

REFERENCE: CERD/88<sup>th</sup>/FU/GH/FM/ks

26 January 2016

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, in the course of its 88<sup>th</sup> session, considered the follow-up report submitted by the Government of Estonia, pursuant to Rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the timely submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 7, 8 and 13 of the Concluding Observations (CERD/C/EST/CO/10-11), adopted following the consideration of the State party's combined 10<sup>th</sup> to 11<sup>th</sup> periodic reports, at its 85<sup>th</sup> session in August 2014.

The Committee appreciates the opportunity provided to continue its dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its 12<sup>th</sup> to 13<sup>th</sup> periodic reports to be submitted in a single document on 29 August 2018.

**Paragraph 7 of the Concluding Observations:** The Committee thanks the State party for its reply. It however regrets the delay in amending the State party legislation to bring it fully in line with article 4 of the Convention and ensure that punishment of hate crimes corresponds to the gravity of such acts. The State party should keep in mind the Committee's general recommendation No. 35 (2013) on combating racist hate speech while adopting the new legislation.

**Paragraph 8 of the Concluding Observations:** The Committee reiterates its concern that racial motivation does not in general constitute an aggravating circumstance in proceedings under Estonian criminal law (arts. 4 and 6). 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.

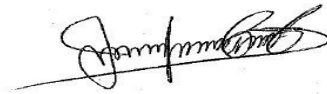
H.E. Mr. Andre Pung  
Permanent Representative of Estonia  
to the United Nations Office  
Geneva  
Email: [mission.un@mfa.ee](mailto:mission.un@mfa.ee)

**Paragraph 13 of the Concluding Observations:** The Committee notes the State party ongoing efforts aimed at implementing the Committee's recommendation. It encourages the State party to continue with its project for raising the quality of the educational advisory system to allow the integration of Roma pupils into mainstream schools. The Committee requests that the State party collect data on access to education by Roma and take any temporary special measure as deem necessary to increase the number of Roma in secondary and higher education. While strengthening its efforts, the State party should take into account the Committee's General Recommendations No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination and No. 27 (2000) on discrimination against Roma.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Estonia, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



José Francisco Calí Tzay  
Chair

Committee on the Elimination of Racial Discrimination