



## 2013 HUMAN DIMENSION IMPLEMENTATION MEETING

### Working session 5: Fundamental freedoms II

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#### Statement by the Legal Information Centre for Human Rights (LCHR), Estonia

*Larissa Semjonova, Deputy Director of the LICHHR*

*Excellencies,  
Ladies and Gentlemen,  
Dear Colleagues,*

On behalf of the Estonian NGO Legal Information Centre for Human Rights I would like to share with you some information on the work of the national human rights institutions as regards fight against discrimination.

The only comprehensive sociological study on discrimination in Estonia was carried out in 2007. It was commissioned by the Ministry of Social Affairs. According to this study, 47% of all respondents believed that discrimination was a serious problem; 42% of the respondents said they had faced unequal treatment during the past three years. In other words, the problem of discrimination is not marginal in the Estonian social context and social practices.

There are two specialized bodies in Estonia to deal with anti-discrimination activities: the Chancellor of Justice and the Commissioner for Gender Equality and Equal Treatment. Both of these bodies shall promote equal treatment and to inform general public about relevant principles. These bodies are supposed to make proposals to governmental bodies for amendments to legislation.

Importantly, both bodies have special procedures for victims of discrimination. Regretfully, the efficiency of these procedures is under question mark, especially in the field of racial and ethnic discrimination.

The Chancellor of Justice may deal with discrimination complaints as an ombudsman or in a conciliation procedure. The Chancellor is authorized to conduct a conciliation procedure in which both the victim and the alleged discriminator agreed to participate. That means that the offender is free to refuse. As a result the average number of conciliation procedures is very small and none of them resulted in a final decision on merits. In 2012 there were no conciliation procedures conducted by the Chancellor of Justice.

There are good reasons to believe that the Chancellor of Justice is not convinced that the conciliation procedure might be efficient in cases of ethnic or racial discrimination in the Estonian context. For example, in 2011 the Chancellor of Justice refused to deal with an application of a person who alleged racial discrimination in access to a café. The Chancellor recommended the victim to sue the offender in the civil court. The Chancellor believed that it would be a more efficient way to protect victim's rights.

Another specialized body is the Commissioner for Gender Equality and Equal Treatment. This is an independently acting expert appointed for five-year period by the Minister of Social Affairs. The Commissioner is entitled to conduct an ombudsman-style procedure and to issue legally non-binding opinions with recommendations. He or she shall also advice and provide assistance to people pursuing their complaints about discrimination.

In 2012 the Commissioner received 69 discrimination complaints. Half of them (37) related to gender, four applications concerned age discrimination, seven – sexual orientation, six – racial or ethnic discrimination, one – disability, etc. In 9 out of 69 cases the Commissioner issued an opinion that there was discrimination.

*Dear participants,*

I would like to draw your attention to a very small number of complaints, especially complaints related to age, disability and racial or ethnic discrimination. In the recent Eurobarometer study “Discrimination in the EU in 2012” respondents answered a question how widespread were particular types of discrimination in Estonia. As a result, 55% of respondents mentioned older age, 48% - disability, and 37% - ethnic origin. It shall be noted that half of all ethnic non-Estonians did not participate in this study being third country nationals. We may presume that the issue of ethnic discrimination is much more topical for non-citizens as compared with citizens and ethnic majority population.

To sum up, the reasons for a rather modest number of applications received by the Commissioner for Gender Equality and Equal Treatment and their misbalance in terms of discrimination grounds shall be thoroughly studied.

The Legal Information Centre for Human Rights highly appreciates the work of the incumbent Commissioner for Gender Equality and Equal Treatment. However, this body faces the shortage of human and financial resources. Being the leading anti-discrimination specialized body in Estonia, the office of the Commissioner is one of the smallest in the European Union. The Commissioner has only one adviser and no secretary. In some cases it leads to considerable delays with drafting opinions.

In 2013 the budget of the office of the Commissioner for Gender Equality and Equal Treatment was set at slightly more than 62,000 EUR. This was enough only for paying salaries and basic economic costs. Under these conditions the Commissioner cannot fulfill other tasks envisaged in valid legislation, especially to organise studies, analyses or large-scale awareness raising of the general public.

In recent years, Estonian authorities funded relevant initiatives of social advertising. However, none of them paid special attention to the issues of discrimination on the grounds of language and ethnic origin. The national government is seemingly reluctant to recognise the importance of fight

against discrimination of native-speakers of Russian, ethnic Russians and other vulnerable minority groups, including Roma.

*Excellencies,  
Ladies and Gentlemen,  
Dear Colleagues,*

In the Concluding observations on Estonia (2010), the UN Committee on the Elimination of Racial Discrimination stated as follows:

*Considering that no country is free from racial discrimination, the Committee recommends that the State party verify whether the small number of complaints is not the result of victims' lack of awareness of their rights, fear of reprisals, limited access to available mechanisms, lack of confidence in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination (para. 18).*

The Legal Information Centre for Human Rights would like to support the UN Committee's recommendations. We call on Estonian authorities to enhance the work of anti-discrimination specialized bodies, to provide these bodies with additional human and financial resources and to conduct adequate multilingual social advertising covering all widespread grounds of discrimination, including ethnic origin and mother tongue.

Thank you for your attention!