SOOLISE VÕRDÕIGUSLIKKUSE
JA VÕRDSE KOHTLEMISE VOLINIK

Regist. 1.1/15_2024

ECRI's 6th Round Interim Follow-Up: Request for Information

Dear Mr Rustem,

Thank you for sharing the draft ECRI report with the Gender Equality and Equal Treatment office in Estonia.

Before commenting on the draft ECRI report, I would like to inform you that Ministry of Economy and Communications is currently drafting the proposal to merge the Gender Equality Act and Equal Treatment Act. This, if passed in the parliament, will have ramifications to the work of Commissioner's office by expanding the mandate and tools for the office.

Throughout this process, in internal discussions, we have highlighted the need to increase the resources for the office.

As regards to ECRI report, we have few clarifying remarks on the content, which I will highlight below.

1. While indeed the GET mandate does not explicitly cover hate speech, discrimination on the grounds of language, citizenship and gender identity, and multiple as well as intersectional discrimination, GET has interpreted the Gender Equality Act in line with the ECJ rulings by applying broad interpretation of gender, thus covering also gender identity as a protected ground (pg 7 p 2);
2. Commissioner's office budget is currently still part of Ministry of Social Affairs' budget (separate budget line). However, as the equality policies unit in the Ministry of Social Affairs was moved to the Ministry of Economy and Communications, there are current discussions about Commissioner's budget too. Commissioner's office view on the need for budgetary independence was emphasised in the

letter to the Minister of Finance, Mr Võrklaev. Regrettably, there have not been any positive developments (pg 7 p 4);

3. We inform you that implementing provisions of the Registered Partnership Act, together with changes in the Family Law Act allowing natural persons regardless of their gender to enter into marriage, were passed in 2023 and took effect in January 2024 (pg 13 p 27);
4. Recommendation on LGBT action plan – Ministry of Economy and Communications is currently developing the LGBTQI action plan. Commissioner's office is part of these discussions (pg 15, p 34);
5. Ministry of Justice of Estonia have taken steps to change the Penal Code to ensure criminalisation of strong forms of hate speech. The Commissioner's office has expressed its support to include "gender identity" as a protected ground in the processes (pg 20 p 56);

I hope this is helpful for your work. Should you require any additional information, please do not hesitate to contact me at christian.veske@volinik.ee .

Sincerely,

Christian Veske
Gender Equality and Equal Treatment Commissioner