

TARGETED STAKEHOLDER CONSULTATION 2023 RULE OF LAW REPORT
UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

ESTONIA REVIEW

I. Justice System

B. Quality of justice

Accessibility of courts (e.g. court/legal fees, legal aid, language)

In its 2022 concluding observations, the UN Committee on the Elimination of Racial Discrimination expressed concern that, while the 2016 amendment to the Act on State Legal Aid provided that State legal aid could be requested in Estonian, English and most of the other languages most commonly spoken by persons who were citizens of or lived in a different European Union member State this could exclude migrants, refugees and asylum seekers who lived in the State party and who had a very limited knowledge of those languages from benefiting from free legal aid. The Committee recommended Estonia to take all measures to ensure that free legal aid is not denied to those who live in the country 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 ([CERD/C/EST/CO/12-13](#) paras 36-37).

III. Media Freedom and Pluralism

Other - Hate speech in the public discourse

In its 2022 concluding observations, the UN Committee on the Elimination of Racial Discrimination reiterated its concern over Estonia's Penal Code, which was not fully compliant with the Convention on the Elimination of All Forms of Racial Discrimination to prohibit racist organizations and ban disseminating ideas based on racial hatred. It recommended that Estonia amend its legislation to fully comply with the Convention and ensure that punishment for hate speech corresponds to the gravity of the offences ([CERD/C/EST/CO/12-13](#) paras 26-27).

IV. Other institutional issues related to checks and balances

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

In its 2022 concluding observations, the Committee on the Elimination of Racial Discrimination stressed its concern that the Gender Equality and Equal Treatment Commissioner did not have adequate human and financial resources to fully carry out the Commissioner's mandate. The Committee recommended that Estonia increase 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. In addition, while noting that the Chancellor of Justice has the mandate to resolve discrimination disputes between persons governed by private law, the Committee expressed concern 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, recommending increased efforts to raise such awareness ([CERD/C/EST/CO/12-13](#) paras 10-13).

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

In its 2022 concluding observations, the UN Committee on the Elimination of Racial Discrimination expressed concern about the low number of non-governmental organizations involved in the process of review and report of Estonia's implementation of its obligation pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination, calling for more efforts in the context of the next periodic report and its review ([CERD/C/EST/CO/12-13](#) paras 4 – 5).