
Estonia

Constitution, article 12

The incitement of national, racial, religious or political hatred, violence or discrimination shall be prohibited and punishable by law. The incitement of hatred, violence or discrimination between social strata shall equally be prohibited and punishable by law.

Criminal code (2000), §151

(1) Activities which publicly incite to hatred, violence or discrimination on the basis of nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, or financial or social status if this results in danger to the life, health or property of a person are punishable by a fine of up to 300 fine units or by detention.
(2) Same act, if 1) if it causes the death of a person or results in damage to health or other serious consequences, or 2) it was committed by a person who has previously been punished by such act, or 3) it was committed by a criminal organisation, - is punishable by pecuniary punishment or up to 3 years' imprisonment.

Criminal code (2000), §152

(1) Unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, financial or social status is punishable by a fine of up to 300 fine units or by detention. (2) The same act, if committed: 1) at least twice, or 2) significant damage is thereby caused to the rights or interests of another person protected by law or to public interests, is punishable by a pecuniary punishment or up to one year of imprisonment.

Case Law

Estonia / Riigikohus - Case no. 3-1-1-117-05. Estonia/ RT III 2006, 13, 124, (02.05.2006)

Inventory No. CASE 40 1

Deciding body Riigikohus [National Court]

Date Date of decision: 10.04.2006

Weblink <https://www.riigiteataja.ee/ert/act.jsp?id=1018013>

Deciding Body National court / tribunal

Topic Hate speech

Keywords Racial hatred, legal finding, court decision, Estonia, Literature

Abstract Key facts of the case: In 1995-1996 Mr Kaplinski, the son of the Estonian writer Jaan Kaplinski, published in Internet a text 'Our Fight', which included aggressive statements (including incitements to violence) against democrats, Jews and Christians. The style of the text referred to old Estonian paganism which was suppressed by the Western colonisation in the Middle Ages. Kaplinski was accused on the basis of Article 151 of the Criminal Code (incitement to hatred). Main reasoning/argumentation: Mr Kaplinski claimed that his text was rather an example of 'shock therapy' in literature, and this work's statements cannot be taken seriously by ordinary readers. Key issues (concepts, interpretations) clarified by the case: According to the National Court, prosecution failed to consider the context, especially the average make-up of the website where the text 'Our Fight' was published. The court made it clear that in cases of incitement a context of the statements is of ultimate importance. Mr Kaplinski was found not guilty. Results and most important consequences, implications of the case: The case addressed the issue of artistic freedom in the context of incitement to ethnic, religious or political hatred. It was found in this case that there was no real harm made by Kaplinski to any persons or groups of persons. It is worth mentioning that few months later the parliament amended the Penal Code: Now only those acts of incitement are criminalised, which have endangered the life, health or property of a person. This is one of very few cases of the National Court dedicated to the issue of incitement to ethnic, religious or political hatred in Estonia. It drew considerable public attention (partly due to the fact that the accused was a son of a famous Estonian poet).

[FRA Database]

Estonia / Riigikohus - Case no. 3-1-4-113-99. Estonia/RT III 2000, 3, 29, (21.01.2000)

Inventory No. CASE 39 1

Deciding body Riigikohus [National Court]

Date Date of decision: 14.12.1999

Weblink <https://www.riigiteataja.ee/ert/act.jsp?id=79425>

Deciding Body National court / tribunal

Topic Hate speech

Keywords Estonia, Freedom of opinion, legal finding, court decision, Anti-Semitism

Abstract Key facts of the case: In January 1999, Mr Bairas distributed the newspaper 'Nashe Otechestvo' (Russian for 'Our Fatherland'), which was printed in St. Petersburg, in an apartment block in Tallinn. Later he invited people to subscribe to the paper. The distributed issue of 'Nashe Otechestvo' contained anti-Semitic materials. He was accused on the basis of Article 72 of the Criminal Code (incitement to hatred). Main reasoning/argumentation: According to the decision of the Tallinn City Court, Mr Bairas was pleaded not guilty of committing a crime stipulated in Article 72(1) of the Criminal Code. He successfully argued that his sole intention had been to earn some money. He also referred to freedom of expression. The Tallinn Circuit Court found him guilty and its decision was confirmed by the National Court. Key issues (concepts, interpretations) clarified by the case: The court has clearly stated that distribution of materials that incite ethnic hatred cannot be justified with references to economic motives or to the freedom of expression, which is not unlimited according to the Estonian constitution and international law. Results and most important consequences, implications of the case: This is one of the first cases where the Estonian judicial system at the highest court instance demonstrated its intent to combat distribution of anti-Semitic media materials in Estonia. This is one of very few cases which the National Court dedicated to the issue of incitement to ethnic hatred in Estonia, and it may be used as a guideline by lawyers in the country. After the case of Bairas there were several similar cases tried in Estonian courts according to the same principles.

[FRA Database]

Estonia

Supreme Court: <http://www.nc.ee/?lang=et>

RIIGIKOHUS

RIIGIKOHUS on Eesti Vabariigi kõrgeim kohus. Põhiseaduse kohaselt on Riigikohus kassatsioonikohus ja põhiseaduslikkuse järelevalve kohus. Riigikohtu pädevus on sätestatud kohtute seaduses.

Riigikohtu pädevuses on:

- põhiseaduslikkuse järelevalve teostamine;
- kohtulahendite kassatsiooni korras läbivaatamine;
- telmsarvade läbivaatamine;
- muude seadusest tulenevate ülesannete täitmine.

Riigikohtu lahendid on kättesaadavad Riigikohtu kodulehel. Lahendid, mis sisaldavad otsust Riigi Teataja avaldatud Õigusteoava akti põhiseadusega kooskõla kohta, avaldatakse elektroonilise Riigi Teataja I osas. [Loe edasi...](#)

UUDISED	LAHENDID
04.01.2011 Eesti Riigikohtu esimehelt kohtukorralduse ja õigusemõistmise kohta	11.01.2011 2-2-1341-10
13.12.2010 Riigikohtu valmis analüüsi hagi alusest ja esemest kohtupraktikas	10.01.2011 2-2-1332-10
	05.01.2011 2-2-1316-10

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SUPREME COURT
REPUBLIC OF ESTONIA

The Supreme Court is the highest court in the state. The Supreme Court is competent to:

- review appeals in cassation and protests;
- hear petitions for review filed against court judgments;
- hear petitions for constitutional review;
- resolve certain matters pertaining to court administration.

The Supreme Court decides on granting leave to appeal in the composition of at least three Justices. There are 19 Justices in the Supreme Court. The Supreme Court is composed of the Civil Chamber, Criminal Chamber, Administrative Law Chamber and the Constitutional Review Chamber.

Appeals may also be heard by Special (ad hoc) Panels or by the Supreme Court en banc. The Supreme Court en banc, comprised of all justices of the Supreme Court, is the highest body of the Court. [Read more](#)

NEWS

06.10.2010	Justice Julia Laffranque elected Judge of the European Court of Human Rights
29.09.2010	Chief Justice hosts European judges
09.07.2010	Prohibition on outdoor political advertising is in conformity with constitution
06.05.2010	OSCE's delegation visits the Supreme Court
06.05.2010	Justice Julia Laffranque gave an interview for a Turkish daily
06.04.2010	Organisation of local government funding is in conflict with Constitution
06.04.2010	Foreign law practitioners studied the court system of Estonia

Public Policies



Otsi



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Avaleht



SOOLISE VÕRDÕIGUSLIKKUSE JA VÕRDSE KOHTLEMISE VOLINIK

Soolise võrdõiguslikkuse ja võrdse kohtlemise volinik on iseseisvalt tegutsev soolise võrdõiguslikkuse seaduse ja võrdse kohtlemise seaduse nõuete täitmist jälgiv ja teisi samade seadustega talle pandud ülesandeid täitev sõltumatu ja erapooletu asjatundja.

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Avaleht

Avaldus volinikule

Voliniku pädevus

Kantselei

Õigusaktid

Aasta ülevaade

Huvitavamad kaasused

Uudised, pressiteated

Ettekanded

Projektid

Lingid

Otsing

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OHCHR REGISTRY

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Permanent Mission of Estonia
Geneva

No. 108

The Permanent Mission of the Republic of Estonia to the United Nations Office and the other International Organisations in Geneva presents its compliments to the United Nations High Commissioner for Human Rights and in response to the latter's note verbale GVA 0893 from 9 May 2005, about the implementation of the Commission on Human Rights resolution 2005/3 of 12 April 2005, has the honour to transmit the information provided by the Government of the Republic of Estonia in this regard.

The Permanent Mission of the Republic of Estonia avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 13 October 2005



The United Nations High Commissioner for Human Rights
Geneva

FAX UNHCHR fax 032 917 9050
 MISSION D'ESTONIE
 3 14/10/05

**Contributions to the Report of the High Commissioner for Human Rights on
Combating defamation of religions, pursuant to Commission on Human Rights
resolution 2005/3 of 12 April 2005**

In Estonia the guarantees against acts of hatred, discrimination and coercion resulting from defamation of religions are stipulated in the Constitution as well as other legal acts (incl. Churches and Congregations Act, Penal Code et al).

The Constitution provides that all persons have freedom of conscience, religion and thought. All persons may freely belong to churches and religious associations. There is no State church. Everyone has the freedom to practice his or her religion, either alone or in community with others and in public or in private, unless this endangers public order, health or morals.

The Constitution also states that everyone has the right for his or her opinions and beliefs. No person may be coerced to change such opinions and beliefs. Beliefs do not constitute an excuse for a legal offence. No person may be held legally liable because of his or her beliefs.

Everyone has the right freely to choose, confess and proclaim his or her religious convictions. No one is obligated to provide information on his or her religious conviction or membership of a church. Every person has the right to be interred pursuant to his or her religious conviction.

The Constitution provides that no one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds. The incitement of national, racial, religious or political hatred, violence or discrimination shall be prohibited and punishable by law.

Violation of freedom of religion is defined as an offence in the Penal Code. A person who interferes with the religious affiliation or religious practices of a person, unless the religious affiliation or practices are detrimental to the morals, rights or health of other people or violate public order, shall be punished by a pecuniary punishment or up to one year of imprisonment. Compelling person to join or retain membership of religious association is also defined in the Penal Code. Compelling a person to join or be a member of a religious association is punishable by a pecuniary punishment or up to one year of imprisonment.

Activities which publicly incite to hatred or violence on the basis of nationality, race, colour, sex, language, origin, religion, political opinion, financial or social status are punishable by a fine of up to 300 fine units or by detention. The same act, if committed at least twice, or if significant damage is thereby caused to the rights or interests of another person protected by law or to public interests, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

Access to education (incl. free primary education as well as lifelong education for adults) is guaranteed both in law and in practice and considered as a Constitutional right. The related legal acts are the Education Act, and the Adult Education Act.

Two specific subjects – human studies and society studies - have been added to educational curricula. For example, the issue of non-permissibility of discrimination, as well as tolerance towards different nations and cultures is taught from grade one.

The promotion of tolerance and respect for all religions and their value systems is also an essential part of the religious education program in public schools. According to the Basic Schools and Upper Secondary Schools Act, religious education in public schools is voluntary and must be provided by the school if there are at least 15 pupils from the same age group who want the religious education. As there is no State church in Estonia, religious education in public schools is non-confessional, and includes an introduction to different religious traditions. It does not propagate any specific confession.

The principles and topics of religious instruction are established in a curriculum, which is approved by the Ministry of Education and Research, and coordinated with the member churches of the Estonian Council of Churches. The aim of religious education is to teach students to honor and value various viewpoints in order to allow them to develop their own personal beliefs. All children may receive confessional instruction in their congregations' schools.

Medical, educational, welfare and penal institutions are required to enable the persons in these institutions to exercise their religion in accordance with their confession if they so wish and if it is not detrimental to the established order of these institutions and to the interests of other people in the institution.

Services and religious ceremonies in medical, educational, welfare and penal institutions and in military units are organised by a church or congregation with the permission of the local government or relevant authority.

Conscripts serving in the armed forces are guaranteed the possibility to exercise their religion by the command staff of a military unit. A conscript who refuses to serve in the armed forces due to religious or moral reasons undergoes an alternative service pursuant to the procedure provided by the Defence Forces Service Act.

There is chaplaincy in every prison. The chaplain's salary is paid by the prison. Chaplains from different prisons co-operate with churches, other organizations, state institutions and foreign partners. Chaplains are supported in their work by the volunteers from different churches and congregations.

In 2001, non-Christian religious associations established the Roundtable of Religious Associations. Members of the Roundtable include the Maavalla Koda, the Estonian Congregation of the Buddhist Drikung Kagyu Ratna Shri Centre, Tibetan Buddhism Nyingma Estonian Congregation, Estonian Islamic Congregation, Krishna Consciousness Tallinn Congregation and Tallinn Baha Congregation. The aim of the Roundtable is to contribute to the development of religious tolerance and the promotion of religious freedom in Estonia.