



## Reporting in Estonia

### *National reporting procedures for cyberbullying, hate speech and hate crime*

The information below is extracted from a mapping study of national reporting mechanisms in the countries involved in the [No Hate Speech Movement](#) of the Council of Europe. It aims to provide:

1. Contact information of national reporting mechanisms for cyberbullying, hate speech and hate crime where they exist
2. Information about the legal grounds for acting on cyberbullying, hate speech and hate crime where they exist

The views expressed in this document do not necessarily reflect the opinions of the Council of Europe<sup>1</sup>.

## 1. REPORTING MECHANISMS

### Reporting hate speech and hate crime

There is no special mechanism set up to report hate speech online, except for social network administrators / group administrators. However, hate speech can be reported to the Police (special units, the Web Police, exist in Facebook).

#### **Gender Equality and Equal Treatment Commissioner (ombudsman)**

For reporting discrimination cases

Website: <http://www.vordoigusvolinik.ee/?lang=en>

#### **NGO Estonian Center of Human Rights**

For reporting cases of unequal treatment.

Website: <https://humanrights.ee/vordne-kohtlemine-2/diskrimineerimine/>

#### **Police**

Hate crimes should be reported to the police, specifically if there is an immediate danger to persons's life, health or property.

Website: <https://www.politsei.ee/en/>

### Reporting cyberbullying

Depending on the context of the bullying, persons can file a complaint to their employer (when the context is at the workplace) or to the school (especially when minors are involved). There is an NGO 'KivaSchoo' in Estonia that deals with bullying in school in general, however, they do not include cyber bullying based on any specific social category, such as gender identity, etc.

Website: <http://www.kivaprogram.net/estonia>

## 2. Background information

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<sup>1</sup> The authors of this document aimed to be accurate and complete, if however you find corrections or have additions please contact the European campaign secretariat at [youth.nohatespeech@coe.int](mailto:youth.nohatespeech@coe.int). Reproduction of material from this publication is authorised for non-commercial education purposes only and on condition that the source is properly quoted.

The Constitution of the Republic of Estonia §12 states it is illegal to *fuel hatred and discrimination* on the basis of ethnicity, race, religion or political views, as well as in between different groups in the society.

The Penal Code §151 states that *incitement of hatred* is considered to be an offence against equality, provided this results in danger to the life, health or property of a targeted person.

Online hate speech is covered only if it is proved that the specific speech results in danger to the life, health or property of a targeted person. It is impossible to prove the danger aspect, as pointed out by European Committee Against Racism and Intolerance (ECRI). Moreover, not all groups are included in the definition, for instance:

*“ECRI notes that the Ministry of Justice has put forward proposed amendments to the Criminal Code to include gender identity in the list of prohibited grounds. Furthermore, as indicated above (see § 9), the Criminal Code also does not contain any provisions stipulating that sexual orientation or gender identity constitutes an aggravating circumstance. ECRI believes that this addition is essential to ensure an appropriate level of protection for LGBT persons.”*

<https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Estonia/EST-CbC-V-2015-036-ENG.pdf>.

The Penal Code does not recognise hate crimes as a separate type of crimes.

The webpage of the Police recognizes cyber bullying as a problem and provides recommendations what to do in this case. Identity theft is recognized as a criminal act, and sexual offences against under aged persons are especially monitored. However, there seems to be no academically supported definition in wide use.

In terms of both hate speech and hate crime, Estonian Government has not set up a system for collecting data and producing statistics on criminal offences, nor is there any specific place to report.