by prohibiting organizations which promote and incite racial discrimination, making racially motivated hate speech and incitement to hatred, including in political and public discourse, criminal offences punishable by law in the circumstances indicated in general recommendation No. 35 of the Committee and ensure that punishment for such offences corresponds to the gravity of the crimes;*

(b) *Ratify the Additional Protocol to the Convention on cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems and in the media.*

1. The issue raised in recommendation 7(a) is among the prioritized tasks of the Government. Due to the elections and change of government in 2015, the amendments need to be recirculated for approval prior to the submission to the Government and to the Parliament. In the coalition agreement of the Government parties an amendment has been envisaged to bring the concept of hate crimes in Estonia's penal law into accordance with the international and EU standards. According to the draft, as being prepared in the Ministry of Justice, public incitement to social hatred endangering public order shall constitute a criminal offence (currently a misdemeanour) and be punishable by

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\* The present document is being issued without formal editing.



imprisonment of three years maximum, or by a pecuniary punishment. The amendment is due to be submitted to the Government in 2015, according to the annual work plan of the Ministry of Justice.

2. Recommendation 7 (b) shall be reconsidered after the relevant amendments in the domestic law have been made.

**Follow-up information relating to paragraph 8 of the concluding observations**

*The Committee reiterates its recommendation that the Penal Code be amended to include a specific provision ensuring that the motive of hatred is taken into account as an aggravating circumstance in proceedings under criminal law, in line with article 4 of the Convention.*

3. The draft amendment of Section 58 of the Penal Code concerning adding hatred as aggravating circumstance is yet to be recirculated for approval prior to the submission to the Government. See further the reply to recommendation 7.

**Follow-up information relating to paragraph 13 of the concluding observations**

*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.*

4. According to Estonian Basic Schools and Upper Secondary Schools Act Section 6 general education of good quality is equally available to all persons regardless of their social and economic background, nationality, gender, place of residence or special educational needs. The legislative framework and educational system supports the inclusion of Roma children in mainstream schools.

5. The Ministry of Education and Research continues its project for raising the quality of the educational advisory system for building capacity in mainstream schools to include Roma children with educational challenges into the general learning process. Also, the means of non-formal learning activities are used to increase the appeal of education among Roma youngsters.

6. Roma community members have equal access to general education of good quality in Estonia. According to the data of the Estonian Education Information System in 2014 there were 32 children studying in the Estonian schools of general education who had themselves specified Romani as their mother tongue.

7. In Estonia, compulsory school attendance generally begins at the age of 7 and lasts until completion of basic education or up to the age of 17. Thus, pursuing education at the secondary level is voluntary. According to the Estonian Education Information System, there was one young person with Roma mother-tongue studying in secondary school level in 2014/2015.

8. The problem of Roma children dropping out of basic school is being adequately addressed in Estonia. Every school is obligated to create a support system for preventing dropouts from basic education.